

## WEST COAST PROPERTY TRAINING

Real Estate Registration Course

### BUYER RELATIONSHIPS

Assignment




## PROPERTY ONE –

Visual Property Details	:	Large 1188 square metre vacant green title block
Titled Property Details	:	Block split into 2 at 594 square metres each
Special Rights Details	:	Land extends 5 metres into the Marina therefore private jetty rights and sole title ownership of land into water i.e. no maritime ownership
Buyer details	:	South African couple with 2 children
Buyers moving from	:	Sydney
Buyers requirement	:	Large block to build big family home and have 60ft yacht so need mooring / jetty. Children have already been registered at local school. Yacht being sailed from NSW to Perth temporary mooring at local Marina.
Buyers budget	:	Sort of “unlimited” as they want this block at any cost Not prepared to look at any internal blocks within the suburb.
Buyers limitations	:	Australian temporary residents can buy property in Australia but limitations apply.

### Further Detail

Visually the block is one block and buyers keen to buy. Rep is aware the block has been subdivided - both blocks are still owned by one vendor.

### **What could go wrong?**

An aerial photograph of a residential development. In the center is a large, rectangular, vacant plot of land. To the left of this plot is a large, modern building with a white roof and a swimming pool. To the right are several other houses with grey and brown roofs, also with swimming pools. The entire development is situated along a body of water, with a rocky shoreline and several small docks. A curved road runs along the top and right sides of the plot. The text 'Impressive 1188 sqm block which can be subdivided and includes private jetty title rights' is overlaid on the central plot.

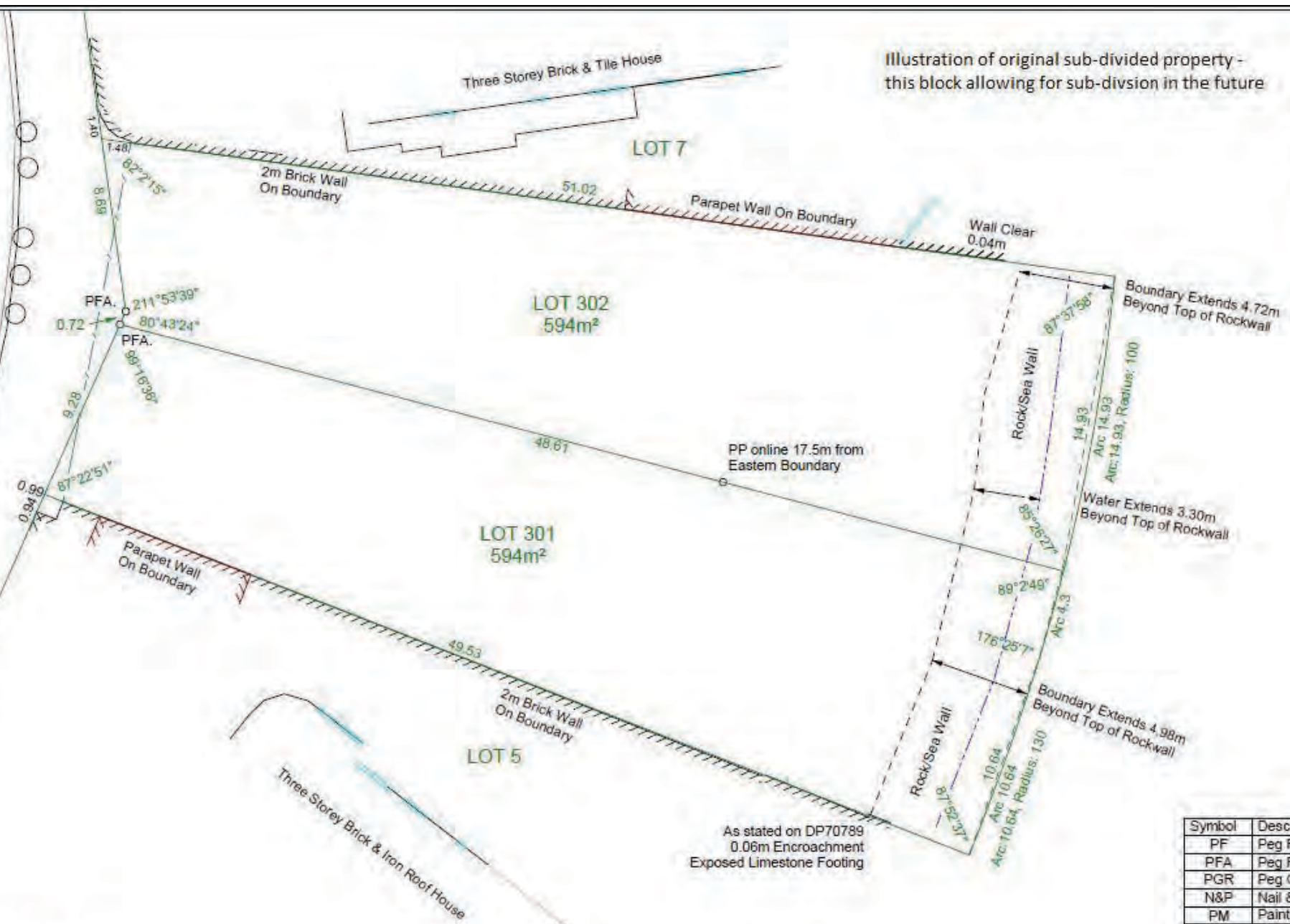
Impressive  
1188 sqm  
block which  
can be  
subdivided  
and includes  
private jetty  
title rights





CLARE CASTLE  
RETREAT

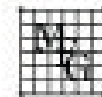
Illustration of original sub-divided property -  
this block allowing for sub-division in the future



For tidal reference, water level recorded  
at approximately 1pm on 30/10/2017.

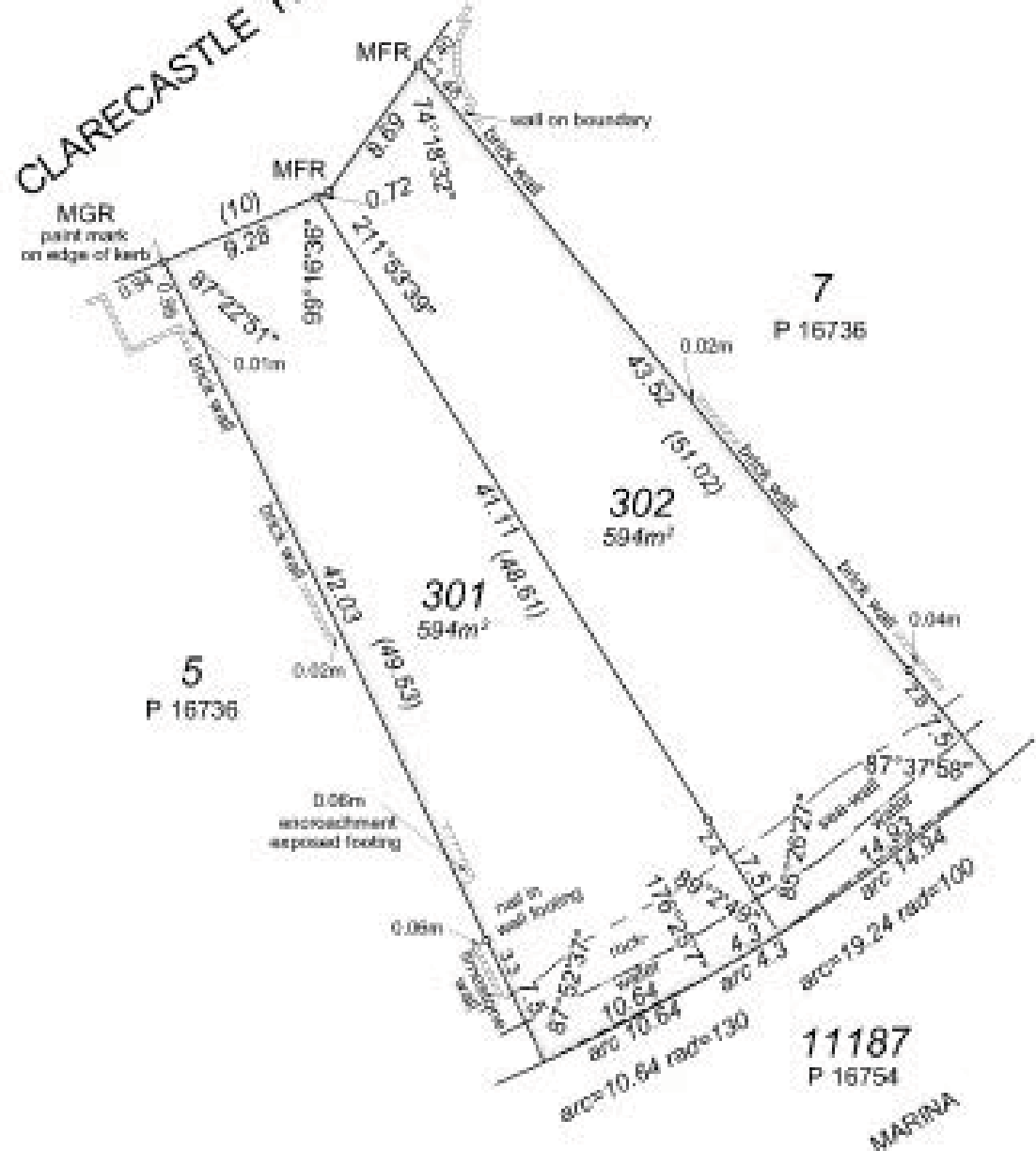
Symbol	Description
PF	Peg Found
PFA	Peg Found Adjusted
PGR	Peg Gone Replaced
N&P	Nail & Plate Placed
PM	Paint Mark
SHN	Spring Head Nail
PP	Peg Placed

	AMENDMENT	BY	SIGNATURE	DATE
2	AUDIT REQUIREMENTS	M.F.GORDON		13-10-2011



M.F.GORDON  
(Licensed Surveyor)  
Ph: 0371 5448  
Fax: 0371 5448

**CLARECASTLE RETREAT**





## PROPERTY TWO –

Visual Property Details :	Massive 5.4 Acres with a 6x3 Home, Pool and Many Extra's!
Titled Property Details :	Zones Rural Residential
Special Rights Details :	Set on a mainly cleared huge 5.46 acre block with a 6 bedroom 3 bathroom home that can be split to use as a main home 4x2 and an attached 2x1 granny flat as well as the most amazing outdoor entertaining area, below ground fenced pool, sheds galore, bore and retic with lots of fruit trees, solar power and space to move for the whole family
Buyer details :	Large family – 2 parents, 4 children + elderly mother
Buyers moving from :	South West Region also from a rural residential prop
Buyers requirement :	Large acreage property zoned rural residential with lots of cleared land, sheds and pool. Main house with minimum 4 bedrooms plus granny flat or room for separate living on main house. Secure parking for 3 cars plus horse float. Transport to schooling either locally or further south to Mindarie area.
Buyers budget :	Up to \$800,000
Buyers limitations – notes :	None mentioned however upon viewing the home, 2 of 4 children were dressed in horse riding attire.

### **Further Detail:**

“Gingin Town Planning Scheme” document which the rep would have to have obtained as part of gathering material facts has something to say about keeping horses in the “Sovereign Hill Estate”.

### **What could be a problem?**

# FOR SALE

278 Sovereign Hill Drive, Gabbadah  
Offers over \$675,000

# PEARD<sup>®</sup>

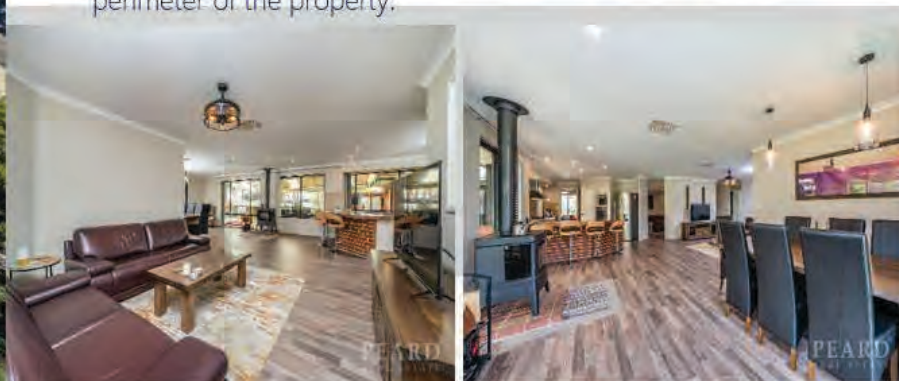
REAL ESTATE

bed **6** bath **2** car **5**

## Massive 5.4 acres with a 6x3 home, pool & many extras!

If you want to live the dream then look no further than this unique home – it has an amazing lifestyle to offer you and your family within the beautiful Moore River Region.

This property offers loads of extra's along with brand new quality flooring throughout, fresh paintwork to ceilings and walls, new white timber look venetian blinds, new electrics including LED downlights, quality retractable ceiling fans and power points, new massive modern top of the range wood heater, new split system air con unit as well as ducted evaporative air con and a dog containment system around the perimeter of the property.



Peard Real Estate Mindarie

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# FOR SALE

278 Sovereign Hill Drive,  
Gabbadah

# PEARD<sup>®</sup>

REAL ESTATE



The home was built by Content Living in 2003 with the main home being approx. 211sqm of total internal living and then in 2005 another approx. 108sqm was added to a granny flat area attached to the main home along with a massive approx. 32sqm patio added in 2009. In 2013 a large oversized double carport was added alongside the existing triple garage plus approx 100sqm of shed space! All additions are council approved.

Whether you are a large family, need space for teenagers or your parents, this versatile home is not one to miss. Set on a mainly cleared huge 5.46 acre block with a 6bedroom 3 bathroom home that can be split to use as a main home 4x2 and an attached 2x1 granny flat as well as the most amazing outdoor entertaining area, below ground fenced pool, sheds galore, bore and retic with lots of fruit trees, solar power and space to move for the whole family!!

#### INTERIOR FEATURES

Ducted evaporative Air conditioning and split system air con unit to the main living area  
Entrance leading to a separate Lounge room  
Spacious Master bedroom with bay window, walk in robe, retractable ceiling fan  
Ensuite with King sized double shower, toilet and vanity  
Open plan Kitchen, Family, Meals area with new wood heater and split system air con unit enjoying vistas to the rear of the block to one side and views over the entertaining area to the other side.  
Huge Kitchen with plenty of cupboard and bench space, dishwasher, stainless steel appliances, double fridge recess – entrance to the granny flat is off here.  
Bedroom 2, 3 and 4 are doubles with built in robes and 2 with ceiling fans  
Main bathroom with bath, shower, vanity.  
Laundry with built in bench and cupboards, walk in linen and separate toilet  
Granny flat area which is separated by the kitchen has it's own ducted air con and gas hot water system but shares septics with the main home. Spacious lounge room with a large master bedroom and ensuite with double shower, vanity and toilet and a 2<sup>nd</sup> bedroom which is a double with a triple robe.  
Solar Hot Water System with electric boost to main home and granny flat has a gas HWS  
Fully Insulated  
New water filtration system fitted to the home with water softener.  
Approx. 28 Solar Panels on approx. .40cent rebate transferable to new owner but rebate ends Dec 2020 approx.

#### EXTERIOR FEATURES

Fully fenced 5.46 acre mainly cleared block with dog containment system in place  
Triple Garage with additional Double carport.  
MASSIVE outdoor entertaining area with brand new ceiling fans installed featuring a built in outdoor kitchen area (please note oven not working and decommissioned). Great bar area and views right over the back of the property. This space is amazing and allows you to entertain summer and winter till your heart is content, with views over the pool area and to large block that spans behind this.  
Bore installed with approx. 28 manual stations of reticulation  
4 large sheds all connected with doors to the front of each one  
Fully fenced pool area council approved with below ground fibreglass pool, auto pool cleaner and a fairly new 3 phase eco power pump.  
Fantastic chook pen for farm fresh eggs  
Owner has planted fruit trees throughout the property including Pear, Apple, Olive, Blueberry, Lemon, Orange, Mandarine, Banana, Passionfruit, Grapes, Plum, Almond and Peacharine.  
Near new 1000 litre fire trailer with hoses to be left for new owner

The owner is also happy to offer the home on a Walk in Walk out basis leaving behind all furniture inside and out (most less than 12 months old and of good quality) as well as a John Deere ride on mower with trailer and sprayer unit, chainsaws, wood splitter and many other garden tools. This package would be negotiated separate to the sale.



Peard Real Estate Mindarie

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# SHIRE OF GINGIN

## TOWN PLANNING SCHEME NO. 8

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*Updated to include Amd 93 gg 12/04/11*

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### DISCLAIMER

This is a copy of the Town Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

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

**Prepared by the Department of Planning**

**Original Town Planning Scheme Gazettal Date: 20 December 1991**

## SHIRE OF GINGIN TPS 8 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
22	3/3/95	17/9/96	EB	Adding to 3.1.1, 3.1.3, amending table 1, amending Part 5
28	24/3/95	17/9/96	EB	Amending App 2 - Lot 52 Croot Place, Neergabby
32	27/6/95	27/6/95	EB	Inserting Table 1 - Feed Lot, Irrigated Horticulture, Inserting App 1 - Interpretations as above.
30	7/7/95	18/9/96	EB	Inserting new Part 7
33	25/8/95	18/9/96	EB	App 2 - Lot 39 Swan Loc 1373 Gingin Brook Road, Neergabby.
35	17/11/95	18/9/96	EB	Table 1 Adding to Rural Industrial Column.
40	8/12/95	19/9/96	EB	App 2 - Ledge Pt Lot 637, Old Ledge Pt Rd, Ledge Point.
36	3/1/97	9/1/97	DH	Part 3 - adding "Rural Living" as additional zone. Part 3, Clause 3.1.3 - adding subclause j). Table 1 - adding new column "Rural Living" & appropriate land use classes. Part 5 - adding additional clause 5.6. Part 5 - renumbering existing clause 5.6 Home Occupation to 5.9 Home Occupation & renumbering subsequent clauses accordingly. Adding new Appendix 7 - Rural Living Zone
43	31/1/97	17/6/97	DH	Part3 - adding new classification "Horticulture" in Clause 3.1.1. Clause 3.1.3 - adding new sub-clause - '(j) Horticulture Zone'. Table 1 - adding new classification and uses 'Horticulture'. Part 5 - adding new clause '5.8 - Horticulture Zone' and renumbering following clauses accordingly. Adding an Appendix 7 - Horticulture Zone.
50	27/3/97	10/4/07	DH	Part 6 - deleting & replacing clause 6.1.2 (d).
38	6/6/97	17/6/97	DH	Part 3 - adding to Clause 3.1.3 '(k) Rural Conservation'. Table 1 - adding new zone & uses - 'Rural Conservation'. Part 5 - adding new clause '5.7 - Rural Conservation Zone' and renumbering following clauses accordingly. Adding new Appendix 8 - Rural Conservation Zone
44	1/8/97	5/8/97	DH	Appendix 7 - Horticulture Zone - adding Lot 110 of Swan Location 507.
41	2/9/97	9/9/97	DH	Appendix 8 - adding A(2) Swan Location 4413 and 5535 Cowalla Road, Wannerie.
25	21/10/97	3/11/97	DH	Appendix 6 - adding "Ocean Farm Estate - Stage 2".
43& 44				Correction gazetted 19/12/97. Substituting words Appendix 7 to read Appendix 9 wherever they appear.
68	6/8/99	12/8/99	DH	Part 5 - adding sub-clause "5.3.6" under Clause 5.3 - Residential Planning Codes.
61	22/9/98	22/9/98	DH	Table 1 - modifying use class Office as an "IP" use in the Tourist zone.
66	3/11/98	9/11/98	DH	Appendix 2 - modifying Schedule of Additional use Sites at number 13 to read " 13 (a) Lot 52 Croot Place, Neergabby, (b) Service Station, (c)(i) Buildings associated with the Service Station to be under one roof, (ii) The site area of the Additional use to be limited to 1.0160 ha, (iii) The floor area of the Additional use to be limited to 300m <sup>2</sup> ."
62	21/5/99	26/5/99	DH	Part 5 - replacing Clause 5.5 - Urban Development Zone with new Clause. Part 8 - adding new Clause "8.7 - Delegation of Powers".
70	18/5/99	26/5/99	DH	Appendix 2 - adding "16. Lot 108 Caladenia Road, Wanerie".
72	14/9/99	14/9/99	DH	Appendix 2 adding "17. Lot 500 Dewar Road, Gingin".
56	22/10/99	1/11/99	DH	Appendix 7 - adding "Lot 1 Gingin Brook road and Location 3473 Muckenburra Road, Muckenburra".
73	28/4/00	1/5/00	DH	Appendix 9 - incorporating "Lot 110 of Swan Location 1374 corner Lancelin Road and Gingin Brook Road, Neergabby".
81	22/6/01	21/6/01	DH	Part 6 - adding new clause "6.8 Unauthorised Existing Developments".

