

TOWN PLANNING SCHEME NO.2

AMENDMENT No.20

Shire of



Boyup Brook

REPORT DOCUMENT

Document	Procedure	Date
Amendment No 20	Report to Shire Boyup Brook Council requesting approval to prepare scheme amendment.	April 19 2018
Amendment No 20	Report to Shire Boyup Brook Council requesting approval to advertise.	July 19 2018

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PLANNING AND DEVELOPMENT ACT 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

**LOCAL PLANNING SCHEME NO. 1
AMENDMENT NO. 20**

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, prepare the above Local Planning Scheme by:

- a) Removing provisions, terms and definitions from *Local Planning Scheme No.2* that are superseded by the 'Deemed' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- b) Introducing supplemental provisions to the 'Deemed' provisions.

Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Dated this 19 day of April 2018

(Chief Executive Officer)

1. INTRODUCTION

This amendment seeks to alter various parts of the *Local Planning Scheme No. 2* text and mapping to:

- (a) remove any duplication of the 'deemed' provisions outlined in Schedule 2 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
- (b) include any proposed supplemental 'deemed' provisions within a 'Schedule A Supplemental provisions to the 'deemed' provisions' and include this within the scheme text; and
- (c) Correct identified anomalies and errors of the Shire's *Local Planning Scheme No.2*, including updating in accordance with the parts of the *Commissions Model Scheme*.

The new "deemed provisions" under the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) (Regulations) came into force on 25 August 2015.

As a consequence of section 257B of the *Planning and Development Act 2005* (WA), the deemed provisions in Schedule 2 of the Regulations are now taken to be built into every local planning scheme in the State. To the extent that a local planning scheme is inconsistent with the deemed provisions, the deemed provisions are taken to prevail.

The Shire of Boyup Brook seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to amend the *Shire of Boyup Brook Local Planning Scheme No. 2* (LPS2).

- a) **Location/Site Area/Ownership**
Shire of Boyup Brook
- b) **Current and Surrounding Land Uses**
N/A
- c) **Physical Characteristics**
N/A
- d) **Infrastructure**
N/A

2. LOCAL PLANNING CONTEXT

- a) **State & Regional Planning Context**
The *Planning and Development (Local Planning Schemes) Regulations 2015* came into force on 25 August 2015 to introduce 'deemed' provisions. The 'deemed' provisions are taken to be built into every local planning scheme in the State. To the extent that a local planning scheme is inconsistent with the 'deemed' provisions, the 'deemed' provisions are taken to prevail. It is expected that local government planners prepare their local planning scheme to align with the 'deemed' provisions.

b) Local Planning Strategy

N/A

c) Local Planning Policies

The amendment is in keeping with Local and State Planning Policy.

3. PROPOSAL

The amendment seeks to bring about greater consistency with the *Local Planning (Local Planning Schemes) Regulations 2015*. In particular, the Amendment:

- Removes provisions, terms and definitions from *Local Planning Scheme No.2* that are superseded by the Regulations;
- Modifies the scheme in-keeping with the Commissions Model Scheme; and
- Introduces supplemental provisions to the Deemed provisions.

The amendment also seeks to correct identified anomalies and errors in the Local Planning Scheme No.2 text and mapping.

4. CONCLUSION

The amendment proposes to bring about greater consistency with deemed provisions of the *Local Planning (Local Planning Schemes) Regulations 2015* and to correct identified anomalies and errors.

The support of the WAPC and the approval of the Minister for Planning are respectfully requested.

**Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME**

**LOCAL PLANNING SCHEME NO. 2
AMENDMENT NO. 20**

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, advertise the above Local Planning Scheme by:

No.	Scheme Text page number.	Corrections
1.	Various	Replace 'Town Planning Scheme' throughout the document with 'Local Planning Scheme'. As per WA Planning Commission reference.
2.	Various	Replace 'Residential Design Codes' or 'Residential Planning Codes', throughout the document with 'R-Codes'. As per WA Planning Commission reference.
3.	Pg.3, Pg.34 and Pg.41.	Replace 'Town Planning and Development Act, 1928' throughout the document with 'Planning and Development (Local Planning Schemes) Regulations 2015'. As per new regulations.
4.	Various	Replace text within the scheme that states "planning approval" with "development approval". Automatic update to reflect scheme changes.
4.	Pg.3 and Pg.97	Replace 'Shire Clerk' throughout the document with 'Chief Executive Officer'. As per update terminology.
5.	Pg.3	Replace '16 DECEMBER 1994' with the gazettal date of this amendment. New deemed scheme.
5.	Pg.7	After the heading at clause 1.1, replace the text with the following: "This local planning scheme is the Shire of Boyup Brook Scheme No 2." Model provision
6.	Pg.7	Replace the heading and text at clause 1.2 with the following: "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 <i>Gazette</i> ." Model provision
7.	Pg.7	Replace the heading and text at clause 1.3 with the following: "RESPONSIBILITY FOR SCHEME The Shire of Boyup Brook is the local government responsible for the enforcement

No.	Scheme Text page number.	Corrections
		<p>and implementation of this Scheme and the execution of any works required to be executed under this Scheme.”</p> <p>Model provision</p>
8.	Pg.7	<p>After clause 1.3, insert new clause and heading as follows:</p> <p>“1.4 SCHEME AREA This Scheme applies to the area shown on the Scheme Map.”</p> <p>Model provision</p>
9.	Pg. 7	<p>Delete existing clause 1.4 and replace with new clause and heading as follows:</p> <p>“1.5 CONTENTS OF SCHEME (1) In addition to the provisions set out in this document (the scheme text), this Scheme includes the following –</p> <p>(a) the deemed provisions (set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;</p> <p>(b) the Scheme Map;</p> <p>(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.</p> <p>Model provision</p>
10.	Pg.7 and 8	<p>Delete existing clause 1.5 and replace with new clause, heading and text as follows:</p> <p>“1.6 PURPOSE OF SCHEME The purposes of this Scheme are to -</p> <p>(a) set out the local government’s planning aims and intentions for the Scheme area; and</p> <p>(b) set aside land as local reserves for public purposes; and</p> <p>(c) zone land within the Scheme area for the purposes defined in this Scheme; and</p> <p>(d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and</p> <p>(e) set out procedures for the assessment and determination of development applications; and</p> <p>(f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and</p> <p>(g) make provision for the administration and enforcement of this Scheme; and</p> <p>(h) address other matters referred to in Schedule 7 of the Act. “</p>

No.	Scheme Text page number.	Corrections
		Model provision
11.	Pg.8	<p>After new clause 1.6, insert new clause number and heading as follows:</p> <p>“1.7 AIMS OF SCHEME”</p> <p>“The aims of the Scheme are:</p> <p>a) To provide for reasonable expansion of residential, industrial and commercial uses based on the District’s established structure;</p> <p>b) To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;</p> <p>c) To zone suitable land for Special Rural development and establish the conditions under which such land may be developed and maintained;</p> <p>d) To permit, subject to adequate controls, uses which add to, and facilitate, the District’s potential for tourism and recreational use;</p> <p>e) To require development, under a planning consent procedure, to achieve and maintain satisfactory standards of amenity;</p> <p>f) To make provision for other matters authorised by the enabling Act.</p> <p>g) To introduce measures by which places of natural beauty and places of historic or scientific interest may be conserved.</p> <p>Model provision and current scheme ‘objectives & intentions’</p>
12.	Pg.8	<p>After new clause 1.7, insert new clause, heading and number as follows:</p> <p>“1.8 NOTES DO NOT FORM PART OF SCHEME</p> <p>Notes, and instructions printed in italics, do not form part of this Scheme.”</p> <p>Model heading and provision.</p>
13.	Pg.8	<p>Amend the existing clause number ‘1.6’ to ‘1.9’.</p> <p>Automatic</p>
14.	Pg.8	<p>Amend the existing clause number ‘1.7’ to ‘1.10’.</p> <p>Automatic</p>
15.	Pg.8	<p>Amend the existing clause numbers ‘1.7.1’ and ‘1.7.2’ to ‘1.10.1’ and ‘1.10.2’.</p> <p>Automatic</p>
16.	Pg.8	<p>Delete the existing clause ‘1.7.3’</p> <p>Replaced by new clause 1.8</p>
17.	Pg.10	<p>Replace the heading ‘PART 3 – ZONING TABLE & PLANNING CONSENT PROCEDURE’ with ‘Part 3 – Zones and use of land’</p>