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
75	7/9/01	6/9/01	DH	<p>Part 5 - deleting Clause 5.9 - Home Occupation.</p> <p>Appendix 1 - deleting and replacing definition for "Home Occupation".</p> <p>Appendix 1 - inserting new definition for "Home Office", "Home Business" and "Home Store".</p> <p>Table 1 - including "Home Business" as a use class which is classified "SA" in the Residential and Tourist zone, 'P' use in the Commercial, Rural and Rural Industrial zone, 'AA' use in the Rural Residential, Rural Living and Rural Conservation zone and 'IP' use in the Horticulture zone.</p> <p>Table 1 - including "Home Occupation" as a use class which is classified "AA" in the Residential and Tourist zone and 'P' use in the Commercial, Rural Residential, Rural, Rural Industrial, Rural Living, Horticulture and Rural Conservation zone.</p> <p>Table 1 - including "Home Office" as a use class which is classified 'P' in the Residential, Tourist, Commercial, Rural Residential, Rural, Rural Industrial, Rural Living, Horticulture and Rural Conservation zone.</p> <p>Table 1 - including "Home Store" as a use class which is classified 'X' in the Residential, Tourist, Commercial, Rural Industrial, Horticulture and Rural Conservation zone, 'IP' in the Rural Residential, Rural and Rural Living zone.</p> <p>Part 6 - Modifying Clause 6.1.2(d) to read "The uses dwelling, home office, home occupation and rural pursuit in any zoned land....."</p> <p>Table 1 - including Child Minding Centre as an 'SA' use within the Rural Residential and Rural Living Zone.</p> <p>Appendix 1 - adding definition for "Bed and Breakfast" and "Winery".</p> <p>Table 1 - including "Bed and Breakfast" as a use class which is classified 'AA' within the Residential, Rural Residential and Rural Living Zones and a 'P' use within the Tourist, Commercial, Rural, Rural Conservation and Horticulture Zones.</p>
75	(Cont'd)			<p>Appendix 5 - deleting consents of Appendix 5 and replacing with contents of Schedule 9 of the Model Scheme Text, excepting that the term "planning consent" shall replace the term "planning approval" wherever this appears in Schedule 9 of the Model Scheme Text.</p>
80	30/7/02	1/8/02	DH	<p>Part 3 - adding Clause 3.4 - Special Use Zones.</p> <p>Adding Appendix 10 - Special Use Zone and add special use zone area "Portion of Lot 742 Ledge Point Road, Ledge Point" with special uses and special conditions.</p> <p>Part 3 - modifying Clause 3.1.1 to include "Special Use".</p> <p>Part 3 - adding to Clause 3.1.3 "(m) Special Use Zone - to provide for specified uses and conditions".</p> <p>Appendix 1 - adding interpretation for "Caretaker's Dwelling".</p>
78	13/6/03	12/6/03	DH	<p>Appendix 2 - including Additional Use "18 Lot 101 corner Seabird Road and Lancelin Road, Seabird".</p>
79	21/11/03	24/11/03	DH	<p>Appendix 6 - adding Rural Residential Area being "9.0 Marchmont Estate - Pt Lot 9 of Swan Location 398, Cheriton Road, Gingin". (Rres9)</p>
76	31/8/04	1/9/04	DH	<p>Appendix 9 - inserting new Horticulture Zone area "Lot 102 Wanneroo Road". (H4)</p>
87	19/8/05	19/10/05	DH	<p>Appendix 2 - inserting additional use site "Lot 5 corner of Brand Highway and Orange Springs Road, Orange Springs"</p>
86	3/2/06	15/2/06	DH	<p>Appendix 6 (Rural Residential Zone - Provisions Relating to Specified Areas) - amending Area 7 - Seaview Park by including a Portion of Lot 9001 of 3203 Perth/Lancelin Road, Lancelin.</p>
91	27/5/08	11/6/08	DH	<p>Appendix 1 - Interpretations - adding new definition "Landfill Site".</p> <p>Table 1 - amending by including Land Use Class "Landfill Site" and cross referenced in all zones as a prohibited use.</p>
89	9/12/08	12/1/09	DH	<p>Appendix 2 - inserting additional use 'A20'.</p> <p>Part 5 - inserting new clause "5.4 Outline Development Plan" and renumbering subsequent clauses accordingly.</p>
100	3/3/09	11/3/09	DH	<p>Part 6 - deleting Clause 6.5.5.</p> <p>Part 6 - replacing Clause 6.6 to read "6.6 Term of Planning Approval".</p>
92	28/7/09	3/8/09	DH	<p>Appendix 10 - adding Special use Zone "SU2 Lot 435 Walker Avenue, Lancelin".</p>
102	5/2/10	9/3/10	NM	<p>Inserted Special Use Zone 4 - Lots 1,22 &amp; 594 Walker Ave, Lancelin</p>

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
101	5/2/10	9/3/10	NM	Inserted Special use Zone "Lot 20 King Street and Lot 21 Walker Avenue, Lancelin" into Appendix 10 – Special Use Zone
94	27/4/10	30/4/10	NM	Amended "Dwelling" and inserted "Caretakers Dwelling" into Table 1 – Zoning Table.
97	16/07/10	21/07/10	NM	Inserted "Staff/Workers Accommodation", "Heritage List" and "Ancillary Accommodation" into Appendix 1 – interpretations. Inserted "Staff Quarters/Workers Accommodation" and "Ancillary Accommodation" into Table 1 – Zoning Table. Amended Clause 5.3 (Special Application of Residential Planning codes) subclause 5.3.6. Renumbered Clause 3.1.3(k) and Clause 3.1.3(l)
104	17/08/10	31/07/10	NM	Inserted SU5 into Appendix 10 – Special Use Zones.
103	24/08/10	01/09/10	NM	Inserted Moondah Ridge – Stage 2 into Appendix 6 "Rural Residential zone".
93	12/04/11	18/04/11	NM	Deleted notation "AA" for the use class <i>Dwelling</i> and <i>Grouped Dwelling</i> within table 1, column 9. Inserted new text for all of column 9. Deleted notation "P" for the use class <i>Ancillary Accommodation</i> within table 1, column 9. Inserted <i>Conservation Zone</i> within clause 3.1.1. Inserted (n) within Clause 3.1.3. Inserted Clause 5.10 – Renumbered the following clauses accordingly. Added new column 13 – Environmental Conservation. Within Table 1 – Zoning Table. Inserted the use "AA" for <i>Caretakers Dwelling</i> , <i>Dwelling</i> , <i>Residential Building</i> , <i>Restaurant</i> and <i>Bed and Breakfast</i> within column 13 of Table 1 – Zoning Table. Inserted new Appendix; Appendix 11 – Environmental Conditions.

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# **PART I - PRELIMINARY**

## **1.1 CITATION**

This Town Planning Scheme may be cited as the Shire of Gingin Town Planning Scheme No. 8 hereinafter called "the Scheme" and shall come into operation on the publication of the Scheme in the Government Gazette.

## **1.2 RESPONSIBLE AUTHORITY**

The authority responsible for implementing the Scheme is the Council of the Shire of Gingin hereinafter called "the Council".

## **1.3 SCHEME AREA**

The Scheme applies to the whole of the Shire of Gingin.

## **1.4 CONTENTS OF THE SCHEME**

The Scheme comprises:

- a) this Scheme Text
- b) the Scheme Map

## **1.5 ARRANGEMENT OF SCHEME TEXT**

The Scheme Text is divided into the following parts:

- PART 1 - PRELIMINARY
- PART 2 - RESERVES
- PART 3 - ZONES
- PART 4 - NON-CONFORMING USES
- PART 5 - DEVELOPMENT REQUIREMENTS
- PART 6 - PLANNING CONSENT
- PART 7 - PLACES OF HERITAGE VALUE
- PART 8 - ADMINISTRATION

## **1.6 SCHEME OBJECTIVES**

The general objectives and purposes of the Scheme are to:

- a) secure the amenity, health, safety and convenience of the inhabitants of the District;
- b) zone land for the purposes described in the Scheme so as to promote the orderly development of the land by making suitable provisions for land use;
- c) reserve land required for public purposes;
- d) make provisions for the conservation and preservation of places of natural beauty, historic buildings and objects of historic or scientific interest;
- e) create pedestrian and vehicular circulation systems together with landscaped environments which complement the wide range of activities carried on and proposed to be carried on in the District; and
- f) make provision for other matters incidental to town planning and land use management.

## **1.7 REVOCATION OF EXISTING SCHEMES**

The Shire of Gingin Town Planning Scheme No. 2 as amended, which came into operation by

publication in the Government Gazette on 21st April, 1972, and the Shire of Gingin Town Planning Scheme No. 5 as amended, which came into operation by publication in the Government Gazette on 30th May 1986 are hereby revoked.

## **1.8 INTERPRETATION**

- 1.8.1 The words and expressions of the Scheme have their normal and common meanings unless they have a meaning assigned to them in the Act, Appendix 1 to this Scheme, or Clause 1.3 of the Residential Planning Codes in which case they will have the meaning so assigned.

## **PART II - RESERVES**

### **2.1 RESERVED LAND**

2.1.1 There are hereby created the several reserves set out hereunder:

PARKS AND RECREATION  
PUBLIC USE  
DRAINAGE AND WATERBODIES  
ROADS

The reserves are delineated and depicted on the Scheme Map according to the legend thereon.

### **2.2 MATTERS TO BE CONSIDERED BY COUNCIL**

Where an application for planning consent is made with respect to reserved land, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

### **2.3 COMPENSATION**

2.3.1 Where the Council refuses planning consent for the development of reserved land on the grounds that the land is reserved for local authority purposes or for other purposes shown on the Scheme Map, or grants planning consent subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.3.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing planning consent or granting it subject to conditions unacceptable to the applicant.

2.3.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning consent or of the granting of consent subject to conditions unacceptable to the applicant.

## PART III - ZONES

### 3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder:

RESIDENTIAL  
TOURIST  
COMMERCIAL  
CONSERVATION ZONE *AMD 93 GG 12/04/11*  
INDUSTRIAL  
FISHING INDUSTRY  
RURAL RESIDENTIAL  
RURAL  
RURAL INDUSTRIAL  
URBAN DEVELOPMENT  
HORTICULTURE  
RURAL LIVING  
RURAL CONSERVATION  
SPECIAL USE *AMD 80 GG 30/7/02*

3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon.

#### 3.1.3 PURPOSE AND INTENT OF THE ZONES

The purpose and intent of the various zones is to allocate land for the following purposes:

- a) Residential Zone - to contain land primarily for low density (single) residential and associated uses with Group Dwellings and selected non-residential uses permitted with approval of the Council;
- b) Tourist Zone - to contain land for tourist accommodation and associated services;
- c) Commercial Zone - to contain land for the major service, retail, office and entertainment uses in the townsites;
- d) Industrial Zone - to provide land for industrial activities carried out in the townsites;
- e) Fishing Industry Zone - to contain land used only for the combination of residential uses and industrial activities associated with the fishing industry;
- f) Rural Residential - to contain land for rural smallholdings in accordance with State Planning Commission Rural Land Use Planning Policy;
- g) Rural Zone - to provide land for the range of normal rural activities conducted in the Shire and protect such land from inappropriate uses;
- h) Rural Industrial Zone - to provide land for a range of broadly based industries and protect such land from unappropriated uses;
- i) Urban Development Zone - to ensure that the area will derive the maximum possible benefit from the design, layout and provision of works and services;
- j) Rural Living Zone - to contain land for rural smaller holdings not used for irrigated horticulture;
- k) Horticulture Zone - protect land resources that are identified as being suitable for horticultural usage and uses directly associated with these pursuits.

- n) Conservation Zone – The purpose of the conservation zone is to adequately protect areas considered of high environmental value from urban development and environmental degradation. *AMD 93 GG 12/04/11*

The objectives of the zone are:

- to ensure the adequate supply of land for intensive agriculture and horticultural holdings in localities of adequate water supplies and suitable soil types;
  - to conserve the water quality and watercourse capacity to enable intensive horticulture to be undertaken;
  - To ensure that development is in harmony with the rural landscape;
  - To avoid degradation of soil and water bodies in the Shire;
  - to encourage the development of a diverse range of primary production cultures.
- (l) Rural Conservation - to ensure adequate land for protection of rural activity and rural landscape values.
- (m) Special Use Zone - to provide for specified uses and conditions.  
*AMD 80 GG 30/7/02*

### 3.2 ZONING TABLE

- 3.2.1 subject to the provisions of the Scheme, the several uses permitted in the Scheme area in the various zones are indicated by cross-reference between the list of use classes on the left-hand side of the Zoning Table and the list of zones at the top of the Zoning Table.
- 3.2.2 The symbols used in the cross-reference in the Zoning Table have the following meanings:
- "P" means that the use is permitted in the zone provided the relevant standards and requirements set out in the Scheme are complied with;
- "AA" means that the Council may, at its discretion, permit the use in the zone;
- "SA" means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 6.4; and
- "IP" means a use that is not permitted unless such use is incidental to the predominant use.
- 3.2.3 Where no symbol appears in the cross-reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.
- 3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.
- 3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:
- a) determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted, or
  - b) determine that the proposed use may be consistent with the purpose and intent of the zone and thereafter follow the procedure set out in Clause 6.4 in considering an application for planning consent.

### **3.3 ADDITIONAL USE SITES**

In addition to the use classes permitted in the various zones in accordance with the Zoning Table, any parcel of land listed in the Schedule of Additional Use Sites in Appendix 2 is permitted to be used for the purpose listed against it in that Schedule subject to any conditions listed in the Schedule.

### **3.4 SPECIAL USE ZONES**

*AMD 80 GG 30/7/02*

3.4.1 Special Use Zones are set out in Appendix 10 and are additional to the zones in the Zoning Table.

3.4.2 A person must not use any land, or any structure or buildings on land, in a Special Use zone except for the purpose set out against that land in Appendix 10, and subject to compliance with any conditions set out in Appendix 10 with respect to that land.

**KEY TO COLUMNS:**

- |                     |  |
|---------------------|--|
| 1 RESIDENTIAL       | 9 URBAN DEVELOPMENT                              |
| 2 TOURIST           | 10 RURAL LIVING                                  |
| 3 COMMERCIAL        | 11 HORTICULTURE                                  |
| 4 INDUSTRIAL        | 12 RURAL CONSERVATION                            |
| 5 FISHING INDUSTRY  | 13 ENVIRONMENTAL CONSERVATION AMD 93 GG 12/04/11 |
| 6 RURAL RESIDENTIAL |  |
| 7 RURAL             |  |
| 8 RURAL INDUSTRIAL  |  |

LAND USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	
ANCILLARY ACCOMMODATION AMD 97 GG 16/07/10; AMD 93 GG 12/04/11	P					P	P		The permissibility of uses in the Urban Development zone shall be determined in accordance with the provisions of the adopted Outline Development Plan for the land which has been prepared and adopted in accordance with the relevant provisions of the Local Planning Scheme.	P	P	P		
AQUACULTURE AMD 97 GG 16/07/10		AA		AA			AA	AA		AA	AA	AA		
BOAT BUILDING AND REPAIR				AA	AA							X		
BED & BREAKFAST AMD 93 GG 12/04/11	AA	P	P			AA	P				AA	P	P	AA
CARAVAN PARK		AA					AA					X		
CARETAKERS DWELLING AMD 94 GG 27/4/10				IP	IP			IP						AA
CHILD MINDING CENTRE	SA	AA	AA			SA					SA	X		
CONSULTING ROOMS	SA		AA			AA	AA					X		
DRY CLEANING PREMISES			AA	AA								X		
DWELLING AMD 94 GG 27/4/10; AMD 93 GG 12/04/11	P	AA	AA	X	X	P	P	X			P	P	P	AA
EDUCATION ESTABLISHMENT	SA					SA	SA					X		
EXTRACTIVE INDUSTRY							SA					X		
FAST FOOD OUTLET		AA	AA									X		
FEED LOT							AA					X		
FISH CLEANING AND PACKING				AA	AA		AA					X		
FUEL DEPOT				AA			AA	IP				X		
GARDEN CENTRE			AA	P			AA	AA				X		
GENERAL INDUSTRY				P								X		
GROUPED DWELLING AMD 93 GG 12/04/11	AA	AA	AA		IP		AA					X		
HEALTH STUDIO		AA	AA			AA						X		
HOLIDAY ACCOMMODATION		AA	AA				AA					X		
HOME BUSINESS	SA	SA	P			AA	P	P		AA	IP	AA		
HOME OFFICE	P	P	P			P	P	P		P	P	P		
HOME OCCUPATION	AA	AA	P			P	P	P		P	P	P		
HOME STORE	X	X	X			IP	IP	X		IP	X	X		
HOSPITAL	SA						AA				X			
IRRIGATED HORTICULTURE							AA				P	AA		
KENNELS							SA			SA	X			



<b>LAND USE CLASSES</b>	1	2	3	4	5	6	7	8	9	10	11	12	13
LANDFILL SITE <i>AMD 91 GG 27/5/08</i>													
LAUNDROMAT		AA	P	AA							X		
LICENCED PREMISES		SA	SA								X		

# TABLE 1 - ZONING TABLE

## KEY TO COLUMNS:

- |                     |   |
|---------------------|---|
| 1 RESIDENTIAL       | 9 URBAN DEVELOPMENT   |
| 2 TOURIST           | 10 RURAL LIVING   |
| 3 COMMERCIAL        | 11 HORTICULTURE   |
| 4 INDUSTRIAL        | 12 RURAL CONSERVATION   |
| 5 FISHING INDUSTRY  | 13 ENVIRONMENTAL CONSERVATION <small>AMD 93 GG 12/04/11</small> |
| 6 RURAL RESIDENTIAL |   |
| 7 RURAL             |   |
| 8 RURAL INDUSTRIAL  |   |

LAND USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	
LIGHT INDUSTRY				P	AA		AA	AA	The permissibility of uses in the Urban Development zone shall be determined in accordance with the provisions of the adopted Outline Development Plan for the land which has been prepared and adopted in accordance with the relevant provisions of the Local Planning Scheme.		X			
MARKET		AA	AA	AA			AA				X			
MEDICAL CENTRE			AA								X			
MOTEL		AA	AA				AA				X			
NOXIOUS INDUSTRY							SA				X			
OFFICE		IP	P	IP	IP		IP	IP			IP			
PIGGERY							SA				X			
PLACE OF PUBLIC WORSHIP	SA	SA	AA			SA	AA				X			
POULTRY FARMING							SA				X			
PRIVATE RECREATION		AA	AA				AA	AA			X			
PUBLIC AMUSEMENT		AA	AA								X			
RESIDENTIAL BUILDING <small>AMD 93 GG 12/04/11</small>	SA										X		AA	
RESTAURANT <small>AMD 93 GG 12/04/11</small>		AA	AA				AA				X		AA	
RURAL INDUSTRY				AA			AA	AA			SA	AA	AA	
RURAL PURSUIT							P				P	AA	AA	
SERVICE INDUSTRY			AA	P	AA			AA			X			
SERVICE STATION		AA	AA	AA							X			
SHOP		AA	P	IP							X			
SHOWROOM			P	P							X			
STAFF QUARTERS/WORKERS ACCOMMODATION <small>AMD 97 GG 16/07/10</small>		IP					AA				AA			
TRADE DISPLAY			AA	AA			AA	AA		X				
TRANSPORT DEPOT	SA			P			AA	AA		X				
VEHICLE REPAIRS				P		AA				X				
VEHICLE SALES AND HIRE		AA	AA	P		AA				X				
VEHICLE WRECKING				SA						X				
WAREHOUSE				P	AA		AA	AA		X				
WINERY							P	P		P	P			

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

### **4.1 NON-CONFORMING USE RIGHTS**

No provision of the Scheme shall prevent the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme, or the carrying out of any development thereon for which, two years prior to that time, a permit or permits, lawfully required to authorize the development to be carried out, were duly obtained and are current.

### **4.2 EXTENSION OF NON-CONFORMING USE**

A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

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

Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

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

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

### **4.5 DESTRUCTION OF BUILDINGS**

If any building is, at the time of coming into force of the Scheme, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75 percent or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

## PART V - DEVELOPMENT REQUIREMENTS

### 5.1 DEVELOPMENT STANDARDS

Subject to the provisions of the Scheme the minimum standards for development in the various zones, except residential development provided for in the Residential Planning Codes, are set out in Table 2.

ZONE	MINIMUM SETBACK			MAXIMUM PLOT RATIO	MAXIMUM SITE COVERAGE
	FRONT (metres)	SIDE (metres)	REAR (metres)		
RESIDENTIAL	7.5	3.0	7.5	0.5:1	0.3
TOURIST	7.5	3.0	7.5	(b)	(b)
COMMERCIAL	NIL	NIL	6.0	0.5:1	(b)
INDUSTRIAL	7.5	(a)	(a)	0.4:1	(b)
FISHING INDUSTRY	7.5	(a)	(a)	0.5:1	(b)
RURAL RESIDENTIAL	20	20	20	(b)	(b)
RURAL	20	20	20	(b)	(b)
RURAL INDUSTRIAL	20	20	20	(b)	(b)

NOTE: These site requirements only apply to developments not covered by the Residential Planning Codes.

- a) For a masonry parapet wall - nil; for a metal or timber framed construction - 2.1 metres or the height of the wall whichever is greater.
- b) To be determined by Council.

### 5.2 RESIDENTIAL DEVELOPMENT - RESIDENTIAL PLANNING CODES

- 5.2.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with all amendments thereto.
- 5.2.2 A copy of the Residential Planning Codes as amended shall be kept and made available for public inspection at the offices of the Council.
- 5.2.3 In the event of there being any inconsistency between the Residential Planning Codes identified by Clauses 5.2.1 and 5.2.2, the provisions in the document identified in Clause 5.2.1 shall prevail.
- 5.2.4 Unless otherwise provided for in Clause 5.3 or the Appendix 2 in relation to particular sites, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

- 5.2.5 The Residential Planning Code density applicable to land within the Scheme area shall be determined by reference to the Residential Planning Code density numbers superimposed on the particular areas shown on the Scheme Map as being contained within the outer edges of the solid black line borders, or where such an area abuts onto another area having a Residential Planning Code density, as being contained within the centre lines of those borders.

### **5.3 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES**

- 5.3.1 For the area of Residential Zone in the Scheme, excluding the area contained within the Gingin Townsite, the provisions of R17.5 Planning Code may apply where Council is satisfied, in a particular case, that the drainage conditions are suitable to ensure that on site disposal of effluent will continue to function effectively or a reticulated sewerage disposal system can be employed.
- 5.3.2 Where no Residential Planning Code area is depicted on the Scheme Map, residential development shall be in accordance with the R10 Planning Code.
- 5.3.3 Unless specifically approved by the Council, no more than two Grouped Dwellings shall be granted planning consent on any lot in the Rural Zone and no more than one Dwelling shall be granted planning consent on any lot in the Rural Residential Zone.
- 5.3.4 Where Residential development is proposed in conjunction with other development in the Commercial Zone, Council shall determine the appropriate density code to apply for development requirement purposes.
- 5.3.5 No provision of the Residential Planning Codes relating to density or setback shall prevent the approval of a dwelling on a lot in the Residential Zone created prior to the operation of this Scheme.
- 5.3.6 Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewerage is available, and where an Outline Development Plan has been prepared and adopted in accordance with Clause 5.5.3 of the Scheme, or such requirement waived in the case of subdivisions resulting in the creation of not more than three lots. *AMD 97 GG 16/07/10*

### **5.4 OUTLINE DEVELOPMENT PLAN**

*AMD 89 GG 9/12/08 & SUBSEQUENT CLAUSES RENUMBERED ACCORDINGLY*

- 5.4.1 The local government or the Western Australian Planning Commission may require the preparation of an outline development plan prior to considering any subdivision or development proposal in any zone.
- 5.4.2 Notwithstanding the requirements of this Scheme, all development is to comply with the requirements of any endorsed outline development plan/s.
- 5.4.3 Any departure or alternations to outline development plans may, subject to the approval of the Commission, be permitted if the local government considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area.
- 5.4.4 The proposed outline development plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed outline development plan becomes an outline development plan, the local government is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land within. In the absence of an endorsed outline development plan the symbols in the Zoning Table will apply.

5.4.5 Advertising of outline development plans —

The local government may within 30 days of receiving the outline development plan require that it be advertised in accordance with clause 6.4 of this Scheme.

5.4.6 Adoption of outline development plans —

Following adoption of the outline development plan, with or without modifications, the local government shall request the Commission to endorse the outline development plan as the basis for approval of subdivision applications within areas covered by the plan.

5.4.7 Right of Review -

The proponent of an outline development plan required by this Scheme may make application for review under Part 14 of the Planning & Development Act 2005:

- a) The failure of the local government to make a determination on the content and requirement of an outline development plan (or an amendment to an outline development plan) within 120 days of receiving a request for direction;
- b) A decision by the local government not to endorse an outline development plan (or an amendment to an outline development plan); and
- c) Conditions of approval of the outline development plan (or an amendment to an outline development plan).

## 5.5 RURAL RESIDENTIAL ZONE

5.5.1 The Scheme provisions for a specific area of the Rural Residential Zone shall include a Plan of Subdivision which forms part of the Scheme. A description of the land together with any special provisions relating to the land shall be set forth in Appendix 6 if applicable.

5.5.2 The Plan of Subdivision referred to in 5.4.1 shall show:

- a) the proposed ultimate subdivision including lot sizes and dimensions;
- b) areas to be set aside for Public Open Space, Pedestrian accessways, bridle paths, and Community facilities;
- c) any physical features to be conserved and areas for preservation or tree planting; and
- d) the proposed staging of the development if relevant.

5.5.3 Subdivision of land within the Rural Residential Zone shall be in accordance with the Plan of Subdivision endorsed by the Shire Clerk. Minor amendments to the Plan of Subdivision that do not reduce general lot sizes may be permitted subject to approval of the State Planning Commission.

5.5.4 No dwelling house shall be constructed in the Rural Residential Zone:

- a) with an internal floor area less than 45 square metres without Council consent; and
- b) unless it is connected to an approved potable water supply or a water tank having a capacity of not less than 90,000 litres is incorporated in the approved building plan.

5.5.5 Unless specifically provided for in Appendix 6 or approved by the Council the following uses are not permitted in the Rural Residential Zone:

- a) the breeding or keeping of animals for commercial gain;
- b) the conduct of intensive rural pursuits for commercial gain.

## **5.6 URBAN DEVELOPMENT ZONE**

### **5.6.1 Objectives**

It is the intention of the Council to ensure that subdivision and development of land within the Urban Development zone proceeds only after comprehensive planning to ensure high design standards and cost effective servicing, which is sensitive to the environment.

### **5.6.2 Structure Plan**

- (a) The Council, before supporting or initiating any rezoning proposal to include land in the Urban Development zone, will require the preparation and adoption of a Structure Plan for the whole of the area or for any particular part or parts as considered appropriate by Council.
- (b) The preparation of a Structure Plan shall have regard to the 'Commission's Guidelines for the Preparation of Structure Plans for Urban Release Areas' and may include such other information particular to the land or context of the structure Plan, or as required by the Council.
- (c) The Council may cause the Structure Plan to be advertised for a period of not less than 28 days, after which Council may adopt the Structure Plan, with or without modifications, as a basis for the preparation of an amendment to the Town Planning Scheme.

### **5.6.3 Outline Development Plan**

- (a) The Council, before supporting any proposal for subdivision or approving any proposal for development of land within the Urban Development zone, shall require the preparation of an Outline Development Plan for the whole of the area or for any particular part or parts as is considered appropriate by Council with regard to the primary intent of the zone and any adopted structure plan.
- (b) The Outline Development Plan shall include sufficient detail to show the following:
  - topography of the area
  - natural vegetation of the area
  - the existing major road systems
  - the location and width of proposed roads and non-vehicular movement systems
  - the appropriate location and quantity of commercial, civic and public facilities proposed
  - the approximate location of recreation and open space areas proposed, the open space where appropriate to be related to creek lines, native vegetation and other natural landscape features
  - the population, residential densities and generalised subdivision layout and development standards proposed, including the spatial location of proposed Residential Planning Code densities
  - the distribution of any other proposed land uses

- servicing arrangements and schematic layouts, including reticulated sewerage, water and drainage provision
  - the proposed staging of subdivision and development
  - such other information as may be required by Council.
- (c) When an Outline Development Plan has been prepared to the satisfaction of Council, the Council shall advertise or require the proponent to cause the Plan to be advertised for public inspection, including notifying in writing, all owners of land within an area determined by Council a likely to be affected by the Plan of the existence of the Plan, and inviting each owner to make a submission to Council regarding any aspect of the Plan of interest to or affecting the landowner.
- (d) The Council shall specify the time period within which submissions will be received, but that time shall not be less than 28 days from the date of the notification described in paragraph (c) above.
- (e) The Council shall consider any submissions made under paragraphs (c) and (d) of this clause and may modify the Outline Development Plan after consideration of such submissions or adopt the Outline Development Plan without modification.
- (f) After adopting the Outline Development Plan the Council shall forward the Plan to the Western Australian Planning Commission, together with a summary of the submissions received and the Council's decision in relation to each submission, and request the Commission to adopt the Plan, with or without modifications, as a basis for considering subdivision applications within the area covered by the Plan.
- (g) Subdivision shall be generally in accordance with the adopted Outline Development Plan for the relevant area. Development and land use shall generally be in accordance with the adopted Outline Development Plan and subject to the provisions of Table 1 - Zoning Table.
- (h) Any departure from or alteration to the Outline Development Plan may be permitted if it is considered the departure is minor in nature, would not prejudice the progressive development of the area covered by the Plan and would not be inconsistent with the objectives of the zone.

5.6.4 In the event of an impasse being reached between the proponent of development and Council over the content of an Outline Development Plan, the proponent may seek arbitration of the issue by the Minister for Planning.

An impasse is not deemed to be reached unless Council has failed to consider or approve the Outline Development Plan on three separate occasions or otherwise after a period of 6 months from date of submittal.



## **5.7 RURAL LIVING ZONE**

5.7.1 The Scheme provisions for a specific area of the Rural Living Zone shall include a Plan of Subdivision which forms part of the Scheme. A description of the land together with any special provisions relating to the land shall be set forth in Appendix 7 if applicable.

5.7.2 The Plan of Subdivision referred to in 5.6 shall show:

- a) the proposed ultimate subdivision including lot sizes and dimensions;
- b) areas to be set aside for bridle paths and Community Facilities;
- c) any physical features to be conserved and areas for preservation or treeplanting; and,
- d) the proposed staging of the development if relevant.

5.7.3 Subdivision of land within the Rural Living Zone shall generally be in accordance with the Plan of Subdivision endorsed by the Shire Clerk. Minor amendments to the Plan of Subdivision endorsed by the Shire Clerk. Minor amendments to the Plan of Subdivision that do not reduce general lot sizes may be permitted subject to approval of the Western Australian Planning Commission.

### **5.7.4 Residential Use**

Not more than one dwelling house will be permitted on a lot within the zone. Notwithstanding the provisions of clause 6.1.2, the siting of all buildings including setbacks from roads and lot boundaries will require planning consent.

### **5.7.5 Water Supply**

Buildings within the zone intended for residences must be connected to an adequate supply of potable water from reticulated or underground sources, or in the absence of these;

- i) the provision of a supply of potable water from a suitable catchment with a surface area of not less than 130m<sup>2</sup>, such supply to be in the form of water tanks with a minimum capacity of 92,000 litres;
- ii) water tanks shall be fitted with domestic outlets placed so that a reserve of 10,000 litres is permanently available for fire fighting, and fitted with couplings for fire fighting of a standard satisfactory to Council.

### **5.7.6 Fire Control**

As a condition of subdivision within the zone, satisfactory arrangements must be made with the Council and the Bush Fires Board for the provision of a static water supply, at the rate of one facility for each 50 lots;

### **5.7.7 Fencing**

Fencing within the zone shall conform to the standard of rural fencing in the district, and the use of solid panel fences except in the immediate vicinity of a residence will only be permitted with the consent of Council.

## **5.8 RURAL CONSERVATION ZONE**

### **5.8.1 Lot Sizes**

- (a) The minimum lot size in the zone should be no less than 10ha;
- (b) Each lot must contain a minimum of 10 ha rated very high to moderate for annual horticulture in the Horticulture Land Capability Assessment, with an average of

15 ha throughout the subdivision.

#### 5.8.2 **Tree Preservation**

No indigenous trees or scrub or other substantial vegetation may be felled or removed within the zone, except as hereunder:

- Trees which are dead, diseased or are dangerous;
- For the purpose of a firebreak required by a regulation or By-Law except that in order to preserve the amenity of the area Council may at its discretion vary the position of any required firebreak to avoid destruction of vegetation;
- For the purpose of constructing a building in a location approved by Council;
- As otherwise approved by Council.

#### 5.8.3 **Residential Use**

Not more than one dwelling house will be permitted on a lot within the zone, and location of buildings including setbacks from roads and lot boundaries will require planning consent.

#### 5.8.4 **Water Supply**

Buildings within the zone intended for residences must be connected to an adequate supply of potable water consisting of;

- i) a suitable catchment with a surface area of not less than 130m<sup>2</sup>, and such supply to be in the form of water tanks with a minimum capacity of 92,000 litres;
- ii) water tanks shall be fitted with domestic outlets placed so that a reserve of 10,000 litres is permanently available for fire fighting, and fitted with couplings for fire fighting of a standard satisfactory to the fire control authorities.

#### 5.8.5 **Removal of Soil or Rock**

Unless with the consent of Council, the removal of rock or soil is prohibited from any lot within the zone.

#### 5.8.6 **Fencing**

Fencing within the zone shall conform to the standard of rural fencing in the district, and the use of solid panel fences except in the immediate vicinity of a residence will only be permitted with the consent of Council. At the subdivision stage, each proposed lot is to be provided with standard rural fencing.

### 5.9 **HORTICULTURE ZONE**

5.9.1 Applications for subdivision of land for horticulture purposes will only be supported for land appropriately zoned 'Horticulture'. Land not correctly zoned will only be considered by Council following an Amendment being initiated to rezone the subject land which will incorporate a Subdivision Guide Plan and Management Plan.

5.9.2 Notwithstanding the provisions of the Zoning Table, the following provision shall also apply:

To prohibit any land use which is incompatible with the objectives, including industrial uses, storage of waste or unused materials, or any activity which would be detrimental to the use of the land for intensive agriculture/horticulture pursuits.

5.9.3 A description of the land within the Horticulture zone and special provisions relating to the land are included in Appendix 7 - Horticulture Zone. In addition to other scheme provisions which may be relevant, land included within the Horticulture Zone shall be subject to the following conditions:

- (a) The Council shall not approve any development where in the opinion of the Council such development will encourage the establishment of land uses considered not compatible with intensive agriculture/horticulture pursuits.
- (b) For any new subdivision proposal consideration shall be given to bush fire control and prevention principles.
- (c) At the Subdivision stage each proposed allotment is to be provided with standard rural fencing.
- (d) Subdividers may be required to contribute towards the upgrading of local roads as a consequence of subdivisions in the locality.

<b>SUBPRECINCTS</b>	<b>MINIMUM AREA OF CAPABLE LAND</b>	<b>MINIMUM AVERAGE AREA</b>
WEDGE ISLAND	40 HECTARES	50 HECTARES
LANCELIN	40 HECTARES	50 HECTARES
KARAKIN LAKES	20 HECTARES	30 HECTARES
SEABIRD	15 HECTARES	30 HECTARES
GUILDERTON	10 HECTARES	20 HECTARES
NORTH MOORE RIVER	40 HECTARES	50 HECTARES
PARK	40 HECTARES	50 HECTARES
RED GULLY AREA A	15 HECTARES	30 HECTARES
RED GULLY AREA B	15 HECTARES	30 HECTARES
GINGIN	15 HECTARES	30 HECTARES
DEEPWATER LAGOON	20 HECTARES	30 HECTARES
ECLIPSE HILL	10 HECTARES	20 HECTARES
BEERMULLAH	40 HECTARES	50 HECTARES
NAMMING LAKE	40 HECTARES	50 HECTARES
SOUTH MOORE RIVER		
PARK		

## **5.10 CONSERVATION ZONE**

*AMD 93 GG 12/04/11*

5.10.1 Development within the Conservation Zone is to be in accordance with the zone objectives and/or site specific environmental conditions outlined in Appendix 11 of the scheme.

## **5.11 SETBACKS TO ROADS TO BE WIDENED**

Any development proposed on a lot with frontage to a road proposed to be widened shall be set back from the street alignment of the road as if the road had been widened as proposed.

## **5.12 LOADING AND SERVICE BAYS**

Every lot developed for commercial or industrial purposes shall be provided with an area for the loading and unloading of commercial vehicles at the rear of the development, separate from parking areas and access ways.

## **5.13 LOADING AND UNLOADING OF VEHICLES**

Unless otherwise approved by the Council all loading and unloading of materials, and parking of vehicles associated with any commercial and industrial uses shall be contained within the boundaries of the site on which the uses are located.

#### **5.14 FACTORY TENEMENT BUILDINGS**

Industrial buildings occupied or intended to be occupied by more than one separate business establishment, shall be constructed so that every occupancy:

- a) has a floor area of at least 100 square metres and neither its width or length is less than eight metres;
- b) has an adjacent open yard area no smaller than one-third of the floor area of the occupancy;
- c) has an open yard with direct access to a service access road not less than 6 metres in width;
- d) is separated from every other occupancy by a suitable distance or an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by Council.

#### **5.15 INDUSTRIAL FENCES**

The minimum standard fence for lots used for industrial shall be a 1.8 metre link mesh security fence unless otherwise approved by the Council.

#### **5.16 REFUSE STORAGE AREAS**

All commercial and industrial developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.

#### **5.17 OUTDOOR STORAGE AREAS**

Any outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other products or wastes in connection with a commercial or industrial use shall be screened from view from any public street by a close wall or fence no less than 1.8 metres in height, or screen landscaping approved by the Council.

#### **5.18 VEHICLE ACCESS WAYS**

The Council may refuse to permit more than one vehicular entrance or exit from any lot or may require separate entrances and exits.

All access ways, other than in the Residential Zone shall be constructed so that all vehicles may enter and leave a lot in forward gear.

All access ways shall be constructed and paved to the specification and satisfaction of the Council.