No.	Scheme Text page number.	Corrections														
		<p>Model provision</p>														
18.	Pg.10	<p>Replace text at clause 3.1.1 with the following:</p> <p>“Zones are shown on the Scheme Map according to the legend on the Scheme Map.”</p> <p>Model Provision</p>														
19.	Pg.10, 11, 12, 13, 14, and 15.	<p>Replace text at clauses 3.1.2 with the following:</p> <p>“The objectives of each zone are as follows –</p> <p>Table 1 Zone objectives</p> <table border="1" data-bbox="542 761 1524 2094"> <thead> <tr> <th data-bbox="550 772 734 801">Zone name</th> <th data-bbox="734 772 1524 801">Objectives</th> </tr> </thead> <tbody> <tr> <td data-bbox="550 801 734 1064">Residential</td> <td data-bbox="734 801 1524 1064">The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. All other uses approved within this zone under the provisions of this Scheme shall be compatible with this basic objective.</td> </tr> <tr> <td data-bbox="550 1064 734 1332">Commercial</td> <td data-bbox="734 1064 1524 1332">The Commercial Zone is intended primarily to ensure that the Town Centre continues to function effectively as the location of the District’s commercial and civic activity, that the uses approved therein will be compatible with the objectives and function, and with enhancement of the Centre’s activity, appearance and movement systems.</td> </tr> <tr> <td data-bbox="550 1332 734 1590">Light Industrial</td> <td data-bbox="734 1332 1524 1590">The Light Industrial Zone is intended primarily for a wide range of industrial activities that are not of a scale or intensity that would be regarded as General Industry. Light Industrial activities are those which would not be detrimental to the local amenity of the area and which would not cause nuisance by way of noise, smell, dust, vibration or unsightliness.</td> </tr> <tr> <td data-bbox="550 1590 734 1742">General Industrial</td> <td data-bbox="734 1590 1524 1742">The General Industrial Zone is intended primarily to provide for industrial development which would be obtrusive in, or detrimental to the amenity of, the Light Industrial Zone.</td> </tr> <tr> <td data-bbox="550 1742 734 2011">Rural</td> <td data-bbox="734 1742 1524 2011">The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential.</td> </tr> <tr> <td data-bbox="550 2011 734 2094">Urban</td> <td data-bbox="734 2011 1524 2094">Council’s objective within the Urban zone is to provide for, and encourage, urban development within each of the</td> </tr> </tbody> </table>	Zone name	Objectives	Residential	The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. All other uses approved within this zone under the provisions of this Scheme shall be compatible with this basic objective.	Commercial	The Commercial Zone is intended primarily to ensure that the Town Centre continues to function effectively as the location of the District’s commercial and civic activity, that the uses approved therein will be compatible with the objectives and function, and with enhancement of the Centre’s activity, appearance and movement systems.	Light Industrial	The Light Industrial Zone is intended primarily for a wide range of industrial activities that are not of a scale or intensity that would be regarded as General Industry. Light Industrial activities are those which would not be detrimental to the local amenity of the area and which would not cause nuisance by way of noise, smell, dust, vibration or unsightliness.	General Industrial	The General Industrial Zone is intended primarily to provide for industrial development which would be obtrusive in, or detrimental to the amenity of, the Light Industrial Zone.	Rural	The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential.	Urban	Council’s objective within the Urban zone is to provide for, and encourage, urban development within each of the
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No.	Scheme Text page number.	Corrections	
			<p>satellite towns distributed throughout the Shire so zoned. Council's primary objective for the zone is to encourage and foster development while protecting the residential environment from conflicting uses. In considering applications for the development of land within this zone Council, in exercising its discretion, shall:</p> <p>(i) seek to ensure the separation of incompatible land uses.</p> <p>(ii) ensure the capacity of existing services, facilities and infrastructure (including water supply) to accommodate such development.</p> <p>(iii) determine within which land use class the proposed form of development shall be classified and apply the development standards applicable to that use or any other development standard Council may consider appropriate.</p>
		Special Rural	The Special Rural Zone is intended primarily to accommodate lots generally of 1 – 4 ha where the primary use is for residential purposes in a rural setting.
		Additional Use	<p>The portions of the Scheme Area specified in Table 3 are classified as Additional Use zones.</p> <p>Notwithstanding that a parcel of land described in Table 3 is within another zone, the land or any building or structure thereon may be used for the purpose set against that parcel of land in Table 3 in addition to the other uses permitted in the zone in which the land is situated.</p>
		Special Use	The portions of the Scheme Area specified in Table 5 are classified as being within the Special Use zone for the uses or purposes set against such land therein. Land included within Table 5 shall be delineated on the Scheme Maps as being within the Special Use zone in accordance with the Scheme Map legend.
		Rural Small Holdings	The Rural Small Holdings zone is intended to accommodate lots generally of 4 – 40 ha where the land is used for a dwelling with minor rural pursuits, hobby farm, conservation lots or alternative residential life style purposes.

Model provision and objectives taken from the existing scheme zone objectives.

No.	Scheme Text page number.	Corrections
20.	Pg.10, 11, 12, 13, 14, and 15.	Delete text at clauses 3.2, 3.3 and 3.4, including the 'MAP 1 – BOYUP BROOK TOWNSITE POLICY AREA MAP'. Deemed Provision
21.	Pg.16	Replace the heading "TABLE NO.1 – ZONING TABLE" with Table 2 – Zoning Table" Model provision
22.	Pg. 17 and 18	Replace text that refers to 'Table 1 zoning table' with 'Table 2 zoning table'. Automatic
23.	Pg. 16, 17 and 18	Amend the prefixes used in the zoning table as follows: Change '-' to 'X'; Change 'AA' to 'D'; Change 'SA' to 'A'; and Change IP' to 'I'. Model provision
24.	Pg. 16	Replace text within the scheme that states "Ancillary Accommodation" with "Ancillary Dwelling". The land use term 'Ancillary Accommodation' has been superseded by 'Ancillary Dwelling' in the Model Provisions for Local Planning Schemes and the Residential Design Codes of WA.
25.	Pg. 16	Amend text in Table 1 by deleting "-" at cross reference "Ancillary Accommodation" (now Ancillary Dwelling) and "Residential" and replacing with "P" To comply with Deemed provision (61(1)(d))
26.	Pg.19 – 21	Insert the following text after the zoning table: "3.2 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; I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with 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;

No.	Scheme Text page number.	Corrections
		<p>A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;</p> <p>X means that the use is not permitted by this Scheme.</p> <p>Note:</p> <ol style="list-style-type: none"> 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions. 2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions. <p>(3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.</p> <p>(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -</p> <ol style="list-style-type: none"> (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 give notice 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. <p>(5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.</p> <p>(6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -</p> <ol style="list-style-type: none"> (a) the development approval application relates to land that is being used for a non-conforming use; and (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use. <p>(7) If the zoning table does not identify any permissible uses for land in a zone the local</p>