#### **5.19 USE OF SETBACKS**

The setback areas within any zone shall not be used for any purpose other than one or more of the following:

- a) a means of access;
- b) landscaping;
- c) trade display provided no more than 10 percent of the area is used, and not located within three metres of the street;
- d) the loading and unloading of goods;
- e) the parking of vehicles for staff, clients or customers of the development.

## **5.20 OFF STREET PARKING**

With the exception of rural uses sufficient off street parking shall be provided with each development to accommodate the parking requirements of that development as determined by the Council.

Parking areas shall be laid out paved drained and marked to the satisfaction of the Council.

Any parking area with ten or more parking bays shall include landscaped areas equal to ten percent of the area of the car-park.

## **5.21 PARKING OF COMMERCIAL VEHICLES**

No commercial vehicle in excess of 3 tonnes tare weight shall be permitted to be parked on any residential lot with an area less than 1,500 square metres, except for the purpose of activity normally associated with dwelling house uses without approval of the Council.

Council shall not grant planning consent under this Clause unless:

- a) provision is made for the vehicle to be housed in a garage or parked behind the building line;
- b) the vehicle together with its load does not exceed three metres in height; and
- c) the Council is satisfied the use will not prejudicially affect the amenity of the neighbourhood due to emissions of any nature.

## **5.22 JOINT USE OF PARKING FACILITIES**

The Council may permit reduced provision of parking facilities where the facilities are intended to be shared between different land uses provided it is satisfied:

- a) the total facilities provided are adequate for the aggregate demand;
- b) no conflict will occur as a result of the joint use of the parking facilities; and
- c) the peak demands for parking from the activities sharing the parking area do not coincide.

Where the Council permits the joint use of parking facilities it may require the landowners involved to enter into a legal agreement with each other landowner for reciprocal rights to the parking facilities.

## **5.23 CASH PAYMENT IN LIEU OF PROVISION OF PARKING**

The Council may accept a cash payment in lieu of the provision of on site parking provided:

- a) such cash payment is not less than the estimated cost to the owner of providing and constructing the parking area otherwise required by the Scheme plus the value, as estimated by the Council, of that area of his land which would have been occupied by the parking area;
- b) the Council has either already provided a public car-park nearby, or made a commitment to provide one within a period of 18 months; and
- c) any such payment shall be paid into a special fund to be used to provide public car-parks and the Council may use this fund to provide public car-parks anywhere in the district.

## **5.24 LANDSCAPING**

Unless otherwise approved by the Council all developments shall be provided with an area of landscaping equal to ten percent of the site area.

Landscaping shall be provided and maintained in accordance with a landscape plan approved by the Council.

Landscaping will be provided by the owner of the development within 30 days of completion of the development and shall be maintained by the occupier.

#### **5.25 TREE PLANTING**

The Council may by notice served upon individual landowners or upon a subdivider of land within the Scheme Area require trees to be planted where it considers there is insufficient vegetation, and require the preservation of any tree or group of trees and thereafter no landowner or subdivider shall cut, remove, or otherwise destroy any tree or trees so specified unless the Council withdraws the notice or order.

Within the Rural Residential Zone no tree shall be removed without the prior written consent of the Council unless its removal is necessary for construction of a building, fence or firebreak.

#### **5.26 LOTS WITHOUT DEDICATED ROAD FRONTAGE**

Dwelling houses and grouped dwellings may not be permitted on lots that do not have direct access or frontage to a dedicated road.

#### **5.27 RURAL INDUSTRIAL**

5.27.1 Subdivision of land within the Rural Industrial Zone shall have a minimum lot area 2.0 hectares, unless the subdivision is provided with both a reticulated water supply and sewerage system.

5.27.2 The Council shall not grant planning consent in the Rural Industrial Zone when the symbol used in the cross-reference of the Zoning Table for the land use class is IP, unless it is satisfied that:

- a) the use will not be adversely effected by the nature of and possible emissions from the predominant use both on the property and adjoining properties; and
- b) the use is more beneficial to the predominant use located within the zone than being located elsewhere.

#### **5.28 SOIL CONSERVATION**

The Council may by notice served upon individual landowners or upon a subdivider of land within the Scheme Area require that soil regeneration measures be taken where it considers that such remedial action is required.

#### **5.29 TRANSPORTABLE DWELLINGS**

5.29.1 Subject to the provisions of this Clause a Transportable 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.

5.29.2 Notwithstanding the provisions of Sub-Clause 5.24.1, Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling:

- i) complies with and is maintained in accordance with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situated following transportation and will not detrimentally affect the amenity of the locality in which the Transportable Dwelling is to be situated; or
- ii) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.

The planning consent to be obtained from Council pursuant to Sub-Clause 5.24.2 may be granted on condition, which conditions may include a condition requiring the applicant to provide a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such a period of time as Council may deem fit.

## **PART VI - PLANNING CONSENT**

### **6.1 PLANNING CONSENT**

- 6.1.1 Subject to Clause 6.1.2 a person shall not carry out development of any land within the Scheme Area without first having applied for and obtained the planning consent of the Council.
- 6.1.2 The planning consent of the Council is not required for:
- a) the use of reserved land for the purpose for which it is reserved under the Scheme where the land is owned by or vested in the Council or a public authority;
  - b) the use of land vested in a Public Authority, for any purpose for which it may be lawfully used by that Authority;
  - c) the erection of a boundary fence except as otherwise required by the Scheme;
  - d) the uses dwelling, home office, home occupation and rural pursuit in any zoned land, including the erection, alteration or extension of any buildings used in conjunction with those uses, where the use is a permitted use in the zone and the development complies with the provisions of the Scheme.
  - e) the carrying out of any works on, in, over or under a street or road by a Public Authority acting pursuant to the provisions of any Act;
  - f) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
  - g) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

### **6.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS**

- 6.2.1 If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
- 6.2.2 The discretion conferred by Clause 6.2.1 may only be exercised by the Council where it is satisfied that:
- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
  - b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
  - c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

### **6.3 APPLICATION FOR PLANNING CONSENT**

- 6.3.1 Every application for planning consent shall be made generally in the form set out in Appendix 3 to the Scheme and shall comprise:
- a) a site plan or plans;



- b) plans, elevations and sections of all proposed buildings; and
  - c) such other information as the Council may reasonably require to enable the application to be determined.
- 6.3.2 Unless otherwise determined by the Council in a particular case a site plan shall be to a scale of not less than 1:500 and shall show:
- a) street names, lot number(s), north point and the dimensions of the site;
  - b) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on site;
  - c) any physical features including trees, which may be affected by the proposed development;
  - d) the existing and proposed means of access for pedestrians and vehicles to and from the site;
  - e) the location, number, dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas; and
  - f) the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which development is proposed.

#### **6.4 PUBLIC NOTICE**

- 6.4.1 Where an application is made for planning consent to commence or carry out development which involves an "SA" use, the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this clause.
- 6.4.2 Where an application is made for planning consent to commence or carry out development which involves an "AA" use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.
- 6.4.3 Where the Council is required or decides to give notice of an application for planning consent, the Council shall cause one or more of the following to be carried out:
- a) Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;
  - b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
  - c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this clause.
- 6.4.4 The notice referred to in Clause 6.4.3(a) and 6.4.3(b) shall be in the form contained in Appendix 4 with such modifications as circumstances require.
- 6.4.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.
- 6.4.6 Any costs incurred by the Council pursuant to Clause 6.4.3 shall be recoverable from the applicant.

## 6.5 DETERMINATION OF APPLICATIONS

- 6.5.1 In determining an application for planning consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.
- 6.5.2 In determining an application for planning consent the Council shall have regard for such of the following as are appropriate:
- a) the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;
  - b) the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;
  - c) the size, shape and characteristics of the land;
  - d) the provisions of the Scheme and any Council policy affecting the land;
  - e) any comments received from any authority consulted by the Council;
  - f) any submissions received in response to giving public notice of the application;
  - g) the orderly and proper planning of the locality; and
  - h) the preservation of the amenity of the locality.
- 6.5.3 In determining an application for planning consent the Council may refuse its consent or grant its consent subject to such conditions as it deems fit.
- 6.5.4 The Council shall issue its decision in respect of an application for planning consent in the form prescribed in the Appendix 5 to the Scheme or in accordance with Clause 6.6.
- ~~6.5.5 Where the Council approves an application for planning consent under this Scheme the Council may limit the time for which that consent remains valid and where no time limit is specified the consent shall be deemed to expire after two years from the date of approval.~~ *DELETED BY AMD 100 GG 3/3/09*

## 6.6 TERM OF PLANNING APPROVAL

*AMD 100 GG 3/3/09*

- 6.6.1 Where the local government grants planning approval for the development of land
- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
  - (b) the approval lapses if the development has not substantially commenced before the expiration of that period.
- 6.6.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 6.6.1.
- 6.6.3 Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

*Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.*

## **6.7 DEEMED REFUSAL**

- 6.7.1 Where the Council has not within sixty days of the receipt by it of an application for planning consent either conveyed its decision to the applicant or given notice of the application in accordance with Clause 6.4.3 the application may be deemed to have been refused.
- 6.7.2 Where the Council has given notice of an application for planning consent in accordance with Clause 6.4.3 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.
- 6.7.3 Notwithstanding that an application for planning consent may be deemed to have been refused under Clauses 6.7.1 or 6.7.2 the Council may issue a decision in respect of the application at any time after the expiry of the period specified in those Clauses.

## **6.8 UNAUTHORISED EXISTING DEVELOPMENTS**

- 6.8.1 The council may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out.
- 6.8.2 Development which was unlawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval and the continuation of the development unlawfully commenced shall be deemed to always have been lawful development upon the grant of planning approval.

## **PART VII – HERITAGE PROTECTION – SPECIAL PROVISIONS APPLY TO HERITAGE PLACES**

(The provisions of the Model Scheme Text as current including any amendments apply).

### **7.1 — PURPOSE AND INTENT**

The purpose and intent of the heritage provision is to:

- (a) ensure the conservation of any place, area, building, object or structure of heritage value;
- (b) afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and amenity of the locality; and,
- (c) ensure that development or redevelopment within or adjacent to places of heritage value has due regard to the heritage value of the place and is in harmony with the character of the locality.

### **7.2 — INVENTORY OF HERITAGE PLACES AND BUILDINGS**

7.2.1 The Council shall establish and maintain an Inventory of buildings, objects, structures and places considered by the Council to be of heritage significance and worthy of conservation.

7.2.2 For the purposes of this clause, Inventory means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990.

7.2.3 The Council shall keep copies of the Inventory with the Scheme documents for public inspection during normal office hours.

7.2.4 The Council may from time to time amend the Inventory by the addition or deletion of any building, object, structure or places.

7.2.5 The Council, before adopting a proposal to establish or amend the Inventory, shall:

- (a) notify the owner(s) and occupier(s) of the land and any other person whose names appear on the Certificate of Title of the land as having an interest therein;
- (b) advertise notice of the proposal to establish or amend the Inventory in a newspaper circulating in the district and use such other methods as the Council consider appropriate to ensure widespread notice of the proposal;
- (c) invite submissions on the proposal within a period of not less than 28 days of the date specified on the notice under (a) and (b) above;
- (d) consider any submissions made and resolve to adopt, with or without modification, the proposal after considering the submissions;
- (e) forward notice of its final adoption of the proposal to the Heritage Council of WA and the State Planning Commission.

### **7.3 — DESIGNATION OF HERITAGE PRECINCTS**

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

7.3.2 The Council shall adopt for each heritage precinct a policy statement which shall

comprise:

~~(a) — a map showing the boundaries of the precinct;~~

~~(b) a list of any buildings, objects, structures or places of heritage significance;~~

~~(c) objectives and guidelines for the conservation of the precinct;~~

~~7.3.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.~~

~~7.3.4 The Council before designating a heritage precinct shall:~~

~~(a) advertise notice of Council's intention in a newspaper circulating in the district and by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation;~~

~~(b) invite submissions on the Council's intention within 21 days of the date specified in the notice in (a) above;~~

~~(c) consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal;~~

~~(d) forward notice of its decision to the Heritage Council of WA and State Planning Commission.~~

~~7.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedures set out in Clause 7.3.4.~~

#### **7.4 APPLICATIONS FOR PLANNING CONSENT FOR DEVELOPMENT OF PLACES AND BUILDINGS ON THE INVENTORY**

~~7.4.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Municipal Inventory, including any application for planning consent, Council may have regard to any heritage policy of Council.~~

~~7.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.~~

~~7.4.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to granting of planning consent for any development proposed in a Heritage Precinct or individual entry listed on the Municipal Inventory.~~

~~7.4.4 Notwithstanding any provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed in the Inventory or contained within a heritage precinct without first having applied for and obtained the planning consent of the Council pursuant to the provisions of Clause 6.3 of the Scheme.~~

~~7.4.5 For the purposes of Clause 7.4.4 the term 'development' shall have the meaning as set out in the Town Planning and Development Act, but shall also include, in relation to any place entered in the Inventory or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.~~

#### **7.5 EXEMPTION**

~~7.5.1 The Council may grant a general exemption from the requirement of planning consent for development pursuant to Clause 7.4 for the various use classes of development if it is of the opinion that such development would not affect the cultural heritage significance of a place or precinct.~~

~~7.5.2 — An applicant who proposes to commence or carry out a development which by reason only of the provisions of Clause 7.4 would require the Council's planning consent for the development may apply to the Council for an exemption from the requirement of planning consent for the development on the grounds that the proposed development would not affect the cultural heritage significance of the place or precinct.~~

~~7.5.3 — The Council may grant an exemption referred to in Clause 7.5.1 by letter if in its opinion the proposed development would not affect the cultural heritage significant of the place or precinct.~~

~~7.5.4 — An exemption granted under Clause 7.5.3 shall not exempt or in any way affect the obligation to obtain planning consent for development arising under Part 6 or any Clause of the Scheme.~~

## ~~7.6 — FORMALITIES OF APPLICATION FOR PLACES AND BUILDINGS ON THE INVENTORY~~

~~7.6.1 — In addition to the application formalities prescribed in Clause 7.4 and Clause 6.1, the Council may require an applicant for planning consent, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application:~~

~~(a) — Street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;~~

~~(b) — side and rear elevations of the proposed development, drawn to a scale of not smaller than 1:100;~~

~~(c) — in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;~~

~~(d) — a detailed schedule of all finishes, including materials and colours of the proposed development, and unless the Council exempts the applicant from the requirement or any part of it, also the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and~~

~~(e) — any other information which the Council indicates that it considers relevant.~~

## ~~7.7 — VARIATIONS TO SCHEME PROVISIONS FOR PLACES AND BUILDINGS ON THE INVENTORY~~

~~7.7.1 — The Council may grant planning consent for any development which involves the conservation of the whole or part of any place of cultural heritage significance or Heritage Precinct or its replacement if accidentally destroyed, notwithstanding the proposed works do not comply with the Residential Planning Codes or any provision, standard or requirement of the Scheme.~~

## ~~7.8 — CONSERVATION INCENTIVES~~

~~7.8.1 — In dealing with any application concerning or affecting a place of cultural heritage significance or a Heritage Precinct, the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses.~~

~~7.8.2 — Where in the Council's opinion the granting of a conservation incentive is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the incentive, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 6.4.3 and shall have regard to any expressed views prior to making its decision to grant the incentive.~~

~~7.8.3 — In granting a conservation incentive under Clause 7.8.1 the Council may enter into a heritage agreement under Part 4 of the heritage of Western Australia Act 1990 with an owner who would benefit from the incentive. The agreement may specify the owner's obligations and contain covenants noted on relevant Certificates of Title.~~

## ~~7.9 — DENSITY BONUSES~~

~~7.9.1 — Within a heritage precinct the Council may permit on a residential lot an increase up to the R20 dwelling density code which otherwise would not apply on that lot under the Residential Planning Codes. The density bonus shall only be granted where the increased development would not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct, and if one or more of the following circumstances apply:~~

~~(a) — a provision is made for the preservation of significant landscape features, including significant trees or other vegetation;~~

~~(b) — provision is made for the carrying out of conservation works approved by the Council on a heritage place; or~~

~~7.9.2 — In a case where the Council has allowed under Clause 7.9.1 an increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to that permitted dwelling density shall apply.~~

*DELETED BY AMD 97 GG 16/07/10*



## **PART VIII - ADMINISTRATION**

### **8.1 POWERS OF THE SCHEME**

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

- a) enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;
- b) acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act;
- c) deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act and for such purpose may make such agreements with other owners as it considers fit;
- d) through the person of an Officer of the Council, authorized by the Council for the purpose, at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed;
- e) withhold or grant with or without conditions planning consent to applications received in accordance with the Scheme; and
- f) accept cash payments in lieu of the provision of on-site parking or landscaping.

### **8.2 TOWN PLANNING SCHEME POLICIES**

- 8.2.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development and land use.
- 8.2.2 The Council having resolved to adopt a Town Planning Scheme Policy, shall publish a summary of the Policy in a newspaper circulating the area giving details of where the full Policy may be inspected and where, in what form and during what period (not being less than 21 days) representations on same may be made to Council.
- 8.2.3 The Council shall review its Town Planning Scheme Policy in the light of any representations received and decide not to proceed with the Policy or to adopt the Policy with or without modification.
- 8.2.4 Following final adoption of a Town Planning Scheme Policy, notice of adoption shall be published in a newspaper circulating in the area and a copy kept with the Scheme documents for inspection during normal office hours.
- 8.2.5 Following final adoption, a Town Planning Scheme Policy may only be altered or rescinded by:
  - a) adoption of a new Policy in accordance with the above procedure, specifically worded to supersede an existing Policy; or
  - b) publication of a formal notice of rescission in a newspaper circulating in the area.
- 8.2.6 A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Consent but Council shall take into account the aims and provisions of the Policy when making its decision.

### **8.3 OFFENCES**

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

### **8.4 NOTICES**

- 8.4.1 Twenty-eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.
- 8.4.2 The Council may recover expenses under Section 10(2) of the Act in a Court of competent jurisdiction.

### **8.5 CLAIMS FOR COMPENSATION**

Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11(1) of the Act is six (6) months after the date of publication of the Scheme in the Government Gazette.

### **8.6 APPEALS**

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and any rules or Regulations made pursuant to the Act.

### **8.7 DELEGATION OF POWERS**

- 8.7.1 The Council may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of Council, delegate to:
- (a) a committee of the council; or
  - (b) a member of the council; or
  - (c) an officer of the council
- any power conferred or duly imposed on the Council under this Scheme.
- 8.7.2 Any delegation made under sub-clause 8.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.
- 8.7.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.
- 8.7.4 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

- 8.7.5 A committee, member or officer exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.
- 8.7.6 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith, in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

## APPENDIX 1 - INTERPRETATIONS

Abattoir:	means land and buildings used for the slaughter of animals and the treatment of carcasses, offal and by-products.
Act:	means the Town Planning and Development Act, 1928 (as amended).
Advertisement:	means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and Advertising Signs shall be construed accordingly, but does not include: <ul style="list-style-type: none"><li>a) a sign of less than two square metres in area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;</li><li>b) a sign of less than two square metres in area announcing a local event or a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;</li><li>c) a sign of less than two square metres in area relating to the prospective sale or letting of the land or building on which it is displayed; and</li><li>e) directional signs, street signs and other like signs erected by a public authority.</li></ul>
Amusement Machine:	means a machine, device or games table, mechanically or electronically powered, that releases or makes available balls, discs or other items for projection in or on the machine by the use of springs, flippers, paddles or cues, or electronic devices which are controlled or partly controlled by computer associated with electronic screen(s) operated by one or more players for amusement or recreation.
Ancillary Accommodation: <i>AMD 97 GG 16/07/10</i>	has the same meaning as is given to it in the Residential Design Codes
Aquaculture:	means the use of land for the purpose of rearing and breeding of fish or crustaceans under controlled conditions for sale.
Bed and Breakfast:	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term basis and includes the provision of breakfast.
Builder's Yard:	means land and buildings used for the storage of building material, pipes or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
Building Setback:	means the shortest horizontal distance between a boundary or other specified point and the position of a building.
Caravan:	means a vehicle as defined under the Road Traffic Act 1974 - 82 maintained in condition suitable for licence under the Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.

Caravan Park:	means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.
Caretaker's Dwelling:	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant. <i>AMD 80 GG 30/7/02</i>
Car Park:	means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings on or in which cars are displayed for sale.
Car Wash:	means a building or portion of a building wherein vehicles are washed and cleaned by or primarily by mechanical means.
Child Minding Centre:	means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended) but does not include a family care centre as defined by those Regulations.
Civic Use:	means land and buildings used by a Government Department, an instrumentality of the Crown, or the Council for administrative, recreational or other like purpose.
Club Premises:	means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act, 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
Commission:	means the State Planning Commission constituted under the State Planning Commission Act 1985.
Consulting Rooms:	means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention, investigation or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.
Convenience Store:	means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 square metres gross leasable area.
Day Care Centre:	means land and building used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended).
Development:	shall have the same meaning given to it in and for the purposes of the Act.
District:	means the Municipal District of the Shire of Gingin.
Dry Cleaning Premises:	means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

Dwelling:	means a building or portion of a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such buildings but ancillary thereto; such buildings or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by: <ul style="list-style-type: none"> <li>a) a single person,</li> <li>b) a family, or</li> <li>c) no more than six (6) persons who do not comprise a single family.</li> </ul>
Educational Establishment:	means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.
Extractive Industry:	means an industry which involves: <ul style="list-style-type: none"> <li>a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials when carried out on the land from which any of those materials is extracted or on land adjacent thereto; or</li> <li>b) the production of salt by the evaporation of sea water.</li> </ul>
Facade:	Means the exposed faces of a building towards roads or open spaces or the frontal outwards appearance of the building.
Factory Unit:	means a portion of a factory unit building that is the subject of a separate occupancy.
Factory Unit Building:	means an industrial building designed, used or adopted for use as two or more separately occupied areas.
Fast Food Outlet:	means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises.
Feed Lot:	means land and buildings used for the rearing of more than 50 cattle used for the production of food in a confined yard with watering and feeding facilities where cattle are completely hand or mechanically fed for the purpose of production, but does not include the feeding or penning of cattle in this way for weaning, dipping or similar husbandry purposes or for drought or other emergency feeding, or at a slaughtering place or in recognised saleyards.
Fish Cleaning & Packing:	means land and buildings used for cleaning processing and packing of wet fish and crustaceans, but does not include the sale of the product by retail.
Fuel Depot:	means land and buildings used for the storage and sale in bulk of solid, liquid or gaseous fuel, but does not include a service station.
Funeral Parlor:	means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.
Garden Centre:	means land and buildings used for the display and sale of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorized implements and the display but not manufacture of prefabricated garden buildings.

Gazettal Date:	means the date on which this Scheme is published in the Government Gazette.
General Industry:	means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.
Gross Leasable Area:	means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
Health Studio:	means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.
Heritage List: <i>AMD 97 GG 16/07/10</i>	means a list of those places which, in the opinion of the Council, are of such cultural heritage significance to the Local Government that conservation and protection under the provisions of this Scheme is warranted.
Holiday Accommodation:	means two or more dwellings on one lot which, by way of trade of business, are made available for occupation by persons other than the proprietor for holiday or other temporary purposes.
Home Business:	means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which: <ul style="list-style-type: none"> <li>(a) does not employ more than two people not members of the occupier's household;</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(c) does not occupy an area greater than 50m<sup>2</sup>;</li> <li>(d) does not involve the retail sale, display or hire of any goods of any nature;</li> <li>(e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and</li> <li>(f) does not involve the use of an essential service of greater capacity than normally required in the zone.</li> </ul>
Home Occupation:	means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which: <ul style="list-style-type: none"> <li>(a) does not employ any person not a member of the occupier's household;</li> <li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li> <li>(c) does not occupy an area greater than 20m<sup>2</sup>;</li> <li>(d) does not display a sign exceeding 0.2m<sup>2</sup> in area;</li> <li>(e) does not involve the retail sale, display or hire of any goods of any nature;</li> </ul>

- (f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

**Home Office:** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling, but which does not:

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; and
- (c) require any external changes to the appearance of the dwelling.

**Home Store:** means any shop with a net lettable area not exceeding 100 squares metres attached to a dwelling and which is operated by a person resident in the dwelling.

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

**Incidental Use:** means the use of land in conjunction with and ancillary to the predominant use of the land.

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

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

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

- a) the carrying out of agriculture;
- b) site work on buildings, work or land;
- c) in the case of edible goods, the preparation of food for sale from the premises; and
- d) motor vehicle wrecking.

**Irrigated Horticulture:** means the use of land for any purpose set out hereunder and the use of buildings normally associated therewith:



- a) the growing under irrigation of, berries, vegetables or fruit; except for personal use;
- b) the growing under irrigation of, vines, trees, plants, shrubs or flowers for replanting, except for personal use;
- c) the growing under irrigation of flowers for commercial sale; and,

	d)	the sale of produce grown solely on the lot or on any adjoining or nearby lot forming part of the same landholding used for horticultural pursuits;
Kennels:		means land and buildings used for the boarding, keeping or breeding of dogs or cats where such premises are registered or required to be registered.
Landfill Site:		means land where waste including Landfill Classes I to V as defined within the Department of Environmental Protection (Department of Environment and Conservation) document titled Landfill Waste Classification and Waste Definitions 1996 (as amended) is stored, processed, recycled or buried. <i>AMD 91 GG 27/5/08</i>
Landscaping:		includes any paved areas for pedestrians, but does not include car-parking areas or vehicle accessways.
Licensed Premises:		means land the subject of a Hotel or Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended).
Light Industry:		means an industry:
	a)	in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products, and
	b)	the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services.
Lodging House:		means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include:
	a)	premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Act 1970 (as amended);
	b)	premises used as a boarding school approved under the Education Act, 1928 (as amended);
	c)	a single dwelling, attached, grouped or multiple dwelling unit;
	d)	any building that is the subject of a strata title issued under the provisions of the Strata Titles Act 1985 (as amended).
Market:		means land and buildings used for a fair, a farmers' or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
Medical Centre:		means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.
Motel:		means land and buildings used or intended to be used to accommodate patrons in a manner similar to a Hotel or Boarding House but in which

special provision is made for the accommodation of patrons with motor vehicles.

Noxious Industry:	means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 (as amended), but does not include a fish shop, dry cleaning premises, marine collector's yard, laundromat, piggery or poultry farm.
Office:	means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.
Owner:	in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:  a) is entitled to the land for an estate in fee simple in possession; or  b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or  c) is a lessee or licensee from the Crown; or  d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.
Park Home:	means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974-82 but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilized by jacks and provided with skirting and being so designed and constructed as to permit independent occupancy for dwelling purposes.
Park Home Park:	means an area of land set aside exclusively for the parking of park homes occupied for residential purposes whether for short or long stay purposes but includes the provision of buildings and uses incidental to the predominant use of the land including ablution blocks, recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.
Piggery:	shall have the same meaning given to it in and for the purposes of the Health Act 1911 (as amended).
Plot Ratio:	shall have the same meaning given to it in the Residential Planning Codes.
Potable Water:	means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water - Third Edition, World Health Organization - 1971".
Poultry Farming:	means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911 - 1979 (as amended).
Private Recreation:	means land and buildings used for recreation which are not normally open to the public without charge.
Public Amusement:	means land and buildings used for the amusement or entertainment of

the public, with or without charge and includes a nightclub, cabaret and reception centre.

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

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

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

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

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

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

**Restaurant:** means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

**Restoration:** means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

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

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

- a) the growing of cereals and tree crops;
- b) the rearing or agistment of more than two animals used for the production of food, fibre or as beasts of burden, except where the animals are reared in a feed lot;
- c) the stabling or agistment of more than two horses;
- d) a riding school; and,
- e) the growing not under irrigation of, vegetables, fruit, berries, flowers and shrubs, except for personal use,
- f) the sale of produce grown or reared solely on the lot.

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

- a) the keeping of pigs;
- b) poultry farming;
- c) the processing, treatment or packing of produce; and,
- d) the breeding, rearing or boarding of domestic pets.

**Service Industry:** means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

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

**Shop:** means a building wherein goods are kept, exposed or offered for sale by retail, and includes a convenience store but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

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

**Staff/workers Accommodation:** means shared self-contained living accommodation (separate to a single dwelling) used for the accommodation of persons directly employed in an approved activity carried out on the Lot and does not include a Caretakers Dwelling.

**Street Alignment:** means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under Section 364 of the Local Government Act, 1960 (as amended) means the new street alignment so prescribed.

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

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

**Transportable Dwelling:** means a residential dwelling which has been constructed (whether within the District or elsewhere, and whether occupied or not), and which is capable of being transported and reconstructed for use as a residential dwelling.

**Vehicle Repairs:** means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel-beating, spray painting and chassis reshaping.

**Vehicle Sales and Hire:** means the display and sale or hire of new or used vehicles and may

	include, with the approval of Council, the servicing of vehicles sold from the site.
Vehicle Wrecking:	means the storage, breaking up or dismantling of motor vehicles.
Veterinary Establishment:	means land and buildings in which a Veterinary Surgeon treats domestic animals and sick animals and includes the accommodation of sick animals.
Warehouse:	means land and buildings wherein goods are stored and may be offered for sale by wholesale.
Winery:	means premises used for the production of viticultural produce and which may include the sale of the produce.
Wholesale:	means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a "wholesale merchant" for Sales Tax purposes under the provisions of the Sales Tax Assessment Act No. 1, 1930, (as amended).
Zone:	means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include land reserved.
Zoological Gardens:	means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

## APPENDIX 2 - SCHEDULE OF ADDITIONAL USE SITES

- 
- (a) Particulars of the Land
  - (b) Additional Use
  - (c) Conditions of Additional Use
- 

- 1.
  - a) Lot 1 of Swan locations 354 and 508, corner of Brand Highway and Dewar Road, Gingin.
  - b) Service Station and Caravan Park.
- 2.
  - a) Lancelin lot 595, corner of Walker Avenue and Kendall Street, Lancelin.
  - b) Shop and Office.
  - c)
    - i) the combined floor area of the additional use shall not exceed 90 square metres.
    - ii) the shop shall not be used for the display and sale of any goods other than building hardware and related items.
    - iii) the office shall be used only for the administrative functions of a real estate business.
- 3.
  - a) Lancelin lot 4, Gingin Road, Lancelin.
  - b) Fuel Depot.
- 4.
  - a) Seabird lot 13, McCormick Street, Seabird.
  - b) Receiving Depot.
- 5.
  - a) Ledge Point lot 462, Turner Street, Ledge Point.
  - b) Fuel Depot.
- 6.
  - a) Ledge Point lot 497, Turner Street, Ledge Point.
  - b) Fuel Depot.
- 7.
  - a) Ledge Point lot 385, Wood Way, Ledge Point.
  - b) Fuel Depot.
- 8.
  - a) Ledge Point lot 384, Wood Way, Ledge Point.
  - b) Fuel Depot.
- 9.
  - a) Lot 1 of Seabird lots 65 and 231 McCormick Street, Seabird.
  - b) Receiving Depot.

10.
  - a) Seabird lot 15 McCormick Street, Seabird.
  - b) Receival Depot and Fuel Depot.
  
11.
  - a) Lot 1 Wanneroo Road.
  - b) Shop and Service Station.
  
12.
  - a) Lancelin lots 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014 Salvaire Crescent, Lancelin.
  - b) Light Industry.
  
13.
  - a) Lot 52 Croot Place, Neergabby
  - b) Service Station
  - c)
    - (i) Buildings associated with the Service Station to be under one roof;
    - (ii) The site area of the Additional Use to be limited to 1.0160 ha.
    - (iii) The floor area of the Additional Use to be limited to 300m<sup>2</sup>.
  
14.
  - a) Lot 39 Swan Location 1373 Gingin Brook Road, Neergabby.
  - b) Sale of Produce and Hardware.
  - c)
    - (i) Buildings associated with the additional use to be under one roof;
    - (ii) The site area of the Additional Use to be limited to 5,000m<sup>2</sup>.
    - (iii) The floor area of the Additional Use to be limited 400m<sup>2</sup>.
  
15.
  - a) Ledge Point Lot 637, Old Ledge Point Road, Ledge Point.
  - b) Kennels.
  - c)
    - (i) Buildings associated with the additional use to be under one roof;
    - (ii) The floor area of the Buildings associated with the Additional Use to be limited to 150m<sup>2</sup>.
  
16.
  - a) Lot 108 Caladenia Road, Wanerie.
  - b) Tourist Park, including the following uses at the discretion of Council:
    - tearooms
    - holiday accommodation
    - public amusement
    - private recreation
  - c)
    - (i) Development to be generally in accordance with the Development Concept Plan dated September 1998, or such other overall concept plan as may be approved by Council.



- (ii) The design, character and scale of development shall be in keeping with the objectives of the Rural Conservation zone. In considering an application to commence development, Council will have particular regard to landscaping, servicing and amenity.
- d) The development and use of the land for tourist activities shall only be approved and undertaken in a manner that gives full recognition to the Rural Conservation zoning objectives, provisions and permissible land uses, and in particular, the accepted management practices associated with approved horticultural land uses.
17. a) Lot 500 Dewar Road, Gingin
- b) Vehicle Repairs
- c) (i) The additional use shall only be permitted where the use:
- is incidental to and positioned behind an existing residence;
  - has a front setback of at least 50m;
  - has a gross floor area of no greater than 400m<sup>2</sup>;
  - is contained within a building that has a character and appearance of a rural shed; and
  - complies with the development guide plan for the site as endorsed by the Shire of Gingin.
- (ii) The development of the land shall incorporate the retention of existing trees on site and substantial supplementary landscaping to screen the development from the road.
- (iii) The storage of motor vehicles is to be restricted to the rear of the residence and inside the workshop.
- (iv) All signage to be in accordance with the requirements of the Shire of Gingin Town Planning Scheme No. 8 and signage shall not be permitted along Dewar Road.
- (v) Drainage and effluent disposal arrangements shall ensure that chemical spills do not enter the nearby tributary of the Gingin Brook. The workshop floor area (and any other areas likely to contain chemicals) shall consist of a concrete pad covered against the rain and should drain to a central point. All drainage from the area shall be directed to a holding tank and there shall be no discharge of effluent to the tributary.
18. (a) Lot 101 corner Seabird Road and Lancelin Road, Seabird *AMD 78 GG 13/6/03*
- (b) Service Station
- (c) (i) Buildings associated with the service station to be under one roof. The floor area of the additional use to be limited to 300m<sup>2</sup>.
- (ii) The site area of the Additional Use to be limited to 3000m<sup>2</sup>.
- (iii) Access to the site being restricted to Seabird Road only and the intersection of Seabird and Lancelin Roads being upgraded to the satisfaction of Main Roads Western Australia.

19. (a) Lot 5 corner of Brand Highway and Orange Springs Road, Orange Springs  
*AMD 87 GG 19/8/05*
- (b) Tourist Complex
- Shop, incidental to and located within the Tourist Complex
  - Art Gallery
  - Museum
  - Public Amusement (amphitheatre)
- (c) i) Development of the Tourist Complex shall be generally in accordance with the proposed development vision plan included in the Amendment and dated 26 February 2004.
- ii) Prior to consideration of any application for Planning Consent, Council shall require the Applicant to demonstrate that the access to the development, including external roads will be of a standard that can cater for any additional traffic volumes resulting from the development.
- iii) Any development application is to be accompanied by a landscaping plan to demonstrate to the satisfaction of Council the extent of new landscaping and the protection, enhancement and revegetation of areas of natural vegetation.
- iv) Any development application for the Function Centre is to be accompanied by an accredited acoustic consultant's report to demonstrate to the satisfaction of Council compliance with the Environmental Protection (Noise) Regulations, 1997.
- v) The development application for the Amphitheatre is to be accompanied by a detailed Events Management Plan to demonstrate to the satisfaction of Council how events can be managed for the matters stated, but not necessarily limited to, the following:
- Traffic management for external and internal roads
  - Sanitation
  - Crowd control
  - Servicing of events (eg, power, waste water management)
  - Car parking
  - Fire management
  - Emergency services (eg, ambulance and medical facilities)
20. (a) Lots 4, 5 and 6 Gingin Road and Lot 191 Miragliotta Street, Lancelin. *AMD 89 GG 9/12/08*
- (b) Holiday Accommodation, Shop, Restaurant and Office.
- (c) i) Holiday Accommodation, Shop and Restaurant uses are permitted as an AA use.
- ii) Office use is permitted as an IP use.
- iii) All development on the site shall be in accordance with an outline development plan approved in accordance with the outline development plan provisions of the Scheme.

## APPENDIX 3 - APPLICATION FOR PLANNING CONSENT

Name of owner of land  
on which development  
is proposed:

Surname: \_\_\_\_\_

Other Names: \_\_\_\_\_

Address in full: \_\_\_\_\_

Submitted by: \_\_\_\_\_

Address for correspondence: \_\_\_\_\_

\_\_\_\_\_

Locality of Development: \_\_\_\_\_

Description of Land: Lot No.: \_\_\_\_\_ Location No.: \_\_\_\_\_

Street: \_\_\_\_\_

Plan or Diagram: \_\_\_\_\_ Certificate of Title - Volume: \_\_\_\_\_ Folio: \_\_\_\_\_

Development Proposed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approximate Cost of Proposed Development: \_\_\_\_\_

Estimated Time of Completion: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

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

Signature of Owner

(if not the Applicant): \_\_\_\_\_

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

*This form is to be submitted in duplicate with two copies of the site plan.*

*This is not an application for a building licence. A separate application is required for a building licence.*

## APPENDIX 4 - NOTICE OF APPLICATION FOR PLANNING CONSENT

It is hereby notified for public information that the Council has received an application for planning consent for the purposes described hereunder:

Land Description: \_\_\_\_\_

Lot No.: \_\_\_\_\_ Street Name: \_\_\_\_\_

Proposed Development: \_\_\_\_\_

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

Details of the proposal are available for inspection at the Offices of the Council.

Submissions may be made to the Council in writing on or before the \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
SHIRE CLERK

\_\_\_\_\_  
DATE

# APPENDIX 5 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING CONSENT

[cl. 10.4.1]

*Town Planning Act 1928*

Shire of Gingin

Determination on application for planning consent

Location:	
Lot:	Plan/Diagram:
Vol. No.:	Folio No.:
Application date:	Received on:
Description of proposed development: .....	
.....	
The application for planning approval is:	
	granted subject to the following conditions:
	refused for the following reasons(s):
Conditions/reasons for refusal: .....	
.....	
.....	
.....	
.....	
.....	
.....	
Note 1:	If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
Note 2:	Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
Note 3:	If an applicant is aggrieved by this determination there is a right of appeal under Part V of the Town Planning Act 1928. An appeal must be lodged within 60 days of the determination.
Signed:	
Dated:	
for and on behalf of the Shire of Gingin .....	

# APPENDIX 6 - RURAL RESIDENTIAL ZONE

## PROVISIONS RELATING TO SPECIFIED AREAS

---

- (a) Particulars of the Land.
  - (b) Proposed Uses.
  - (c) Special Provisions.
- 

*R Res1*

### 1. OCEAN FARM

- (a) Portion of Melbourne Location 3913, Lancelin.
- (b) In accordance with Table No. 1 - Zoning Table.
- (c) Nil.

*R Res2*

### 2. WOODRIDGE

- (a) Portion of Swan Location 1374, being lot 2 Wanneroo Road, West Gingin.
- (b) In accordance with Table No. 1 - Zoning Table.
- (c) Prior to development, the Council may require the owner of a lot to plant up to 20 native trees as specified by the Council.