No.	Scheme Text page number.	Corrections																
		<p>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 -</p> <p>(a) a structure plan;</p> <p>(b) an activity centre plan;</p> <p>(c) a local development plan;</p> <p>3.3 Additional uses</p> <p>(1) Table 3 sets out -</p> <p>(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</p> <p>(b) the conditions that apply to that additional use.</p> <p>Table 3 - Specified additional uses for zoned land in Scheme area</p> <table border="1" data-bbox="470 976 1524 1303"> <thead> <tr> <th>No.</th> <th>Description of land</th> <th>Additional use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Part Nelson Location 482. Boyup Brook - Arthur Road</td> <td>Country Music Centre Place of Public Assembly Short Stay Accommodation Private Caravan Park Private Camping Ground</td> <td>Uses only permitted to operate in conjunction with Special events conducted at the Country Music Centre.</td> </tr> </tbody> </table> <p>(2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.</p> <p>3.4 Restricted Uses</p> <p>(1) Table 4 sets out -</p> <p>(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</p> <p>(b) the conditions that apply to that restricted use.</p> <p>Table 4 - Restricted uses for land in Scheme area</p> <table border="1" data-bbox="470 1839 1524 1912"> <thead> <tr> <th>No.</th> <th>Description of land</th> <th>Restricted Use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td colspan="4">There are no restricted uses for zoned land that apply to this Scheme.</td> </tr> </tbody> </table> <p>(2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) 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.</p>	No.	Description of land	Additional use	Conditions	1	Part Nelson Location 482. Boyup Brook - Arthur Road	Country Music Centre Place of Public Assembly Short Stay Accommodation Private Caravan Park Private Camping Ground	Uses only permitted to operate in conjunction with Special events conducted at the Country Music Centre.	No.	Description of land	Restricted Use	Conditions	There are no restricted uses for zoned land that apply to this Scheme.			
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No.	Scheme Text page number.	Corrections								
	<p>The special use zone No.1 originates from the existing schedule 4.</p>	<p>3.5 Special use zones</p> <p>(1) Table 5 sets out -</p> <p>(a) special use zones for specified land that are in addition to the zones in the zoning table; and</p> <p>(b) the classes of special use that are permissible in that zone; and</p> <p>(c) the conditions that apply in respect of the special uses.</p> <p>Table 5 - Special use zones in Scheme area</p> <table border="1" data-bbox="470 728 1524 996"> <thead> <tr> <th>No.</th> <th>Description of land</th> <th>Special use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Part Nelson Location 336 Barron Street</td> <td>Flax Mill Site: - Caravan Park - Camping Ground - Holiday Accommodation Special Events as approved by Council.</td> <td>Uses to be contained wholly within the former Flax Mill site.</td> </tr> </tbody> </table> <p>(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.</p> <p>Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.</p> <p>3.6 Non-conforming uses</p> <p>(1) Unless specifically provided, this Scheme does not prevent -</p> <p>(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</p> <p>(b) the carrying out of development on land if -</p> <p>(i) before the commencement of this Scheme, the development was lawfully approved; and</p> <p>(ii) the approval has not expired or been cancelled.</p> <p>(2) Subclause (1) does not apply if -</p> <p>(a) the non-conforming use of the land is discontinued; and</p> <p>(b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.</p> <p>(3) Subclause (1) does not apply in respect of a non-conforming use of land if, under</p>	No.	Description of land	Special use	Conditions	1	Part Nelson Location 336 Barron Street	Flax Mill Site: - Caravan Park - Camping Ground - Holiday Accommodation Special Events as approved by Council.	Uses to be contained wholly within the former Flax Mill site.
No.	Description of land	Special use	Conditions							
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No.	Scheme Text page number.	Corrections
		<p>Part 11 of the Act, the local government -</p> <ul style="list-style-type: none"> (a) purchases the land; or (b) pays compensation to the owner of the land in relation to the non-conforming use. <p>3.6.1 Changes to non-conforming use</p> <p>(1) A person must not, without development approval-</p> <ul style="list-style-type: none"> (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. <p>(2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.</p> <p>(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 -</p> <ul style="list-style-type: none"> (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. <p>3.6.2 Register of non-conforming uses (Refer to Schedule 2).</p> <p>(1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.</p> <p>(2) A register prepared by the local government must set out the following -</p> <ul style="list-style-type: none"> (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. <p>(3) If the local government prepares a register under subclause (1) the local government -</p>

No.	Scheme Text page number.	Corrections
		<p>(a) must ensure that the register is kept up-to-date; and</p> <p>(b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and</p> <p>(c) may publish a copy of the register on the website of the local government.</p> <p>(4) 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.”</p> <p>Model provisions</p>
27.	Pg.22	<p>Delete the whole of Part 4 – Non conforming uses.</p> <p>Replaced by new clause 3.1.7 above.</p>
28.	Pg.23	<p>Replace the heading, ‘PART 5 – ZONING OBJECTIVES AND DEVELOPMENT REQUIRMENTS’ with ‘Part 4 – General development requirements’</p> <p>Automatic and model provision.</p>
29.	Pg. numerous	<p>Renumber subsequent clauses of the scheme to reflect the deletion of Part 4.</p> <p>Automatic update to reflect scheme changes.</p>
30.	Pg.23	<p>Delete the following text at existing clause 5.1:</p> <p>“The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. All other uses approved within this zone under the provisions of this Scheme shall be compatible with this basic objective.”</p> <p>Zone objectives are now at ‘Table 1’.</p>
31.	Pg.23	<p>Delete existing clause 5.1.5.1</p>
32.	Pg.23	<p>Delete the following text at existing clause 5.2:</p> <p>“The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential.”</p> <p>Zone objectives are now at ‘Table 1’.</p>
33.	Pg.24	<p>Delete clause 5.3.1.</p> <p>Zone objectives are now at ‘Table 1’.</p>
34.	Pg.24	<p>Delete clause 5.3.2 and renumber subsequent clauses.</p> <p>Structure planning is dealt with by the Commissions deemed provisions.</p>
35.	Pg.27	<p>Delete clause 5.4.1 and renumber subsequent clauses.</p> <p>Zone objectives are now at ‘Table 1’.</p>
36.	Pg.27	<p>Modify text at clause 5.5, as follows:</p>

No.	Scheme Text page number.	Corrections
		<p>Council's general objectives are set out hereunder for the following zones:</p> <p>i) Commercial Zone ii) Light Industrial Zone iii) General Industrial Zone</p> <p>The minimum development standards set out in Table 2.6 of this Scheme shall apply to all development within these zones the Commercial, Light Industrial and General Industrial zones.</p> <p>5.5.1 Commercial Zone – The Commercial Zone is intended primarily to ensure that the Town Centre continues to function effectively as the location of the District's commercial and civic activity, that the uses approved therein will be compatible with the objectives and function, and with enhancement of the Centre's activity, appearance and movement systems.</p> <p>5.5.2 Light Industrial Zone – The Light Industrial Zone is intended primarily for a wide range of industrial activities that are not of a scale or intensity that would be regarded as General Industry. Light Industrial activities are those which would not be detrimental to the local amenity of the area and which would not cause nuisance by way of noise, smell, dust, vibration or unsightliness.</p> <p>General Industrial Zone – The General Industrial Zone is intended primarily to provide for industrial development which would be obtrusive in, or detrimental to the amenity of, the Light Industrial Zone.</p> <p>Zone objectives are now at 'Table 1'.</p>
37.	Pg.28	<p>Delete clause 5.6.</p> <p>Provisions relating to special and additional use zones have been inserted above.</p>
38.	Pg.28	<p>Change reference to 'Table No.2' in clause 5.7, to 'Table No.6'.</p> <p>To reflect previous changes</p>
39.	Pg.28	<p>Change 'Table No.2 – MINIMUM DEVELOPMENT STANDARDS' to 'Table No.6 – MINIMUM DEVELOPMENT STANDARDS'.</p> <p>To reflect previous changes</p>
40.	Pg.28	<p>Delete the following text at clause 5.7:</p> <p>"OTHER ZONES (CLAUSE 5.5)"</p>

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		Not necessary								
41.	Pg.29	Change reference to 'Table No.3' in clause 5.10.1, to 'Table No.7'. To reflect previous changes								
42.	Pg.29	Change the text 'Schedule 6' in clause 5.10.2 to 'Australian Standard 2890'.								
43.	Pg.29	Change 'Table No.3 – CAR PARKING REQUIREMENTS' to 'Table No.7 – CAR PARKING REQUIREMENTS'. To reflect previous changes								
44.	Pg.31	Delete clause 5.17. New text associated with transportable dwellings is proposed to be inserted in a new Schedule A. Transportable dwelling is also referred to as a single house, which if compliant with the planning and development regulations, does not need planning approval. Schedule A proposes to contain provisions that may contradict the reg's.								
45.	Pg.33-36	Delete Part 6. Heritage provisions are managed by the regulations.								
46.	Pg.37-43	<p>Insert text from Part 7 into a table as below. Delete some text at Part 7 as shown below. Transfer the new table (as per below) of text to existing Schedule 13 (new schedule 6) and place after structure plan number 4 as new structure plan No.5. Transfer the text heading 'MAP 2 – GUIDED DEVELOPMENT AREA' and the map to existing schedule 13. Change the heading to 'Map 1 – Structure Plan No.5'.</p> <p>Amend scheme map to show border around structure plan area (refer to the Amendment Map, located toward the end of this report document).</p> <p>The guided development plan should be registered as a structure plan.</p> <table border="1"> <thead> <tr> <th>SPA No</th> <th>Description of Land</th> <th>Land Use Expectation</th> <th>Matters to be Addressed in Structure Plans</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>Land between Bridge Street and Terry Road. As depicted on the scheme map.</td> <td>Residential. To set aside land for Public Open Space and vesting the same in the Crown as a Reserve for Recreation. To provide for the sharing of the costs of the Development Plan among land</td> <td>Subdivision and development of land within the Development Area shall be carried out generally in accordance with the plan of subdivision shown on the Development Plan <u>Structure Plan</u> or in accordance with an alternative plan of subdivision which may be approved by the Western Australian Planning Commission as a Structure Plan. <u>Roads and Footways</u> Upon the grant by the Western Australian Planning Commission of its final approval to a plan of</td> </tr> </tbody> </table>	SPA No	Description of Land	Land Use Expectation	Matters to be Addressed in Structure Plans	5	Land between Bridge Street and Terry Road. As depicted on the scheme map.	Residential. To set aside land for Public Open Space and vesting the same in the Crown as a Reserve for Recreation. To provide for the sharing of the costs of the Development Plan among land	Subdivision and development of land within the Development Area shall be carried out generally in accordance with the plan of subdivision shown on the Development Plan <u>Structure Plan</u> or in accordance with an alternative plan of subdivision which may be approved by the Western Australian Planning Commission as a Structure Plan. <u>Roads and Footways</u> Upon the grant by the Western Australian Planning Commission of its final approval to a plan of
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				<p>owners.</p> <p>To provide for the proper drainage of those parts of the Development Area that require drainage, including the provision of satisfactory connections to other drainage systems outside the Development Area.</p> <p>To provide the Council with the power to resume land where necessary to achieve the objectives of the Development Plan.</p>	<p>subdivision, any owner of land within the Development-Structure Plan Area, when subdividing his/her land shall:</p> <ul style="list-style-type: none"> • Make available all land necessary for all roads, rights of way, footways and pedestrian access ways and, • subject to the following clauses, carry out all work necessary for the survey, construction, paving and drainage of all roads, rights of way and pedestrian access ways, or • pay the Council the cost of all or part of such work he/she may request the Council to carry out on his/her behalf. • in cases where existing lots have frontage to Terry Road and Gibbs Street, pay to the Council one half (1/2) of the cost of constructing these roads to the same standard as those new roads within the Development Area. <p>Where work involving the survey, construction, paving and drainage of any road, right of way, footway, or pedestrian access way is carried out by an owner on his/her land, but such work serves or benefits other land within the Development Area, then the owners of the land so served or benefited shall contribute to the cost of such works in such proportions as the Council may, at its discretion, determine. In the event that the owners of the land and the Council are unable to agree upon the</p>

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					<p>proportion of the costs payable by each of them, the amount (if any) payable by each owner shall be determined by arbitration in the manner hereinafter provided.</p> <p>The Council may survey, construct, pave and drain any new roads and footways within the Development Structure Plan Area and acquire the land necessary for that purpose. If the Council does so prior to the subdivision of the land adjoining such road or footway, the costs of the survey, construction, paving and drainage of the said road or footway and all compensation and other costs consequent upon the acquisition of the land shall be paid to the Council by owners of the land adjoining the road or footway in accordance with the foregoing provisions prior to the grant by the Western Australian Planning Commission of final approval to the subdivision of this land or at such later date as may be agreed in writing between the subdivider and the Council.</p> <p>If any owner subdivides his/her land and if he/she or any predecessor in title, has claimed, or has been paid compensation for a new road or footway within the Development Structure Plan Area, he/she shall, before the final approval by the Western Australian Planning Commission to his/her plan of subdivision, release the Council from the compensation paid by it to him/her, to his/her predecessors in title as the case may be.</p> <p><u>Public Open Space</u></p> <p>It is intended that the land shown as 'Public Open Space' on the Development Structure Plan shall be vested in the Crown as a</p>

No.	Scheme Text page number.	Corrections			
					<p>Reserve for Recreation.</p> <p>The Council may, as and when it deems fit, acquire the said land shown as Public Open Space, or any parts thereof, either by purchase or resumption or partly by one another.</p> <p>When land set aside for Public Open Space pursuant to this Development <u>Structure</u> Plan has been acquired by Council and the surrounding subdivision has been completed, Council shall vest such Public Open Space in the Crown as a Reserve for Recreation.</p> <p>Each owner of land, upon final approval by the Western Australian Planning Commission to the Diagram or Plan of Survey giving effect to the subdivision of his/her land or any part thereof, and subject to the ensuing provisions of this part shall:</p> <ul style="list-style-type: none"> • vest in the Crown as Reserves for Recreation all of the land as shown as being set aside for Public Open Space on the Development <u>Structure</u> Plan. • Where no Public Open Space is shown affecting a landowner's present holding, transfer to the Council an area of land equal to ten per centum (10%) of the gross area of that land holding. • Where an area of less than ten per centum (10%) of Public Open Space is shown affecting an owner's present land holding, transfer to the Council,

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					<p>following compliance with Sub-clause (a), an area of land equal to the amount by which the Public Open Space falls short of the said ten per centum of the gross area of that land holding.</p> <p>If within an owner's land, more than the said ten per centum is required by the Council for Public Open Space, the owner shall, upon the subdivision of his/her land or any part thereof, vest in the Crown as a Reserve for Recreation the land required for that purpose and the Council shall pay to the owner, by way of compensation, the value of the land exceeding the said one tenth. If the Council and the owner so agree, the Council may transfer to the said owner other land acquired by it for that purpose to compensate him/her for the land in excess of the said one tenth required by the Council in which case the amount of compensation payable by the Council to that owner shall be reduced accordingly.</p> <p>If, pursuant to Sub-Clause (iv) (b), it is not possible for an owner to transfer an area of land exactly equal to one tenth of the gross area being subdivided, he/she shall transfer to the Council land as nearly as possible equal to the said one tenth of the gross area being subdivided and the Council shall pay to, or receive from, the owner a cash adjustment representing the value of the area of land by which the area transferred exceeds or is less than the said one tenth or the Council may agree on a cash payment in lieu of the transfer of any land.</p> <p>Land to be transferred to the</p>

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					<p>Council pursuant to Clause (iv) shall not include any land which is, or is intended to be, a road or part of a road created by the subdivision or a pedestrian access way or drainage reserve unless in the latter the land can serve a dual function.</p> <p>The Council may sell or otherwise dispose of any land transferred to it under the preceding clauses and, as required by it for Public Open Space purposes, provided that all monies received by the Council in respect of such sales shall, after making all necessary payments to owners under the foregoing clauses and, after payment to it of the cost of land (if any) acquired for transfer to owners under the Clause (v), be expended by the Council in the acquisition or improvement of land for Public Open Space within the <u>Development Structure Plan</u> Area.</p> <p>If the Council resumes land for Public Open Space, roads, footways or recreation or community uses or drainage purposes, it shall be reimbursed for all the compensation and costs of monies received from the sale of land under the preceding clauses.</p> <p>If the Council resumes land for Public Open Space, roads, footways or for drainage purposes, the amount and value of the said one tenth of an owner's land shall be assessed on the basis that such land has not been resumed.</p> <p>For the purpose of the foregoing clauses, the valuations shall be made on the basis that the whole of the owner's land is offered for sale taking into account that the subdivision can be approved but not on the basis of the total of the</p>

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					<p>values of the individual lots in the subdivision.</p> <p>If an owner of land subdivides his/her land and if he/she or any predecessor in title has claimed or has been paid compensation by reason of the resumption by the Council of land for Public Open Space within the Development Structure Plan Area, the amount of compensation paid shall be taken into account in assessing the payments to, or by, an owner in accordance with the foregoing Clauses and if no compensation has then been paid the owner shall release the Council from the payment of any such compensation.</p> <p>Council shall exercise its powers under this section of the Scheme in accordance with the provisions of Section 20C(2) of the Town Planning and Development Act 1928 <u>the Planning and Development Act 2005</u>.</p> <p><u>Drainage</u></p> <p>The Council shall, at the appropriate time or times, carry out such drainage works as, in its opinion, are necessary for the proper drainage of the Development Structure Plan Area where such works by virtue of their size and location cannot be undertaken by the subdividers or individual land holders within the Development Structure Plan Area. The Council may undertake such works and may acquire all necessary easements for drainage purposes both within and outside the Development Structure Plan Area. The costs of providing drainage facilities and works, except those required to be met by</p>

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					<p>each land owner to service his land, and the cost of acquiring land and easements within, or outside the Development-Structure Plan Area, shall be borne by the Council as a Development-Structure Plan Cost.</p> <p><u>Water Supply</u></p> <p>A reticulated water supply service is to be made available in the Development-Structure Plan Area and each subdividing owner shall be responsible for the cost of the reticulation of that service throughout the land owned by him/her.</p> <p>If water supply head works are required to enable the service to be provided, then the cost thereof shall be borne by the owners in the same proportions set out hereunder, in Clause 7.5.1</p> <p><u>Development-Structure Plan Costs</u></p> <p>For the purpose of this Part, Development-Structure Plan Costs (hereinafter called Plan Costs) are as follows:</p> <ul style="list-style-type: none"> • the costs of an incidental to the preparation, administration and implementation of the Development—Structure Plan including amounts to reimburse Council for: <ul style="list-style-type: none"> ○ all administration costs incurred in the preparation of the Development-Structure Plan Area by Council's officers, agents or servants. • all administration costs incurred in the