*R Res3*

### 3. REDFIELD PARK

- (a) Portion of Part Swan Location 5712, Lancelin Road, Moore River.
- (b) In accordance with Table No. 1 - Zoning Table.
- (c) Nil.

*R Res4*

### 4. CHERITON GROVE

- (a) Portion of lot 11 of Swan Location 1373.
- (b) In accordance with Table No. 1 - Zoning Table.
- (c) Second-hand dwellings shall not be permitted:

No natural vegetation shall be removed without prior written consent of the Council unless its removal is necessary for construction of a building, firebreak or boundary fence;

In addition to building licence for any buildings, the proponent shall obtain written consent of Council approving the siting of the building on the lot;

The siting of any buildings on any lot within the subdivision shall be such that they will not significantly impact on the existing vegetation on the site; and

Development of the site shall be carried out in accordance with the Cheriton Grove Management Plan and the Subdivision Guide Plan forming part of the Scheme.

*R Res5*

**5. SOVEREIGN HILL ESTATE**

- (a) Lot 1 of Swan Location 1374, Lancelin Road, Guilderton.
- (b) In accordance with Table No. 1 - Zoning Table.
- (c) Second-hand dwellings shall not be permitted:

No natural vegetation shall be removed without prior written consent of the Council unless its removal is necessary for construction of a building, firebreak or boundary fence;

A limit of two dry sheep equivalents per hectare being applied in respect of domestic use to avoid soil degradation;

Development of the site shall be carried out in accordance with the Sovereign Hill Management Plan forming part of the Scheme Amendment; and

The northern boundary of Lot 1, adjacent to Swan Location 5713 shall have a rear setback of 100 metres.

*R Res6*

**6. MOONDAH RIDGE – STAGE 1**

- (a) Portion of Swan Location 1371 being part Lot 18 Wowra Road, Gingin.
- (b) Rural Residential.
- (c) Development of the site is to be carried out in accordance with the Management Plan and Subdivisional Guide Plan comprising part of this Scheme Amendment.

In addition to a building licence for any building the proponent shall obtain written consent from Council for the siting of the building on the lot.

Development of the site is to be carried out in accordance with the Management Plan and Subdivisional Guide Plan comprising part of the Scheme as amended.

The siting of any buildings on any lot within the subdivision shall be such that they will not significantly impact on the visual amenity of Mooliabeenee Road.

**MOONDAH RIDGE – STAGE 2**

*AMD 103 GG 24/08/10*

- (a) Portion of Swan Location 1371 being part Lot 18 Crest View, Lennard Brook.
- (b) Development of the site is to be carried out in accordance with the Subdivisional Guide Plan as adopted by the Local Government and endorsed by the Western Australian Planning Commission and any approved modifications thereto.
- (c) In addition to a building licence for any building, the proponent shall obtain written consent from Council for the siting of the building on the Lot. No dwelling will be approved within 300m of areas cultivated for viticulture.
- (d) A Fire Management Plan shall be prepared for the subject land and specific fire

protection measures as set out in the Plan implemented to the specifications of the Local Government. The Fire Management Plan must address fire protection issues including, but not limited to, the provision of fire fighting water supply and fire hydrants, fire services' access and the allocation of a site for the location of a fire fighting facility.

- (e) Notifications on Titles are required as a component of the subdivision, informing potential purchasers that the area may be subject to chemical spray drift, dust, noise and odour from nearby rural activities.
- (f) The eastern boundary of Moondah Ridge – Stage 2 that interfaces with rural land shall be planted and maintained with an internal vegetation buffer of a minimum width of 20 metres. The required landscaping will generally be in accordance with the provisions of the Shire of Gingin Landscaping Policy 1.17 and a Landscaping Plan endorsed by the Shire.

*R Res7*

**7. SEAVIEW PARK** *AMD 86 GG 3/2/06*

- (a) Portion of Lot 9001 of Swan Location 3203, Perth/Lancelin Road, Lancelin.
- (b) In accordance with Table No. 1 - Zoning Table.



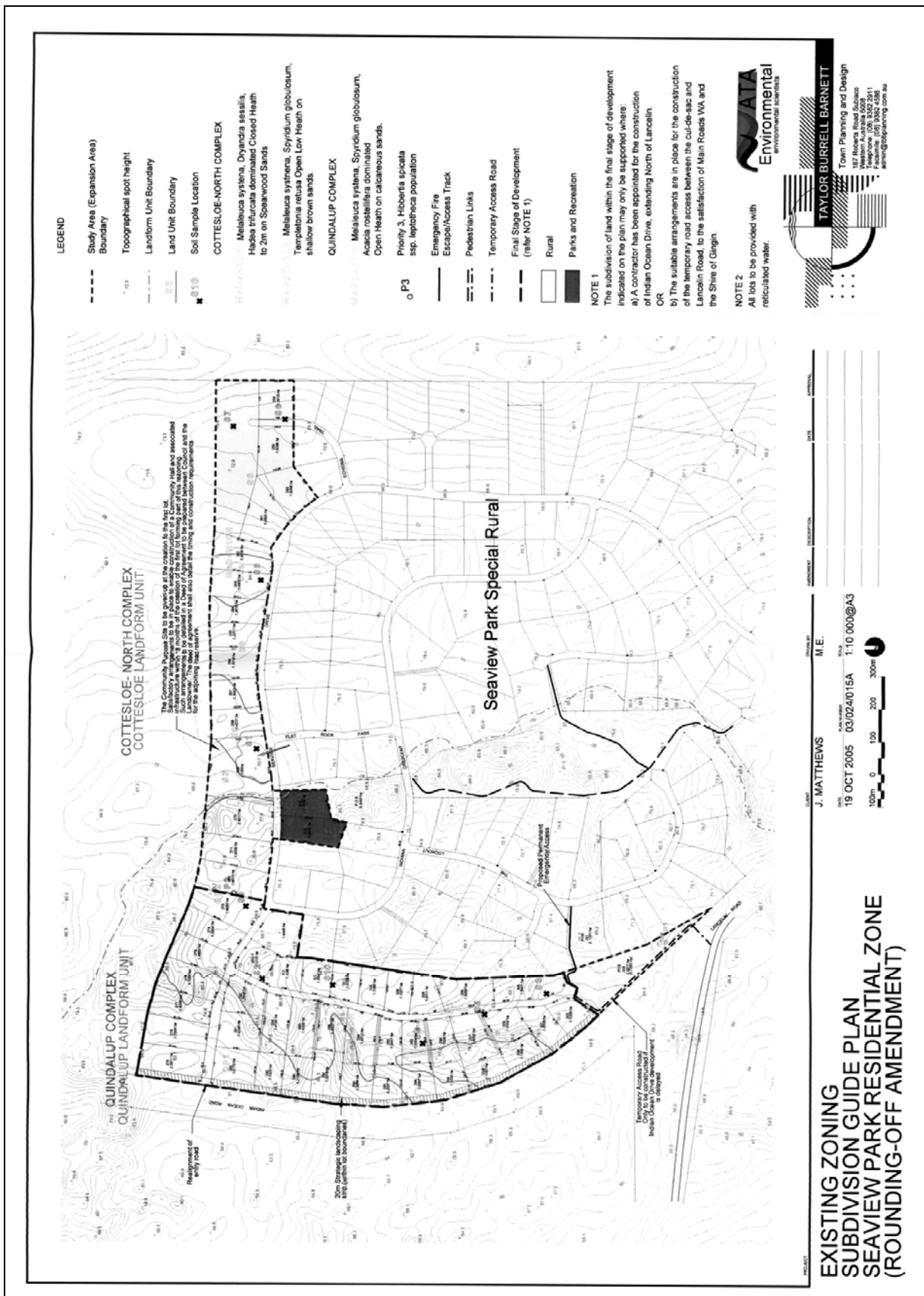
(c) Second-hand dwellings shall not be permitted:

No natural vegetation shall be removed without prior written consent of the Council unless its removal is necessary for construction of a building, firebreak or boundary fence;

In addition to any building licence for any buildings, the proponent shall obtain written consent of Council approving the siting of the building on the lot;

The siting of any buildings on any lot within the subdivision shall be such that they will not significantly impact on the existing vegetation on the site; and

development of the site shall be carried out in accordance with the Seaview Park Management Plan and the Subdivision Guide Plan forming part of the Scheme Amendment.



R Res8

**8. OCEAN FARM ESTATE - STAGE 2**

- (a) Portion of Melbourne Location 3913 Ocean Farm Drive, Lancelin.
- (b) In accordance with Table No. 1, Zoning Table.
- (c) Development of the site should be carried out in accordance with the Management Plan, Fire Management Plan and the Subdivision Guide Plan adopted by Council and endorsed by the Shire Clerk.

Second hand dwellings shall not be permitted.

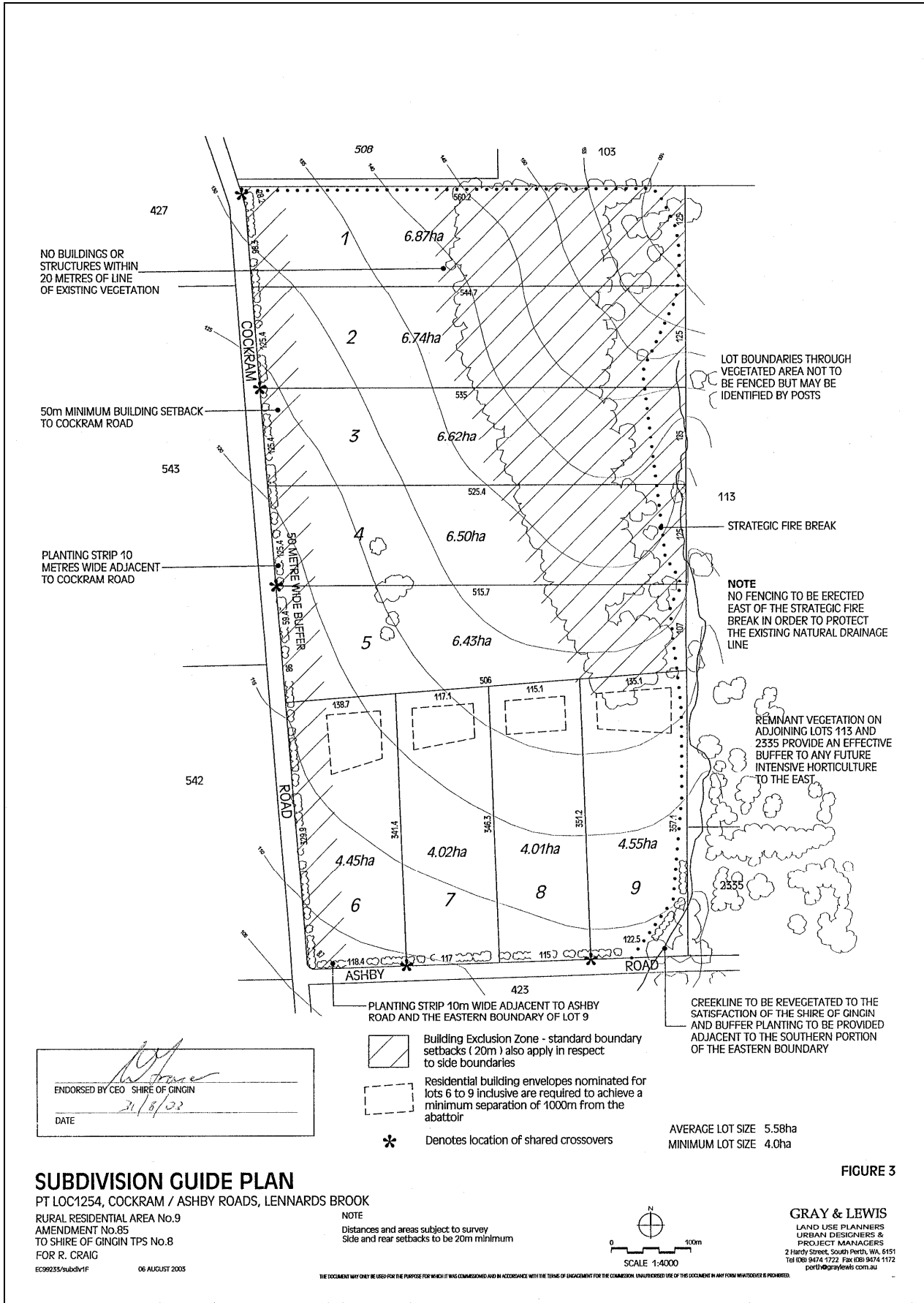
No natural vegetation shall be removed or destroyed without Council's prior consent being obtained in writing.

Lots 183, 184, 376 and 377 are restricted to use for water supply purposes only.

R Res9

**9. Swan Location 1254 Cockram Road, Lennards Brook AMD 85 GG 26/9/03**

- (a) In accordance with Table No. 1 – Zoning Table
- (b) In accordance with Table No. 1 – Zoning Table
- (c)
  - (i) Development of land including the construction of fencing and firebreaks, will be carried out only in accordance with the approved Subdivision Guide Plan.
  - (ii) No more than one dwelling will be permitted on a lot.
  - (iii) No dwelling shall be erected unless the lot is connected to a reticulated water supply or the Council is satisfied that there is an adequate potable water supply consisting of a roof water supply consisting of a roof water tank of not less than 90,000 litres.
  - (iv) Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fenceings except in the immediate vicinity of the residence will only be permitted with the consent of Council.
  - (v) No natural vegetation shall be removed without prior written consent of Council, unless its removal is necessary for construction of a building, firebreak or boundary fence.
  - (vi) The siting and design of any buildings on any lot shall be such that they will not significantly impact on the existing vegetation or visual landscape amenity of the site.
  - (vii) The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types. Where the keeping of animals occurs vegetation shall be protected by stockproof fencing.
  - (viii) Prior to subdivision, the subdivider shall prepare a Fire Management Plan, which should incorporate matters including, but not limited to, strategic fire breaks and the provision of a water supply site within the subdivision.
  - (ix) At the time of subdivision Council will recommend that the Western Australian Planning Commission impose a condition requiring Memorials on the Titles of the lots for the purpose of informing future landowners of the presence of an abattoir, extractive industry and other rural activities and rural industry in the locality that could potentially impact on the amenity of the rural residential lots.



**SUBDIVISION GUIDE PLAN**

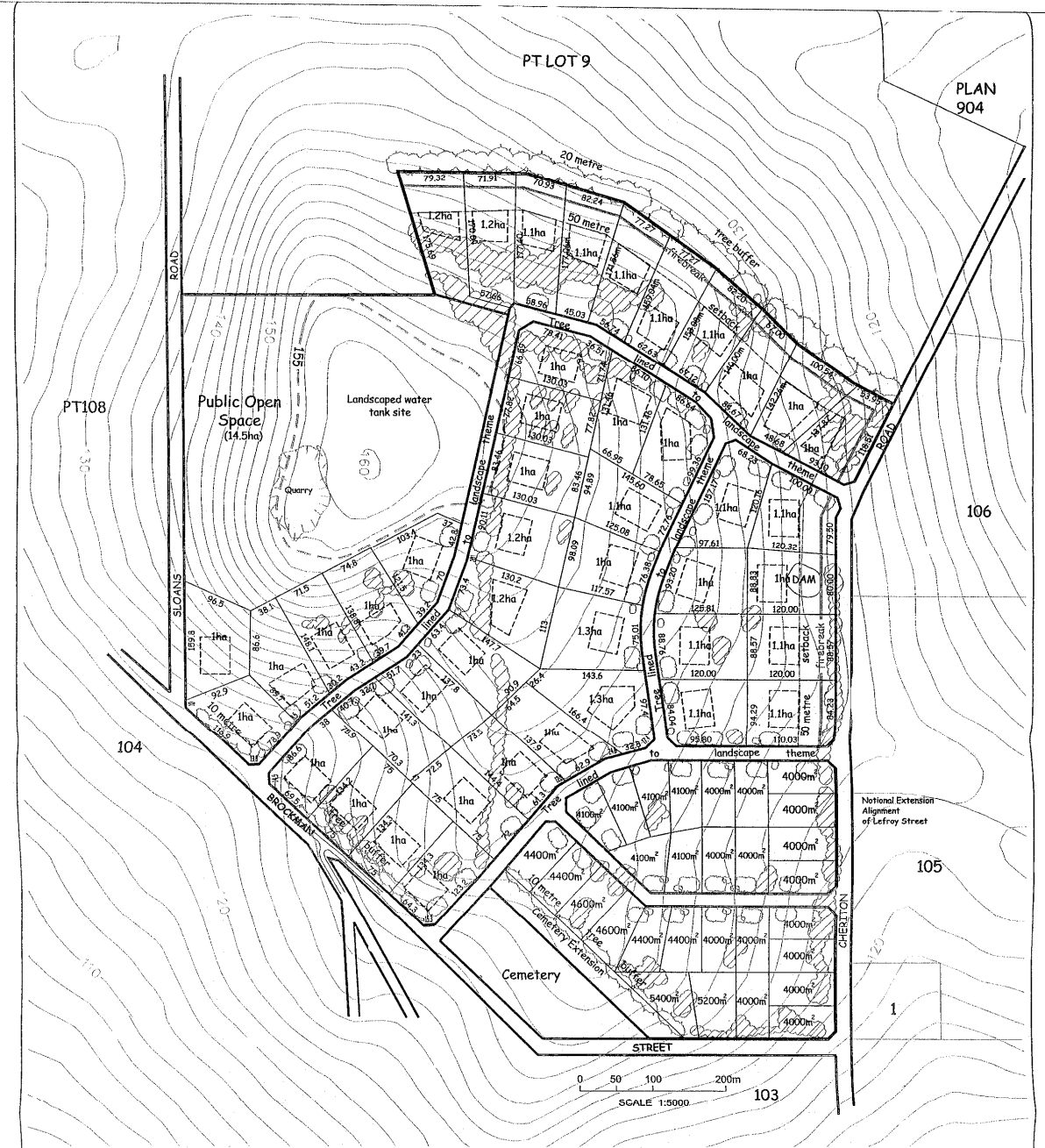
PT LOC1254, COCKRAM / ASHBY ROADS, LENNARDS BROOK  
 RURAL RESIDENTIAL AREA No.9  
 AMENDMENT No.85  
 TO SHIRE OF GINGIN TPS No.8  
 FOR R. CRAIG

EC39255/subdiv1F 06 AUGUST 2005

THIS DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.

FIGURE 3

- (a) Pt Lot 9 of Swan Location 398, Cheriton Road, Gingin
- (b) In accordance with Table 1 – Zoning table.
- (c)
  - (i) Second hand dwellings shall only be permitted with specific approval of Council.
  - (ii) No natural vegetation shall be removed without prior written consent of the Council unless its removal is necessary for construction of a building, firebreak or boundary fence.
  - (iii) Development of the site shall be carried out in accordance with the Subdivision Guide Plan forming part of the Scheme Amendment.
  - (iv) A 50 metre building setback shall apply from 'Cheriton Road' to all the allotment to all the allotments fronting this road and from the northern boundary of the estate to all the allotments abutting this boundary, as delineated on the Subdivision Guide Plan.
  - (v) No building development shall be permitted above the 155 metre contour level as delineated on the Subdivision Guide Plan.
  - (vi) A 20 metre wide buffer shall be planted and maintained along the northern boundary of Lot 9. A 10 metre wide tree buffer shall be planted and maintained along the common boundary between the Estate and the cemetery.
  - (vii) All the perimeters of the subdivision that interface with rural land shall be planted and maintained with internal vegetation buffers of a minimum width of 40 metres, with the density, location and mix of plantings to be approved by Council prior to planting taking place.
  - (viii) A tree planting buffer with a minimum of two rows shall be planted along the eastern southern and northern boundaries behind the required firebreaks.
  - (ix) A reticulated water supply system will be provided for the entire Estate.
  - (x) Stocking rates shall be of the rate of 8 DESE/ha for general pasture and 16 DESE/ha for irrigated pasture in accordance with the Department of Agriculture WA publication 'Stocking Rate Guidelines for Rural Small Holdings' (02/00,ISSN 1326-4168).
  - (xi) The development and management of the area reserved for 'Parks and Recreation' shall be in accordance with the Public Open Space Management Plan approved for the reserve.
  - (xii) Standard fencing shall be provided throughout the Estate in accordance with Council Policy Statement No. 1.10
  - (xiii) At the time of subdivision the Council may request where appropriate, that a Memorial Notice be placed on the titles of any lots informing future landowners of the potential amenity impacts resulting from odour, noise, dust and spray drift associated with living adjacent to an agricultural area.
  - (xiv) Side setbacks may be reduced to a minimum of 10 metres in circumstances considered justified by Council.