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					<p>implementation and supervision of the effective operation of the Plan by Council's officers, agents or servants.</p> <ul style="list-style-type: none"> • All legal costs, planning costs, payment to planning consultants and other professional consultants and valuation costs. • the cost of any survey carried out by Council in the Development Structure Plan Area except those surveys carried out by or for the Council acting as a land owner. • the cost of any drainage works necessary for the proper drainage of the Development Structure Plan Area and acquisition of lands or easements for that purpose, both within and outside the Development Structure Plan Area, excluding those costs to be paid by subdividers as subdivision costs. • the cost of supplying water to and throughout the Development Structure Plan Area, as provided for in Clause 7.3.5. • the costs (if any) of the resumption or other acquisition of Public Open Space within the Development Structure Plan Area. • all compensation payable and all costs and expenses incurred in determining

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					<p>and settling compensation.</p> <ul style="list-style-type: none"> • all interest accruing from time to time on monies borrowed by Council for the purpose of the Development <u>Structure</u> Plan. • all other costs and expenses which the Council shall be required to meet or consider to be necessary to implement and complete the Development <u>Structure</u> <u>Plan</u> Area which are not recoverable by virtue of the other provisions of this Plan. <p>Costs and expenses not referred to in the foregoing Clause are deemed to be subdivision costs and shall be borne by the subdivider in each case.</p> <p><u>Payment Of Plan Costs</u></p> <p>An owner's proportion of Plan Costs is the proportion which the nett subdivisible area of his/her land bears to the whole of the nett subdivisible area of land in the Development <u>Structure</u> <u>Plan</u> area.</p> <p>Schedule No. 7 shows land ownership as at the date of the Scheme and the appropriate land area together with calculations of nett subdivisible areas prepared from the Development Plan. The figures in this Schedule may be adjusted by Council in the light of survey information and any alteration to the Plan may be approved pursuant to this Scheme.</p> <p>Each owner shall, prior to the final approval of the Western Australian Planning Commission to the</p>

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					<p>subdivision of his/her land, pay to the Council the owner's proportion of the Plan Costs, but the Council shall not demand nor seek to enforce payment before the day upon which the owner makes application to the Commission for that final approval, unless the owner has agreed to pay his/her proportion of the Plan costs before that date.</p> <p>The Council may accept the transfer to it of subdivided, serviced lots or other land within the Development<u>Structure Plan</u> Area in satisfaction or partial satisfaction of an owner's liability to pay his/her proportion of Plan Costs.</p> <p>In the event of a dispute arising between the Council and a land owner about the payment of and/or calculation of Plan Costs the matter shall be referred, either by the owner of the land or Council, for determination by an arbitrator under the <i>Commercial Arbitration Act 1985</i>.</p> <p><u>Estimate Of Plan Costs</u></p> <p>If any of the items of Plan Costs have not been paid or ascertained at the time of the subdivision of a parcel of land at the time of the giving of a notice by the Council as aforesaid, the Council may estimate the cost of such items of Plan Costs. An estimate may be revised from time to time.</p> <p>Prior to the commencement of any subdivision and associated development within the Guided Development<u>Structure Plan</u> Area, Council shall prepare a Schedule setting out Plan Costs and the obligations of all relevant parties in</p>

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					<p>so far as that subdivision and associated development are concerned, and give notice of the preparation of this Schedule on all relevant land owners within the Guided Development<u>Structure Plan</u> Area.</p> <p><u>Development Standard</u></p> <p>For the purpose of Parts 3 and 5-4 of this Scheme Text, Council, in making its decisions upon applications for planning approval, will endeavour, within the Development<u>Structure Plan</u> Area, to set and maintain a high standard of building design, construction and appearance by requiring that-</p> <ul style="list-style-type: none"> • all new buildings be constructed of brick, stone or masonry or similar material giving a pleasing external appearance with tiled or simulated roofs, or • buildings constructed of materials not mentioned in Clause (i) above be finished externally with supplementary site works to ensure harmony with the quality of residential development normally encountered in areas where large residential brick and tiled buildings have been constructed. • no relocated dwellings constructed of second hand building materials may be erected in the Development<u>Structure Plan</u> Area.

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PART 7 – GUIDED DEVELOPMENT AREA					
7.1 <u>THE SUBJECT LAND</u>					
<p>The provisions of this Part relate to the area (hereinafter referred to as the ‘Development Area’) shown upon the Guided Development Area Plan (hereinafter referred to as the ‘Development Plan’ and included as Map 2 forming part of this Scheme) and in respect of which land Council will coordinate and guide future subdivision and development.</p>					
7.2 <u>GENERAL OBJECTIVES</u>					
<ul style="list-style-type: none"> a) to facilitate, coordinate and promote the progressive subdivision of the land within the Development Area. b) to indicate a pattern of subdivision which the Council will pursue unless an alternative or modified design is proposed and approved by Council pursuant to the following provisions of this Part. c) to set aside land for Public Open Space and vesting the same in the Crown as a Reserve for Recreation. d) to provide for the sharing of the costs of the Development Plan among land owners. e) to provide for the proper drainage of those parts of the Development Area that require drainage, including the provision of satisfactory connections to other drainage systems outside the Development Area. f) to provide the Council with the power to resume land where necessary to achieve the objectives of the Development Plan. 					
7.3 <u>METHOD BY WHICH OBJECTIVES ARE TO BE ACHIEVED</u>					
7.3.1 Subdivision					
<p>In general, the Council will not seek to compel an owner to subdivide his land unless the failure to do so would, in the Council’s view, impede the progressive implementation of the Development Plan.</p>					

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		<p>Subdivision and development of land within the Development Area shall be carried out generally in accordance with the plan of subdivision shown on the Development Plan or in accordance with an alternative plan of subdivision which may be approved by the Western Australian Planning Commission as a Structure Plan in accordance with Clause 10.1.5, provided that any such approval is given: AMD 14 GG 27/3/15</p> <p>(i) where the Western Australian Planning Commission, following consultation with the Council, is satisfied that the objectives of the Development Plan will still be capable of achievement;</p> <p>(ii) where it can be demonstrated that the alternative form of subdivision will not prejudice the proper and/or orderly subdivision of the remainder of the land within the Development Area, in accordance with a revised overall plan indicating the manner on which coordinated subdivision may be achieved, together with the provision of services, and in particular, surface water drainage. Subdivision and Development pursuant to this Clause may be carried out:</p> <p style="margin-left: 40px;">(a) by the owners of the land; (b) by groups of owners of the land; (c) by the Council, being an owner of land within the Development Area acquired pursuant to the provisions of this Scheme; or (d) by any body or corporation appointed by the owners of land within the Development Area of the Council for the purpose of developing that land.</p> <p>7.3.2 Roads and Footways</p> <p>(i) Upon the grant by the Western Australian Planning Commission of its final approval to a plan of subdivision, any owner of land within the Development Area, when subdividing his/her land shall:</p> <p style="margin-left: 40px;">a) Make available all land necessary for all roads, rights of way, footways and pedestrian access ways and,</p> <p style="margin-left: 40px;">b) subject to the following clauses, carry out all work necessary for the survey, construction, paving and drainage of all roads, rights of way and pedestrian access ways, or</p>

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		<p>c) pay the Council the cost of all or part of such work he/she may request the Council to carry out on his/her behalf.</p> <p>d) in cases where existing lots have frontage to Terry Road and Gibbs Street, pay to the Council one half (1/2) of the cost of constructing these roads to the same standard as those new roads within the Development Area.</p> <p>(ii) Where work involving the survey, construction, paving and drainage of any road, right of way, footway, or pedestrian access way is carried out by an owner on his/her land, but such work serves or benefits other land within the Development Area, then the owners of the land so served or benefited shall contribute to the cost of such works in such proportions as the Council may, at its discretion, determine. In the event that the owners of the land and the Council are unable to agree upon the proportion of the costs payable by each of them, the amount (if any) payable by each owner shall be determined by arbitration in the manner hereinafter provided.</p> <p>(iii) The Council may survey, construct, pave and drain any new roads and footways within the Development Area and acquire the land necessary for that purpose. If the Council does so prior to the subdivision of the land adjoining such road or footway, the costs of the survey, construction, paving and drainage of the said road or footway and all compensation and other costs consequent upon the acquisition of the land shall be paid to the Council by owners of the land adjoining the road or footway in accordance with the foregoing provisions prior to the grant by the Western Australian Planning Commission of final approval to the subdivision of this land or at such later date as may be agreed in writing between the subdivider and the Council.</p> <p>(iv) If any owner subdivides his/her land and if he/she or any predecessor in title, has claimed, or has been paid compensation for a new road or footway within the Development Area, he/she shall, before the final approval by the Western Australian Planning Commission to his/her plan of subdivision, release the Council from the compensation paid by it to him/her, to his/her predecessors in title as the case may be.</p> <p>7.3.3 Public Open Space</p> <p>(i) It is intended that the land shown as 'Public Open Space' on the Development Plan shall be vested in the Crown as a</p>

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		<p>Reserve for Recreation.</p> <p>(ii) The Council may, as and when it deems fit, acquire the said land shown as Public Open Space, or any parts thereof, either by purchase or resumption or partly by one another.</p> <p>(iii) When land set aside for Public Open Space pursuant to this Development Plan has been acquired by Council and the surrounding subdivision has been completed, Council shall vest such Public Open Space in the Crown as a Reserve for Recreation.</p> <p>(iv) Each owner of land, upon final approval by the Western Australian Planning Commission to the Diagram or Plan of Survey giving effect to the subdivision of his/her land or any part thereof, and subject to the ensuing provisions of this part shall:</p> <p>a) vest in the Crown as Reserves for Recreation all of the land as shown as being set aside for Public Open Space on the Development Plan.</p> <p>b) Where no Public Open Space is shown affecting a landowner's present holding, transfer to the Council an area of land equal to ten per centum (10%) of the gross area of that land holding.</p> <p>c) Where an area of less than ten per centum (10%) of Public Open Space is shown affecting an owner's present land holding, transfer to the Council, following compliance with Sub-clause (a), an area of land equal to the amount by which the Public Open Space falls short of the said ten per centum of the gross area of that land holding.</p> <p>(v) If within an owner's land, more than the said ten per centum is required by the Council for Public Open Space, the owner shall, upon the subdivision of his/her land or any part thereof, vest in the Crown as a Reserve for Recreation the land required for that purpose and the Council shall pay to the owner, by way of compensation, the value of the land exceeding the said one tenth. If the Council and the owner so agree, the Council may transfer to the said owner other land acquired by it for that purpose to compensate him/her for the land in excess of the said one tenth required by the Council in which case the amount of compensation payable by the Council to that owner shall be reduced accordingly.</p> <p>(vi) If, pursuant to Sub-Clause (iv) (b), it is not possible for an owner to transfer an area of land exactly equal to one tenth</p>

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		<p>of the gross area being subdivided, he/she shall transfer to the Council land as nearly as possible equal to the said one tenth of the gross area being subdivided and the Council shall pay to, or receive from, the owner a cash adjustment representing the value of the area of land by which the area transferred exceeds or is less than the said one tenth or the Council may agree on a cash payment in lieu of the transfer of any land.</p> <p>(vii) Land to be transferred to the Council pursuant to Clause (iv) shall not include any land which is, or is intended to be, a road or part of a road created by the subdivision or a pedestrian access way or drainage reserve unless in the latter the land can serve a dual function.</p> <p>(viii) The Council may sell or otherwise dispose of any land transferred to it under the preceding clauses and, as required by it for Public Open Space purposes, provided that all monies received by the Council in respect of such sales shall, after making all necessary payments to owners under the foregoing clauses and, after payment to it of the cost of land (if any) acquired for transfer to owners under the Clause (v), be expended by the Council in the acquisition or improvement of land for Public Open Space within the Development Area.</p> <p>(ix) If the Council resumes land for Public Open Space, roads, footways or recreation or community uses or drainage purposes, it shall be reimbursed for all the compensation and costs of monies received from the sale of land under the preceding clauses.</p> <p>(x) If the Council resumes land for Public Open Space, roads, footways or for drainage purposes, the amount and value of the said one tenth of an owner's land shall be assessed on the basis that such land has not been resumed.</p> <p>(xi) For the purpose of the foregoing clauses, the valuations shall be made on the basis that the whole of the owner's land is offered for sale taking into account that the subdivision can be approved but not on the basis of the total of the values of the individual lots in the subdivision.</p> <p>(xii) If an owner of land subdivides his/her land and if he/she or any predecessor in title has claimed or has been paid compensation by reason of the resumption by the Council of land for Public Open Space within the Development Area, the amount of compensation paid shall be taken into account in assessing the payments to, or by, an owner in accordance with the foregoing Clauses and if no</p>

No.	Scheme Text page number.	Corrections
		<p>compensation has then been paid the owner shall release the Council from the payment of any such compensation.</p> <p>(xiii) Council shall exercise its powers under this section of the Scheme in accordance with the provisions of Section 20C(2) of the Town Planning and Development Act 1928.</p> <p>7.3.4 Drainage</p> <p>The Council shall, at the appropriate time or times, carry out such drainage works as, in its opinion, are necessary for the proper drainage of the Development Area where such works by virtue of their size and location cannot be undertaken by the subdividers or individual land holders within the Development Area. The Council may undertake such works and may acquire all necessary easements for drainage purposes both within and outside the Development Area. The costs of providing drainage facilities and works, except those required to be met by each land owner to service his land, and the cost of acquiring land and easements within, or outside the Development Area, shall be borne by the Council as a Development Plan Cost.</p> <p>7.3.5 Water Supply</p> <p>A reticulated water supply service is to be made available in the Development Area and each subdividing owner shall be responsible for the cost of the reticulation of that service throughout the land owned by him/her.</p> <p>If water supply head works are required to enable the service to be provided, then the cost thereof shall be borne by the owners in the same proportions set out hereunder in Clause 7.5.1</p> <p>7.4 <u>DEVELOPMENT PLAN COSTS</u></p> <p>7.4.1 For the purpose of this Part, Development Plan Costs (hereinafter called Plan Costs) are as follows:</p> <p>(a) the costs of an incidental to the preparation, administration and implementation of the Development Plan including amounts to reimburse Council for:</p>

No.	Scheme Text page number.	Corrections
		<p>(i) all administration costs incurred in the preparation of the Development Area by Council's officers, agents or servants.</p> <p>(ii) all administration costs incurred in the implementation and supervision of the effective operation of the Plan by Council's officers, agents or servants.</p> <p>(iii) All legal costs, planning costs, payment to planning consultants and other professional consultants and valuation costs.</p> <p>(b) the cost of any survey carried out by Council in the Development Area except those surveys carried out by or for the Council acting as a land owner.</p> <p>(c) the cost of any drainage works necessary for the proper drainage of the Development Area and acquisition of lands or easements for that purpose, both within and outside the Development Area, excluding those costs to be paid by subdividers as subdivision costs.</p> <p>(d) the cost of supplying water to and throughout the Development Area, as provided for in Clause 7.3.5.</p> <p>(e) the costs (if any) of the resumption or other acquisition of Public Open Space within the Development Area.</p> <p>(f) all compensation payable and all costs and expenses incurred in determining and settling compensation.</p> <p>(g) all interest accruing from time to time on monies borrowed by Council for the purpose of the Development Plan.</p> <p>(h) all other costs and expenses which the Council shall be required to meet or consider to be necessary to implement and complete the Development Area which are not recoverable by virtue of the other provisions of this Plan.</p> <p>7.4.2 Costs and expenses not referred to in the foregoing Clause are deemed to be subdivision costs and shall be borne by the subdivider in each case.</p> <p>7.5 <u>PAYMENT OF PLAN COSTS</u></p> <p>7.5.1 An owner's proportion of Plan Costs is the proportion which the nett subdivisible area of his/her land bears to the whole of the nett subdivisible area of land in the Development area.</p>

No.	Scheme Text page number.	Corrections
		<p data-bbox="582 336 1508 548">7.5.2 Schedule No. 7 shows land ownership as at the date of the Scheme and the appropriate land area together with calculations of nett subdivisible areas prepared from the Development Plan. The figures in this Schedule may be adjusted by Council in the light of survey information and any alteration to the Plan may be approved pursuant to this Scheme.</p> <p data-bbox="582 582 1508 828">7.5.3 Each owner shall, prior to the final approval of the Western Australian Planning Commission to the subdivision of his/her land, pay to the Council the owner's proportion of the Plan Costs, but the Council shall not demand nor seek to enforce payment before the day upon which the owner makes application to the Commission for that final approval, unless the owner has agreed to pay his/her proportion of the Plan costs before that date.</p> <p data-bbox="582 862 1508 1008">7.5.4 The Council may accept the transfer to it of subdivided, serviced lots or other land within the Development Area in satisfaction or partial satisfaction of an owner's liability to pay his/her proportion of Plan Costs.</p> <p data-bbox="582 1041 1508 1220">7.5.5 In the event of a dispute arising between the Council and a land owner about the payment of and/or calculation of Plan Costs the matter shall be referred, either by the owner of the land or Council, for determination by an arbitrator under the <i>Commercial Arbitration Act 1985</i>.</p> <p data-bbox="486 1254 901 1299">7.6 <u>ESTIMATE OF PLAN COSTS</u></p> <p data-bbox="582 1332 1508 1534">If any of the items of Plan Costs have not been paid or ascertained at the time of the subdivision of a parcel of land at the time of the giving of a notice by the Council as aforesaid, the Council may estimate the cost of such items of Plan Costs. An estimate may be revised from time to time.</p> <p data-bbox="582 1601 1508 1848">7.6.1 Prior to the commencement of any subdivision and associated development within the Guided Development Area, Council shall prepare a Schedule setting out Plan Costs and the obligations of all relevant parties in so far as that subdivision and associated development are concerned, and give notice of the preparation of this Schedule on all relevant land owners within the Guided Development Area.</p> <p data-bbox="486 1881 909 1926">7.7 <u>DEVELOPMENT STANDARD</u></p> <p data-bbox="582 1960 1508 2094">For the purpose of Parts 3 and 5 of this Scheme Text, Council, in making its decisions upon applications for planning approval, will endeavour, within the Development Area, to set and maintain a high standard of building</p>