**SUMMARY**

No. of Lots -  
 45 Rural/Residential (1ha)  
 29 Residential (R2.5)

Area of POS - 14.5 ha

Length of Roads - 2909m

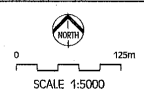
**LEGEND**

- EXISTING VEGETATION
- REVEGETATION
- 50 metre setback
- 155 metre contour
- Tree planting (2 rows) set back behind the fire break
- Building envelope

**Hawker Moss Surveyors**  
 LICENCED SURVEYORS AND PROJECT MANAGERS  
 POSTAL ADDRESS : PO BOX 294, COTTESLOE, WA, 6911  
 TELEPHONE : ( 08 ) 9385 4220  
 FAX : ( 08 ) 9395 4215  
 EMAIL : hmoss@inet.net.au

**SUBDIVISION GUIDE PLAN**  
 'MARCHMONT ESTATE'  
 PT LOT 9 CHERITON ROAD, GINGIN

FILE NO.	EC
DRAWN BY	RB
DATE	23 September 2005
VERIFIED BY	RB
APPROVED BY	RB
DRAWING NO.	03462/cheriton1_1



**BELTON - TAYLFORTH**  
 PLANNING AND ENVIRONMENTAL CONSULTANTS  
 UNIT 1/21 SPRING PARK ROAD, MIDLAND, 6385  
 POSTAL ADDRESS : PO BOX 429 MIDLAND, WA, 6936  
 PHONE : (08) 9274 1455  
 FAX : (08) 9274 1440  
 EMAIL : belton.taylforth@tpg.com.au

DISCLAIMER : This plan was prepared for V.Schofield as a proposed layout to accompany a rezoning application to the Shire of Gingin and should not be used for any other purpose. The dimensions, areas and number of lots shown hereon are subject to field survey and also to the requirements of the WAPC and any other authorities which may have requirements under any relevant legislation. In particular, no reliance should be placed on this information on this plan for any financial decisions involving the land. This note is an inherent part of this plan.

# APPENDIX 7 - RURAL LIVING ZONE

## PROVISIONS RELATING TO SPECIFIC AREAS

- 
- (a) Particulars of the Land.
  - (b) Proposed Uses.
  - (c) Special Provisions.
- 

- 1.
  - (a) Lot 2 of Swan Locations 3183 and 5588 Coonabidgee Road, Coonabidgee.
  - (b) In accordance with Table 1 Zone Table.
  - (c) No new dwelling shall be approved for occupation unless it is connected to a mechanical aerobic treatment plan or other such approved apparatus for the disposal of waste water.
  
- 3.
  - (a) Lot 1 Gingin Brook Road and Location 3473 Muckenburra Road, Muckenburra;
  - (b) In accordance with Table 1 Zoning Table;
  - (c)(i) Development, of the land will be carried out in accordance with Rural Living Area No. 3 Management Plan and Subdivision Guide Plan which comprises part of this 1 Scheme.
  - (c)(ii) No dwelling shall be approved for occupation unless it is connected to a mechanical aerobic treatment plant or other such approved apparatus for the disposal of waste water,
  - (c)(iii) No stormwater run-off shall be permitted to drain into wetlands.
  - (c)(iv) No indigenous trees or scrub or other substantial vegetation may be felled or removed except as hereunder:
    - Trees which are dead, diseased or are dangerous;
    - For the purpose of a fire break required by a regulation or Bylaw, except that in order to preserve the amenity of the area, Council may at it's discretion, vary the position of any required firebreak to avoid destruction of vegetation.
    - For the purpose of constructing a building in a location approved by Council
    - As otherwise approved by Council

## APPENDIX 8 - RURAL CONSERVATION ZONE

ZONE IDENTIFICATION	ADDITIONAL PROVISIONS RELATING TO SPECIFIC ZONES
(1) Swan Loc 4375 Cowalla Road	(a) Subdivision and development shall be generally in accordance with the Subdivision Guide Plan and the Management Plan adopted by Council on 14/12/95.
(2) Swan Location 4413 and 5535 Cowalla road, Wannerie	(a) Subdivision and development shall be generally in accordance with the Subdivisional Guide Plan and the Management Plan adopted by Council on 14 December 1995.



# APPENDIX 9 - HORTICULTURE ZONE

## PROVISIONS RELATING TO SPECIFIC AREAS

- 
- (a) Particulars of the Land.
  - (b) Proposed Uses.
  - (c) Special Provisions.
  - (d) Management Plan.
- 

### H1

- 1. (a) Lot M2126 Gingin Brook Road.
- (b) In accordance with Table 1 - Zoning Table.
- (c) Any future subdivision should generally be in accordance with the Subdivision Guide Plan adopted by the Council on December 14, 1995.

### H2

- 2. (a) Lot 110 of Swan Location 507.
- (b) In accordance with Table No. 1 Zoning Table.
- (c) Future subdivision should generally be in accordance with the subdivision guide Plan adopted by Council on 16 May, 1996.
- (d) The landowner complying with the Management Plan comprising part of this Scheme.

### H3

- 3. (a) Lot 110 of Swan Location 1374 corner Lancelin Road and Gingin Brook Road, Neergabby.
- (b) In accordance with Table No. 1 - Zoning Table and sub-clause (c) of this part.
- (c) (i) Only uses which - in the opinion of Council - are not considered to be nutrient exporting activities may be permitted within the area of the subject land delineated as "Area A" on the Land Management Plan.
- (ii) Activities associated with the Use Classes of "Irrigated Horticulture" and "Rural Pursuit" as incorporated within Table No. 1 - Zoning Table and defined in Appendix 1 (Interpretations) to this Scheme may only be permitted within the area of the subject land delineated as "Area B" on the Land Management Plan in accordance with the following Table:

#### Discretionary Uses (AA)

##### Orchard

- Citrus
- Custard Apples
- Avocados
- Mangoes
- Peaches

##### Nursery

- Native Flowers

Not Permitted Uses

Orchard

- Grapevines

Market Gardens

- Carrots
- Cauliflowers
- Celery
- Lettuce
- Onions
- Potatoes
- Tomatoes
- Pumpkins
- Rockmelons
- Cabbages

Greenhouse Flowers

- Roses
- Carnations

Golf course

Turf Production

- (iii) Council shall exercise its discretion in approving or refusing any use not listed in sub-clause (c) (ii) of this part by reference to the guidelines of the Department of Environmental Protection and Agriculture Western Australia for the identification of low-level nutrient activities. Uses not listed may only be approved by Council if the use has a similar or lower nutrient application/export level to the discretionary uses listed.
- (d) Future subdivision and development should generally be in accordance with the endorsed Subdivision Guide Plan and Land Management Plan.

H4

- 4. (a) Lot 102 Wanneroo Road; *AMD 76 GG 31/8/04*
- (b) In accordance with Table No. 1 – Zoning Table and sub-clause (c) of this part
- (c) (i) Only uses which in the opinion of Council are not considered to be nutrient exporting activities may be permitted within the area of the subject land delineated as 'Area A' on the Subdivision Guide Plan.
- (ii) Activities associated with the Use Classes of 'Irrigated Horticulture' and 'Rural Pursuit' as incorporated within Table No. 1 – Zoning Table and defined in Appendix 1 (Interpretations) to this Scheme may only be permitted within the area of the subject land delineated as 'Area B' on the Subdivision Guide Plan in accordance with the following Table:

Discretionary Uses (AA)

**Orchard**

- Citrus
- Custard Apples
- Avocados
- Mangoes
- Peaches

**Nursery**

- Native Flowers

**Not Permitted Uses****Orchard**

- Grapevines

**Market Gardens**

- Carrots
- Cauliflowers
- Celery
- Lettuce
- Onions
- Potatoes
- Tomatoes
- Pumpkins
- Rockmelons
- Cabbages

**Greenhouse Flowers**

- Roses
- Carnations

**Golf Course****Turf Production**

- (iii) Council shall exercise its discretion in approving or refusing any use not listed in sub-clause (c) (ii) of this part by reference to the guidelines of the Department of Environmental Protection and Agriculture Western Australia for the identification low-level nutrient activities. Uses not listed may only be approved by Council if the use has a similar or lower nutrient application/export level to the discretionary uses listed.
- (d) Any future subdivision shall be generally in accordance with the Subdivision Guide Plan adopted by Council on 19 October 1999.
- (e) The landowner complying with the requirements of the attached Management Plan.

## APPENDIX 10 - SPECIAL USE ZONE

	PARTICULARS OF LAND	SPECIAL USES	SPECIAL CONDITIONS
SU1	<p>Portion of Lot 742 Ledge Point Road, Ledge Point</p> <p><i>AMD 80 GG 30/7/02</i></p>	<p>Caravan Park Holiday Accommodation Caretaker's Dwelling</p>	<p>i. The clearing of native vegetation is to be limited to the area designated for the proposed caravan park and associated uses, only as shown on the development plan approved by Council.</p> <p>ii. Any revegetation plan is to be approved by Council and must be undertaken using native species. Landscaping plans for the development must also be approved by Council and exclude 'Pest or Declared' plants.</p> <p>iii. Prior to the commencement of development, the perimeter of the development area for the caravan park and associated uses must be fenced to prevent access to adjoining areas of remnant bush land. Fencing is to be to the specifications approved by Council.</p> <p>iv. A weed management plan is to be prepared to the satisfaction of Council, which addresses the issue raised in the Flora and Vegetation Assessment by ATA Environmental Consultants, dated July 2001.</p> <p>v. At the time of subdivision and/or development Council will request a condition requiring connection to the reticulated sewerage system.</p>
SU2	<p>Lot 435 Walker Avenue, Lancelin</p> <p><i>AMD 92 GG 28/7/09</i></p>	<p>Composite area consisting of mixed business and industrial uses.</p>	<p>1. Permissible uses on lots that either abut, or are visible from, Walker Avenue are:</p> <ul style="list-style-type: none"> <li>• Car Wash</li> <li>• Dry Cleaning premises</li> <li>• Garden Centre</li> </ul>

	PARTICULARS OF LAND	SPECIAL USES	SPECIAL CONDITIONS
SU2	<p>Lot 435 Walker Avenue, Lancelin (Cont'd)</p> <p><i>AMD 92 GG 28/7/09</i></p>	<p>Composite area consisting of mixed business and industrial uses.</p>	<ul style="list-style-type: none"> <li>• Laundromat</li> <li>• Service Industry</li> <li>• Showroom</li> <li>• Trade Display</li> <li>• Vehicle Hire and Sales</li> <li>• Market</li> <li>• Veterinary Establishment</li> <li>• Shop</li> </ul> <p>These uses shall be subject to the 'P' requirements of the Scheme except for 'Market' and 'Veterinary Establishment' which shall be subject to the 'AA' requirements of the Scheme and 'Shop' which shall be subject to the 'IP' requirements of the Scheme.</p> <p>2. Permissible uses on all other lots not referred to in Condition 1 above shall be as per the Industrial zone of the Scheme.</p> <p>No other uses are permitted.</p> <p>3. Subdivision shall be in accordance with a WAPC endorsed Outline Development Plan.</p> <p>4. The facades of any service industry buildings on lots that abut, or are visible from, Walker Avenue are to be of masonry construction.</p> <p>5. Other than those buildings requiring a masonry façade, industrial buildings are to be constructed using Colourbond (or similar) materials for all external walls. No zincalume is permitted.</p> <p>6. Use of the land forward of the building line will comprise of car parking and landscaping only, unless otherwise approved by Council.</p>

	PARTICULARS OF LAND	SPECIAL USES	SPECIAL CONDITIONS
SU3	Lot 20 King Street and Lot 21 Walker Avenue, Lancelin <i>AMD 101 GG 5/2/2010</i>	Mixed Business	<ol style="list-style-type: none"> <li>1. Permissible uses are:               <ul style="list-style-type: none"> <li>• Car Wash</li> <li>• Dry cleaning Premises</li> <li>• Garden Centre</li> <li>• Laundromat</li> <li>• Service Industry</li> <li>• Showroom</li> <li>• Trade Display</li> <li>• Vehicle Hire and Sales</li> <li>• Market Veterinary Establishment</li> <li>• Shop</li> <li>• All other permissible uses in Industrial zone of the scheme.</li> </ul> <p>These uses shall be subject to the 'P' requirements of the Scheme except for 'Market' and 'Veterinary Establishment' and 'shop', which shall be subject to the 'AA' requirements of the Scheme and 'Shop'. Industrial uses shall be in accordance with the provisions of the zoning table of the Scheme.</p> <p>No other uses are permitted.</p> </li> <li>2. The landowner/s is/are required to find, implement and maintain for 24 months streetscape works in accordance with the Walker Avenue Commercial Precinct Local Planning Policy.</li> <li>3. Council will not grant planning approval to any development of the site unless it is satisfied that:               <ul style="list-style-type: none"> <li>• The design and siting of any new buildings and the materials used will not create an adverse impact on the visual amenity of the area;</li> <li>• No blank walls or loading/service area are to front Walker Avenue;</li> </ul> </li> </ol>

	<b>PARTICULARS OF LAND</b>	<b>SPECIAL USES</b>	<b>SPECIAL CONDITIONS</b>
SU3	Lot 20 King Street and Lot 21 Walker Avenue, Lancelin (cont) <i>AMD 101 GG 5/2/2010</i>	Mixed Business	<ul style="list-style-type: none"> <li>• There is provision of a safe and convenient cycling and pedestrian access system to, from and within the subject Lot; and</li> <li>• Vehicular movement including car parking and traffic circulation capacity has been addressed.</li> </ul> <p>4. Car parking will generally be accommodated on the subject Lot. Street Parking will require the permission of Council and cash-in-lieu of parking is required to be paid in this event.</p>

	PARTICULARS OF LAND	SPECIAL USES	SPECIAL CONDITIONS
SU4	Lots 1, 22 and 594 Walker Avenue, Lancelin <i>AMD 102 GG 5/2/2010</i>	Mixed Business	<p>1. Permissible uses are:</p> <ul style="list-style-type: none"> <li>• Car wash</li> <li>• Dry cleaning Premises</li> <li>• Garden Centre</li> <li>• Laundromat</li> <li>• Service Industry</li> <li>• Showroom</li> <li>• Trade Display</li> <li>• Vehicle Hire and Sales</li> <li>• Market</li> <li>• Veterinary Establishment</li> <li>• Shop</li> <li>• All other permissible uses in the industrial zone of the scheme.</li> </ul> <p>These uses shall be subject to the 'P' requirements of the Scheme except for 'Market' and 'Veterinary Establishment' and 'Shop', which shall be subject to the 'AA' requirements of the Scheme and 'Shop'. Industrial uses shall be in the accordance with the provisions of the zoning table of the Scheme. No other uses are permitted.</p> <p>2. The landowner/s is/are required to fund, implement and maintain for the 24months streetscape works in accordance with the Walker Avenue Commercial Precinct Local Planning Policy.</p> <p>3. Council will not grant planning approval to any development of the site unless it is satisfied that:</p> <ul style="list-style-type: none"> <li>• The design and siting of any new buildings and the materials used will not create an adverse impact on the visual amenity of the area;</li> <li>• No blank walls or loading/service areas are to from Walker Avenue;</li> </ul>



	<b>PARTICULARS OF LAND</b>	<b>SPECIAL USES</b>	<b>SPECIAL CONDITIONS</b>
SU4	Lots 1, 22 and 594 Walker Avenue, Lancelin (cont) <i>AMD 102 GG 5/2/2010</i>	Mixed business	<ul style="list-style-type: none"> <li>• There is provision of a safe and convenient cycling and pedestrian access system to, from and within the subject Lot; and</li> <li>• Vehicular movement including car parking and traffic circulation capacity has been addressed.</li> </ul> <p>4. Car parking will generally be accommodated on the subject Lot. Street Parking will require the permission of Council and cash-in-lieu of parking is required to be paid in this event.</p>

	<b>PARTICULARS OF LAND</b>	<b>SPECIAL USES</b>	<b>SPECIAL CONDITIONS</b>
SU5	<p>Portion of Lot 7778 situated north of the Boonanarring Road reserve and Wannamal Road South reserve (east of the intersection with Boonanarring Road).</p> <p><i>AMD 104 GG 17/08/10</i></p>	<ol style="list-style-type: none"> <li>1. Waster Management Facility for the Disposal, Recovery and Re-processing of Class II wastes only and incidental infrastructure.</li> <li>2. Activities associated with the downstream processing and utilisation of Class II waste only.</li> <li>3. Such Land Use Classes as are permitted or permitted subject to the discretion of the Council in Column 7, Rural Zone of the Zoning Table.</li> </ol>	<ol style="list-style-type: none"> <li>1. All development of the site shall be subject to the application to the Local Authority for Approval to Commence Development.</li> <li>2. Development of the Waste Management Facility is to be generally in accordance with the shire of Gingin TPS 8 Amendment No 104 Scheme Amendment Report September 2009, the Design and Hydrology Assessment Report December 2009 and the Statement of Conditions No 796 issued by the Minister for the Environment; or in such other manner as may be approved by Council and the Minister for Environment.</li> <li>3. Except as otherwise approved by the Council, the Development Application will be required to address the Fernview Regional Waste Management Facility – “Future Actions” as identified in the Report titled : Fernview Regional Waste Management Facility – Design and Hydrology Assessment Report prepared by IW Projects Pty Ltd, Final, December 2008 and, as a minimum, shall also address the following: <ul style="list-style-type: none"> <li>• Provide a Stability and Settlement Assessment carried out by a competent stability expert to the satisfaction of the Chief Executive Officer at the Shire of Gingin.</li> <li>• Confirm that the detailed landfill design includes adequate localised stormwater diversion particularly around the perimeter of the landfill and the leachate evaporation ponds.</li> <li>• Confirm that the final detailed design for the leachate collection system adequately</li> </ul> </li> </ol>

	PARTICULARS OF LAND	SPECIAL USES	SPECIAL CONDITIONS
			<p>acceptability of linear slopes, leachate sump configuration, extraction systems, consistency with landfill staging, and the need or otherwise for separate leachate sump configuration, extraction systems, consistency with landfill staging, and the need or otherwise for separate leachate sumps for each landfill stage.</p> <ul style="list-style-type: none"> <li>• Include a detailed design of the proposed Geosynthetic Clay Liner (GCL) and consider the impact of construction the GCL layer on the 200mm sand later and Geomembrane Liner below and the construction methodology of the Geomembrane Liner to consider the stability and constructability issues when placing the Geomembrane.</li> <li>• Groundwater extraction bores will be required immediately downstream of the landfill leachate sumps and sediment pond.</li> <li>• Include provision for groundwater rest levels to be measured regularly and the groundwater contours be updated and flow directions repositioned.</li> <li>• Groundwater monitoring to be provided to the Shire on a bi-annual basis.</li> <li>• Require that any future Development Application for the re-mining and re-processing of inert waste shall consider the overall impacts on the landfill operation, liner and leachate collection, detection systems and the environment including:</li> </ul>

	PARTICULARS OF LAND	SPECIAL USES	SPECIAL CONDITIONS
			<ul style="list-style-type: none"> <li>o The long term stability of the waste mass;</li> <li>o Potential for damage to the liner and leachate collection systems from mining and re-filling with new waste;</li> <li>o Leachate management during mining;</li> <li>o Adequacy of the existing leachate collection system to collect leachate from new waste;</li> <li>o The composition of the mined and re-processed material; and</li> <li>o The need, or otherwise, for any liner system to the Inert Spoil Dump to prevent contamination of the local groundwater.</li> </ul> <p>4. All development that includes uses incompatible with sensitive land uses will be located such that the 500m buffer is fully accommodated within the boundaries of the Portion of Lot 7778 zoned "Special Use".</p> <p>5. No Sensitive Land Use as provided for under the Statement of Planning Policy No. 4 – State Industrial Buffer Policy of the Western Australian Planning Commission shall be permitted.</p> <p>6. As a condition of future subdivision or development on Lot 7778, a notification pursuant to Section 70a of the Transfer of Land act 1893 (as amended), or a similar legal instrument, is to be registered on the Certificates of Titles of Lot 7778 to advise that amenity may be affected by activity associated with the Waste Management Facility.</p> <p>7. As a condition of development or subdivision approval, a Fire Management Plan for Lot 7778 will be required to be prepared and implemented to the satisfaction of the</p>

	PARTICULARS OF LAND	SPECIAL USES	SPECIAL CONDITIONS
			<p>Local Government and the Fire and Emergency Services.</p> <p>8. Arrangements being made with the Local Government and / or Main Roads for the upgrading and / or construction of Wannamal Road West and Wannamal Road South and the Wannamal Road West / Brand Highway intersection.</p> <p>9. Prior to subdivision or development of the lot, a Local Water Management Plan is to be prepared and implemented to the specifications of the Department of Water.</p>

## APPENDIX 11 – ENVIRONMENTAL CONDITIONS

Amendment No.	Gazettal Date	Environmental Conditions
Amendment 93 – Portions of Lots 5243, 9504 and 9505 commonly known as 'Lancelin South', Old Ledge Point Road and Lancelin Road <i>AMD 93 GG 12/04/11</i>	TBA	(i) A minimum of 22.49 hectares is to be set aside for vegetation conservation purposes. (ii) At the time of subdivision, the subdivider is to prepare and implement an 'Environmental Management Plan' to address the use and management of the land set aside for conservation purposes. The plan is to make provision for fencing, weed control, fire response and suppression, re-vegetation, and the design and maintenance of pathways and public viewing areas (restricted access).