No.	Scheme Text page number.	Corrections
		<p>design, construction and appearance by requiring that-</p> <ul style="list-style-type: none"> (i) all new buildings be constructed of brick, stone or masonry or similar material giving a pleasing external appearance with tiled or simulated roofs, or (ii) buildings constructed of materials not mentioned in Clause (i) above be finished externally with supplementary site works to ensure harmony with the quality of residential development normally encountered in areas where large residential brick and tiled buildings have been constructed. (iii) no relocated dwellings constructed of second hand building materials may be erected in the Development Area.
47.	Pg.44-45	<p>Delete Part VIII.</p> <p>Advertising is managed by the regulations.</p>
48.	Pg.46-50	<p>Delete Part 9.</p> <p>Administration is managed by the regulations.</p>
49.	Pg.50	<p>Delete Part 10</p> <p>Structure Planning is managed by the regulations.</p>
50.	Pg.57	<p>Insert the following text prior to 'SCHEDULE 1 – INTERPRETATIONS':</p> <p>“Schedule A – Supplementary Provisions</p> <p>These provisions are to be read in conjunction with the deemed provisions contained in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>1. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions, with the exception of the following:</p> <ul style="list-style-type: none"> (a) The signage and advertisements contained in Schedule 4 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place. (b) Development of a Re-sited/Transportable Dwelling. <ul style="list-style-type: none"> i) A relocated dwelling may not be transported to and placed on a lot within the district and thereafter occupied as a residential dwelling (whether in whole or in part) except with the approval of Council and in accordance with any conditions contained in such an approval.

No.	Scheme Text page number.	Corrections
		<p>ii) In considering whether or not to grant approval for a relocated dwelling the Council shall have special regard to:</p> <ul style="list-style-type: none"> • the appearance and external materials of the dwelling, and any proposed alterations thereto; • the amenity of the locality; • the visual prominence of the site; • all applicable statutes, local laws and regulations relating to dwelling houses applicable to both the relocated dwelling and the lot upon which it is to be located following transportation. <p>iii) In granting an approval for a relocated dwelling the Council may impose conditions including conditions which:</p> <ul style="list-style-type: none"> • Require the applicant or owner to obtain a building license in accordance with Section 9 of the Building Act 2011; and/or • require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of the relocated dwelling to a standard of presentation acceptable to Council within a specified time frame. Should Council require the provision of a bond, such monies so received shall be deposited in an Interest Bearing Trusts Account and upon the satisfactory completion of the necessary works, such monies owing shall be refunded. <p>(c) The dwelling is in a Special Control Area.</p> <p>(d) The dwelling is in the Special Rural or Rural Small Holdings zone.</p> <p>(e) The development is located within a flood prone area.</p> <p>(f) The development is less than the prescribed setbacks from a watercourse.</p> <p>2. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions and including the following:</p> <p>(a) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.</p> <p>The above provisions are existing Local Planning Scheme 1 provisions.</p>
51.		<p>Amend the prefixes used in the Schedule 3 as follows:</p> <p>Change 'AA' to 'D'; Change 'SA' to 'A'; and Change IP' to 'I'.</p> <p>Model provision</p>
52.		<p>Amend the prefixes used in the Schedule 3 as follows:</p> <p>“Single House (D)”</p>
53.	Pg.81	Delete the map at pg 81 – Subdivision Guide Plan Lots 720 and 721.

No.	Scheme Text page number.	Corrections
		Subdivision guide plans do not form part of the scheme.
54.	Pg.82	Delete schedule 4. Reference to schedule 4 in the scheme is to be changed to 'Table 5'. Provisions transferred to Table 5.
55.	Pg.83	Delete schedule 5. Reference to schedule 5 in the scheme is to be changed to 'Table 3'. Provisions transferred to Table 3.
56.	Pg.84	Delete schedule 6. Dealt with by Australian standards.
57.	Pg.85	Transfer the Table in schedule 7 to old schedule 13 to combine with old Part 7. Then delete the heading 'SCHEDULE 7 – LAND OWNERSHIP – GUIDED DEVELOPMENT AREA'. To coincide with the transfer of Part 7.
58.	Pg.86	Delete schedule 8. Automatic update to reflect scheme changes.
59.	Pg.87-89	Change the heading, 'SCHEDULE 9' to 'SCHEDULE 4'.
60.	Pg.87-89	In the heading 'SCHEDULE NO.9 – EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4', delete the text 'PURSUANT TO CLAUSE 8.4' Automatic update to reflect scheme changes.
61.	Pg.90-91	Delete schedule 10. Dealt with by regulations.
62.	Pg.92	Delete schedule 11. Dealt with by regulations.
63.		Re-number schedule 12 to 'SCHEDULE 5' to coincide with the deletion of schedules. Re-number references to schedules within the scheme to reflect the deletion of schedules. Automatic update to reflect scheme changes.
64.		Re-number schedule 13 to 'SCHEDULE 6' to coincide with the deletion of schedules. Re-number references to schedules within the scheme to reflect the deletion of schedules. Automatic update to reflect scheme changes.
65.	Pgs. 4-6	Amend text in the "Table of Contents" to reflect scheme changes. <i>PART I - PRELIMINARY</i>

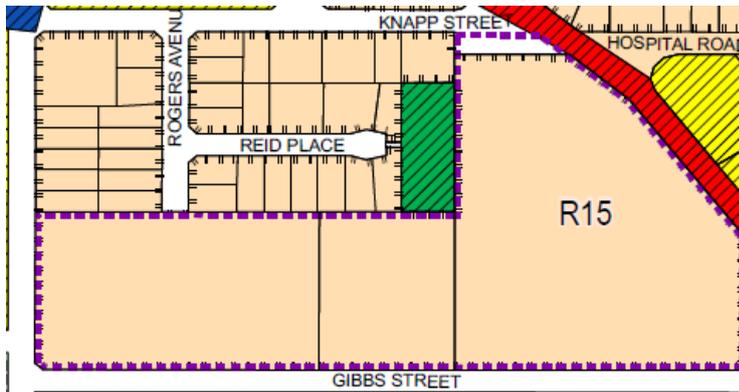
No.	Scheme Text page number.	Corrections
		<p>1.1 Citation</p> <p>1.2 Commencement</p> <p>1.3 The Scheme</p> <p>1.4 Responsible Authority</p> <p>1.3 Responsibility for Scheme</p> <p>1.4 Scheme Area</p> <p>1.5 Contents of Scheme</p> <p>1.6 Arrangement Of Scheme</p> <p>1.6 Purpose of Scheme</p> <p>1.7 Scheme Objectives & Intentions</p> <p>1.7 Aims of Scheme</p> <p>1.8 Notes do not form part of Scheme</p> <p>1.9 Revocation</p> <p>1.10 Interpretations AMD 15 GG 12/5/15</p> <p>PART II - RESERVED LAND</p> <p>2.1 Reservation of Land & Development Thereof</p> <p>PART 3 - ZONING TABLE & PLANNING CONSENT PROCEDURE <i>Zones and Use of Land</i></p> <p>3.1 Zones</p> <p>3.2 Policies, General Aims & Objectives of Zones</p> <p>3.2.1 Rezoning</p> <p>3.2.2 Policies</p> <p>3.2.2.1 Boyup Brook Townsite Central</p> <p>3.2.2.2 Boyup Brook Townsite West</p> <p>3.2.2.3 Boyup Brook Townsite South</p> <p>3.2.2.4 Special Rural Policy Area</p> <p>3.3 Requirement for Development approval and Zoning Table</p> <p>3.4 Planning Consent Procedure</p> <p>3.5 Advertising of Applications</p> <p>3.6 Power to Relax Development Standards</p> <p>3.2 Interpretation zoning table</p> <p>3.3 Additional uses</p> <p>3.4 Restricted Uses</p> <p>3.5 Special use zones</p> <p>3.6 Non-conforming uses</p> <p>PART 4 - NON CONFORMING USES</p> <p>4.1 Non-Conforming Use Rights</p> <p>4.2 Alteration or Extension of Non-Conforming Use</p> <p>4.3 Discontinuance of Non-Conforming Use</p> <p>4.4 Destruction Of Buildings</p> <p>4.5 Schedule of Non-Conforming Uses</p> <p>PART 5 - ZONING OBJECTIVES & DEVELOPMENT REQUIREMENTS <i>4 - General development requirements</i></p> <p>5.1 Residential Zone</p> <p>5.1.1 Residential Development: R-Codes Residential Planning Codes</p> <p>5.1.2 Residential Planning Codes R-Codes: Variations and Exclusions</p> <p>5.2 Rural Zone</p> <p>5.3 Special Rural and rural small holding Zone</p>

No.	Scheme Text page number.	Corrections
		<p>5.4 <i>Urban Zone</i></p> <p>5.5 <i>Other Zones</i></p> <p>5.6 <i>Special Use & Additional Use Zones</i></p> <p>5.6.1 <i>Special Use Zone</i></p> <p>5.6.2 <i>Additional Use Zone</i></p> <p>5.6 <i>Corner Lot Setbacks</i></p> <p>5.7 <i>Traffic Entrances</i></p> <p>5.8 <i>Fencing</i></p> <p>5.9 <i>CAR PARKING</i></p> <p>5.10 <i>Protection Of Amenity</i></p> <p>5.11 <i>Nuisance</i></p> <p>5.12 <i>Landscaping</i></p> <p>5.13 <i>Land Liable To Flooding</i> AMD 15 GG 12/5/15</p> <p>5.14 <i>Maximum Building Height</i></p> <p>5.15 <i>Privacy</i></p> <p>5.16 <i>Re-Sited/Transportable Dwellings</i></p> <p>5.16 <i>Plantation</i></p> <p>5.17 <i>Agroforestry and Alley Farming</i></p> <p>5.18 <i>Remnant Vegetation</i></p> <p>5.19 <i>Development of land with no access</i></p> <p>5.20 <i>Tourist accommodation and facilities</i></p> <p>PART 6 – HERITAGE – PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE</p> <p>6.1 <i>Purpose and Intent</i></p> <p>6.2 <i>HERITAGE LIST amd 15 gg 12/5/15</i></p> <p>6.3 <i>Designation of Heritage Precincts</i></p> <p>6.4 <i>Applications For Planning Approval</i></p> <p>6.5 <i>Formalities Of Application</i></p> <p>6.6 <i>Variations To Scheme Provisions</i></p> <p>PART 7 – GUIDED DEVELOPMENT AREA</p> <p>7.1 <i>The Subject Land</i></p> <p>7.2 <i>General Objectives</i></p> <p>7.3 <i>Method by Which Objectives Are to be Achieved</i></p> <p>7.3.1 <i>Subdivision</i></p> <p>7.3.2 <i>Roads and Footways</i></p> <p>7.3.3 <i>Public Open Space</i></p> <p>7.3.4 <i>Drainage</i></p> <p>7.3.5 <i>Water Supply</i></p> <p>7.4 <i>Development Plan Costs</i></p> <p>7.5 <i>Payment Of Plan Costs</i></p> <p>7.6 <i>Estimate Of Plan Costs</i></p> <p>7.7 <i>Development Standard</i></p> <p>PART VIII – CONTROL OF ADVERTISEMENTS</p> <p>8.1 <i>Power To Control Advertising</i></p> <p>8.2 <i>Existing Advertisements</i></p> <p>8.3 <i>Consideration Of Applications</i></p> <p>8.4 <i>Exemptions From the Requirement to Obtain Consent</i></p> <p>8.5 <i>Discontinuance</i></p> <p>8.6 <i>Derelict Or Poorly Maintained Signs</i></p> <p>8.7 <i>Notices</i></p> <p>8.8 <i>Scheme to Prevail</i></p> <p>8.9 <i>Enforcement and Penalties</i></p>

No.	Scheme Text page number.	Corrections
		<p>PART 9 – ADMINISTRATION</p> <p>9.1 – Powers Of The Scheme 9.2 – Offences 9.3 – Compensation 9.4 – Election To Purchase and Valuation 9.5 – Right of review 9.6 – Planning Policies 9.7 – Delegation 9.8 – Amendments to the Scheme 9.9 – Notice for Removal of Certain Buildings 9.10 – Powers & Authority of Council – Guided Development Area</p> <p>PART 10 – SPECIAL CONTROL AREAS</p> <p>10.1 – STRUCTURE PLAN AREAS</p> <p>LIST OF SCHEDULES</p> <p>SCHEDULE A – SUPPLEMENTARY PROVISIONS SCHEDULE 1 – INTERPRETATIONS SCHEDULE 2 - NON-CONFORMING USES SCHEDULE 3 - SPECIAL RURAL ZONES SCHEDULE 4 – SPECIAL USE ZONE SCHEDULE 5 – ADDITIONAL USE ZONE SCHEDULE 6 – CAR PARKING LAYOUT SCHEDULE 7 – LAND OWNERSHIP – GUIDED DEVELOPMENT AREA SCHEDULE 8 – CONTROL OF ADVERTISEMENTS – ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL SCHEDULE 9 4 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4 SCHEDULE 10 – APPLICATION FOR APPROVAL SCHEDULE 11 – NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL SCHEDULE 12 5 – RURAL SMALL HOLDINGS ZONES SCHEDULE 13 6 – STRUCTURE PLAN AREAS</p> <p>TABLES</p> <p>TABLE NO. 1 – ZONE OBJECTIVES TABLE NO. 2 - ZONING TABLE AMD 15 GG 12/5/15 TABLE NO. 3 - Specified additional uses for zoned land in Scheme area TABLE NO. 4 - Restricted uses for land in Scheme area TABLE NO. 5 - Special use zones in Scheme area TABLE NO. 6 - MINIMUM DEVELOPMENT STANDARDS TABLE NO. 7 - CAR PARKING REQUIREMENTS</p> <p>MAPS</p> <p>MAP 1 – BOYUP BROOK TOWNSITE POLICY AREA MAP MAP 2 - GUIDED DEVELOPMENT AREA STRUCTURE PLAN NO.5</p> <p>ADOPTION</p> <p>Automatic update to reflect scheme changes.</p>

AMENDMENT MAPs

**SHIRE OF BOYUP BROOK
Local Planning Scheme No.2
Amendment No.20**



Existing Zoning

LPS

Legend

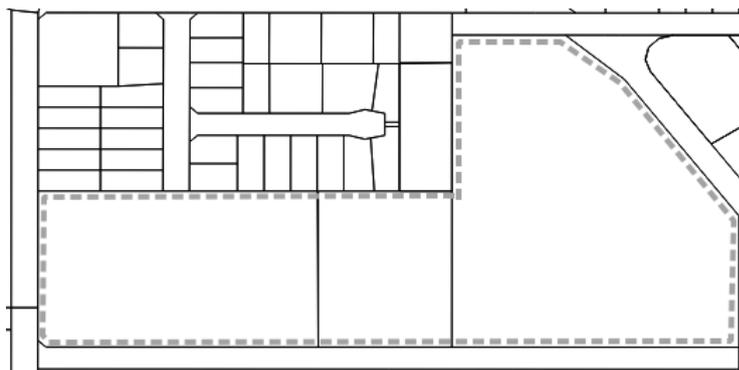
Cadastre

Local Scheme Reserves

- Public purposes
- Parks and recreation
- Important regional road

Local Scheme Zones

- Residential
- R20 R Codes
- Guided development area



Proposed Zoning

Legend

Cadastre

Structure plan area

~~Guided development area~~

SCALE @ A4

NORTH

1:3,000



COUNCIL PREPARATION

This Standard Amendment was prepared by resolution of the Council of the Shire of Boyup Brook at the Ordinary Meeting of the Council held on the 19 day of April, 2018.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

The Council of the Shire of Boyup Brook at the Ordinary Meeting of the Council held on the 19 day of July 2018, resolved to proceed to advertise this Amendment.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the Shire of Boyup Brook at the Ordinary Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the Shire of Boyup Brook was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

DATE.....

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....