1. **ADOPTION**

Adopted by resolution of the Council of the Shire of Gingin at the ordinary meeting of the Council held on the 22nd day of October 1988.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SHIRE CLERK

2. **FINAL APPROVAL** Adopted for final approval by resolution of the Council of the Shire of Gingin at the ordinary meeting of the Council held on the 17th day of October 1991 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SHIRE CLERK

3. **STATE PLANNING COMMISSION** Recommended/Submitted for final approval.

\_\_\_\_\_  
CHAIRMAN  
STATE PLANNING COMMISSION

DATE: \_\_\_\_\_

4. **MINISTER FOR PLANNING** Final approval granted.

\_\_\_\_\_  
MINISTER FOR PLANNING

DATE: \_\_\_\_\_

Address: 278 Sovereign Hill Drive Gabbadah  
Price: Offers over \$675,000  
Heading: Massive 5.4 Acres with a 6x3 Home, Pool and Many Extra's!

If you want to live the dream then look no further than this unique home – it has an amazing lifestyle to offer you and your family within the beautiful Moore River Region.

This property offers loads of extra's along with brand new quality flooring throughout, fresh paintwork to ceilings and walls, new white timber look venetian blinds, new electrics including LED downlights, quality retractable ceiling fans and power points, new massive modern top of the range wood heater, new split system air con unit as well as ducted evaporative air con and a dog containment system around the perimeter of the property.

The home was built by Content Living in 2003 with the main home being approx. 211sqm of total internal living and then in 2005 another approx. 108sqm was added to a granny flat area attached to the main home along with a massive approx. 32sqm patio added in 2009. In 2013 a large oversized double carport was added alongside the existing triple garage plus approx 100sqm of shed space! All additions are council approved.

Whether you are a large family, need space for teenagers or your parents, this versatile home is not one to miss. Set on a mainly cleared huge 5.46 acre block with a 6bedroom 3 bathroom home that can be split to use as a main home 4x2 and an attached 2x1 granny flat as well as the most amazing outdoor entertaining area, below ground fenced pool, sheds galore, bore and retic with lots of fruit trees, solar power and space to move for the whole family!!

“Sovereign Hill Estate” Gabbadah is located only 5 minutes from the beautiful Guilderton/Moore river and all that this spectacular region has to offer as well as only being 25 minutes to Yanchep and 45 minutes to Joondalup with school bus services running from the Estate to as far as Mindarie. Do not delay in booking a private viewing with me.

#### **INTERIOR FEATURES:**

- Ducted evaporative Air conditioning and split system air con unit to the main living area
- Entrance leading to a separate Lounge room
- Spacious Master bedroom with bay window, walk in robe, retractable ceiling fan
- Ensuite with King sized double shower, toilet and vanity
- Open plan Kitchen, Family, Meals area with new wood heater and split system air con unit enjoying vistas to the rear of the block to one side and views over the entertaining area a to the other side.
- Huge Kitchen with plenty of cupboard and bench space, dishwasher, stainless steel appliances, double fridge recess – entrance to the granny flat is off here.
- Bedroom 2, 3 and 4 are doubles with built in robes and 2 with ceiling fans
- Main bathroom with bath, shower, vanity.
- Laundry with built in bench and cupboards, walk in linen and separate toilet



- Granny flat area which is separated by the kitchen has its own ducted air con and gas hot water system but shares septic with the main home. Spacious lounge room with a large master bedroom and ensuite with double shower, vanity and toilet and a 2<sup>nd</sup> bedroom which is a double with a triple robe.
- Solar Hot Water System with electric boost to main home and granny flat has a gas HWS
- Fully Insulated
- New water filtration system fitted to the home with water softener.
- Approx. 28 Solar Panels on approx. .40cent rebate transferable to new owner but rebate ends Dec 2020 approx

#### **EXTERIOR FEATURES**

- Fully fenced 5.46 acre mainly cleared block with dog containment system in place
- Triple Garage with additional Double carport.
- MASSIVE outdoor entertaining area with brand new ceiling fans installed featuring a built in outdoor kitchen area (please note oven not working and decommissioned), Great bar area and views right over the back of the property. This space is amazing and allows you to entertain summer and winter till your heart is content with views over the pool area and to large block that spans behind this.
- Bore installed with approx. 28 manual stations of reticulation
- 4 large sheds all connected with doors to the front of each one
- Fully fenced pool area council approved with below ground fibreglass pool, auto pool cleaner and a fairly new 3 phase eco power pump
- Fantastic chook pen for farm fresh eggs
- Owner has planted fruit trees throughout the property including Pear, Apple, Olive, Blueberry, Lemon, Orange, Mandarine, Banana, Passionfruit, Grapes, Plum, Almond and Peacharine.
- Near new 1000 litre fire trailer with hoses to be left for new owner

The owner is also happy to offer the home on a Walk in Walk out basis leaving behind all furniture inside and out (most less than 12 months old and of good quality) as well as a new John Deere ride on mower with trailer and sprayer unit, chainsaws, wood splitter and many other garden tools. This package would be negotiated separate to the sale.

Please phone Tracy to view on 0419998306

## PROPERTY THREE –

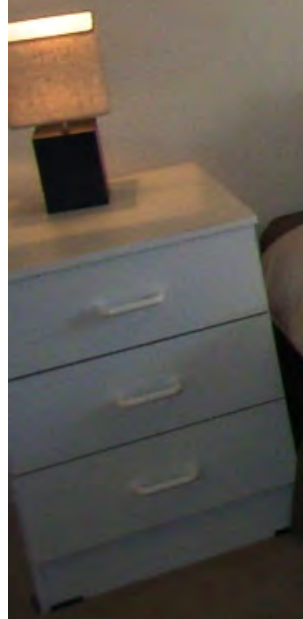
Visual Property Details	:	Executive double storey 3 bed 2 bath unit with living downstairs and bedrooms upstairs
Titled Property Details	:	Green Title Residential - overseas purchaser rights
Special Rights Details	:	Overseas residents able to purchase without FIRB approval – resort area special rights.
Buyer details	:	Elderly couple downsizing
Buyers moving from	:	Cottesloe large family home
Buyers requirement	:	Executive min 2 bed, 2 bath unit with low maintenance requirements. Nice easy-care garden. Double garage and easy access to public transport. Ideally like resort style living to use resort facilities and restaurants and also quiet area and neighbourhood.
Buyers budget	:	No real limit but property must be perfect. Property was on the market for \$769,000
Buyers limitations	:	Elderly couple, Mrs occasionally needs assistance walking. Sales rep had never met the couple.

### **Further Detail:**

The unit ticks every box, executive low maintenance, nice easy-care gardens, resort style living on Joondalup Golf Course with use of facilities allowed. Public transport relatively close. The sales rep had not met the couple in person yet as the initial enquiry was done via virtual tour. Buyers want to make an offer based on the virtual tour and assume their offer will be based on confirming they love the property when they see it.

### **What could go wrong?**















## PROPERTY FOUR –

Visual Property Details	:	Beautiful double storey 4 bed 2 ½ bath home. Has nursery / study plus teenage retreat / 2 <sup>nd</sup> master bedroom.
Titled Property Details	:	Green Title Residential
Special Rights Details	:	No special rights but currently being used as a holiday home.
Buyer details	:	Couple with 3 primary school age children and 1 teenager.
Buyers moving from	:	City centre to be close to private school
Buyers requirement	:	Large family requiring 4 bedrooms (could be 3 plus study which can be a nursery) plus larger 5 bedroom, teenager retreat if possible.
Buyers budget	:	Between \$580,000 to \$650,000
Buyers limitations	:	At the high end of their budget they have no additional funds for upgrade or spend additional money on property.

### Further Details

The home currently is being used as a holiday home and has all the features the buyers are looking for. 1 main bedroom, 2 minor bedrooms plus study or nursery or 3 minor bedrooms. There is also teenage retreat / 2<sup>nd</sup> master which is an addition to the back of the home. Title search shows no encumbrances other than small restrictive covenant for building requirements and mortgage.

### **What could go wrong**









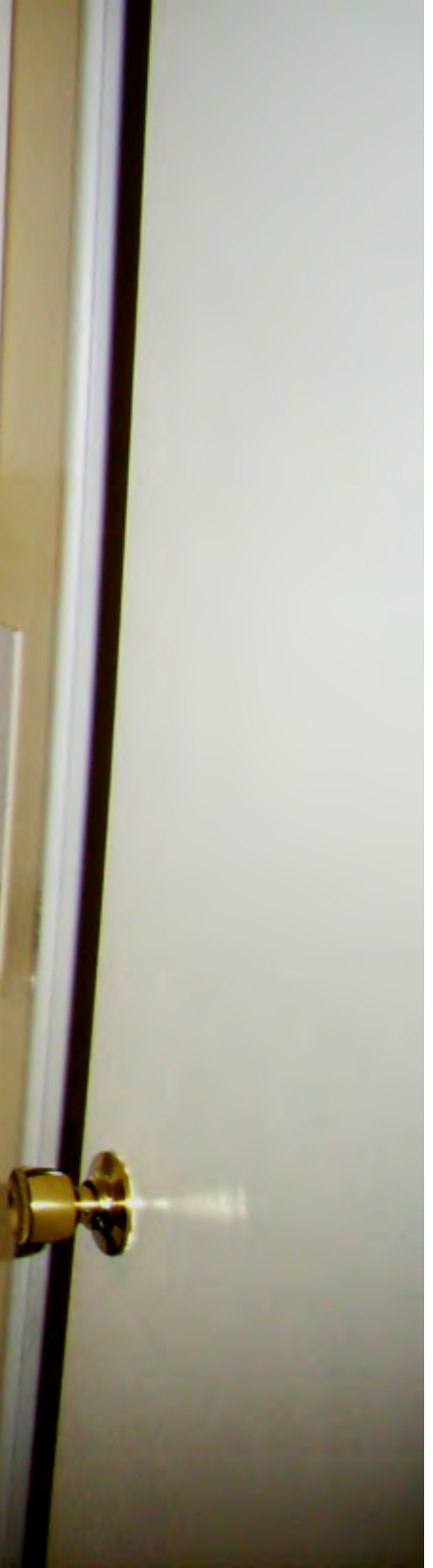




























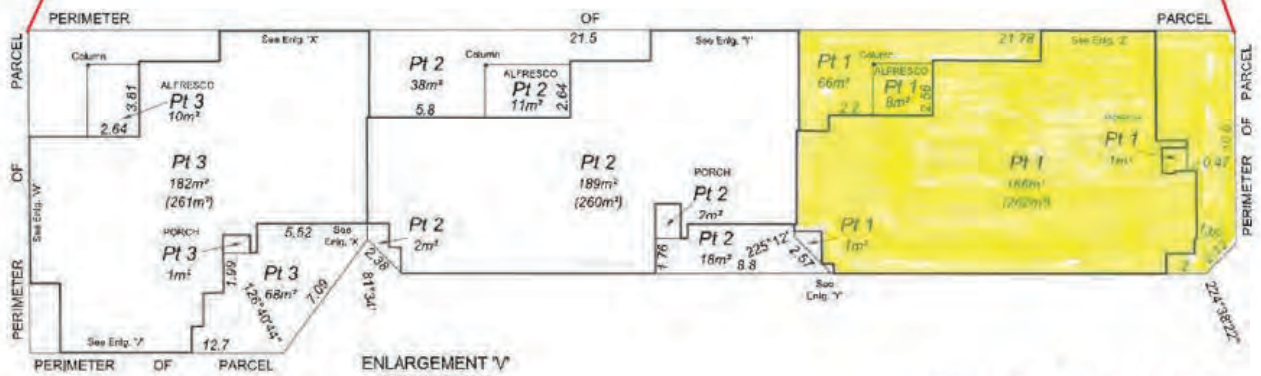
## **PROPERTY FIVE –**

Visual Property Details	:	Unit one – front unit for sale
Titled Property Details	:	Strata titled property 1 of 3
Special Rights Details	:	Consideration of ownership lots and part lots
Buyer details	:	Young executive couple.
Buyers moving from	:	South Perth – Apartment Living
Buyers requirement	:	Low maintenance 4 x 2 strata unit Proximity to city and “Mr” place of work needed to be approximately 15-20 minutes either way Low annual strata fees.
Buyers budget	:	Dependent on if all boxes ticked
Buyers limitations	:	Keen to have a front grassed area that they can fence in the future when they get their new puppy.

### **Further Details:**

The unit is strata titled so care needs to be taken in reading the strata plan to determine part lot versus common property who pays for any relevant maintenance or upkeep on common property.

### **What could go wrong?**



ENLARGEMENT 'V'  
NOT TO SCALE

Pt 3
Pt 3
12.7
P. O. P.

ENLARGEMENT 'Z'  
NOT TO SCALE

P.	O.	P.
21.78		
Pt 1		
Pt 1		

GROUND FLOOR PLAN

SCALE 1:200 @ A3



ALL DISTANCES ARE IN METRES



STRATA PLAN  
**76118**

SHEET 2 OF 2 SHEETS

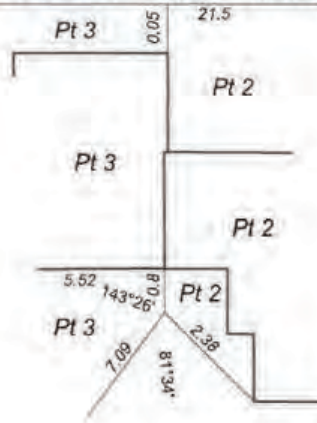
LAND DIVISION

PO BOX 2444, MALAGA, WA 6009  
T: 9209 2232 | F: 9249 2991  
E: INFO@LANDGATE.WA.GOV.AU  
REF: 16-2202 AK/MN 3D-11-16

HELD BY LANDGATE IN DIGITAL FORMAT ONLY

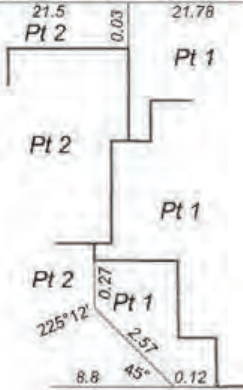
ENLARGEMENT 'X'  
NOT TO SCALE

PERIMETER OF PARCEL

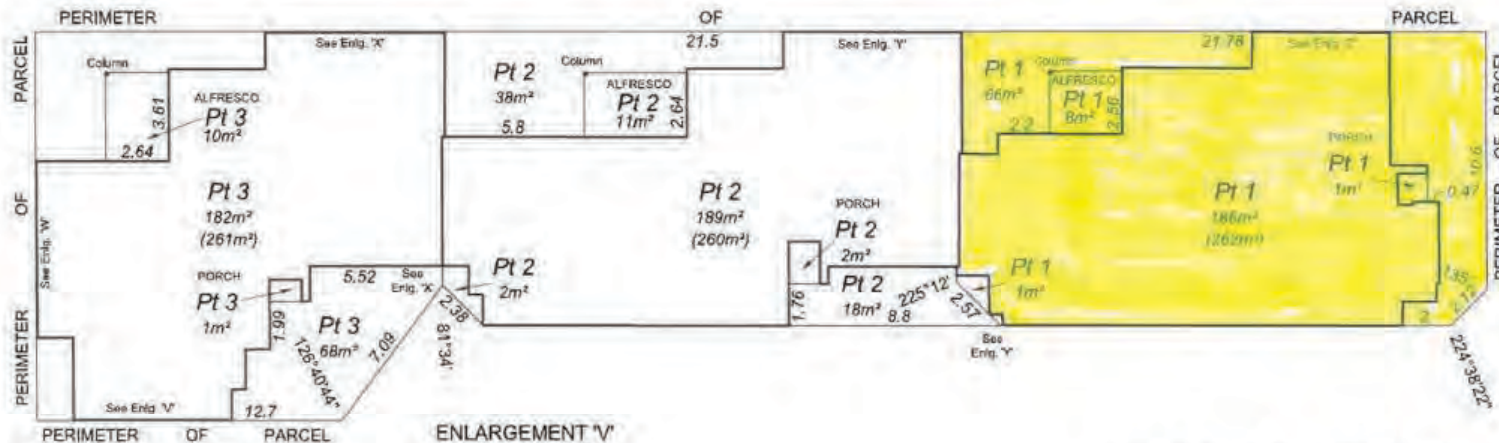
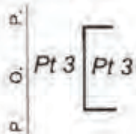


ENLARGEMENT 'Y'  
NOT TO SCALE

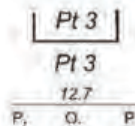
PERIMETER OF PARCEL



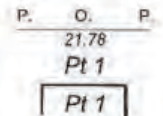
ENLARGEMENT 'W'  
NOT TO SCALE



ENLARGEMENT 'V'  
NOT TO SCALE



ENLARGEMENT 'Z'  
NOT TO SCALE



THE BOUNDARIES OF THE LOTS OR PARTS OF THE LOTS WHICH ARE BUILDINGS SHOWN ON THE STRATA PLAN ARE THE EXTERNAL SURFACES OF THOSE BUILDINGS, AS PROVIDED BY SECTION 3AB OF THE STRATA TITLES ACT 1985.

THE STRATUM OF THE PART LOTS INCLUDING THE CUBIC SPACE ABOVE AND BELOW THE PART LOTS COMPRISING THE BUILDING EXTENDS BETWEEN 8 METRES BELOW AND 12 METRES ABOVE THE UPPER SURFACE LEVEL OF THE LOWEST GROUND FLOOR OF THE RESPECTIVE UNITS INCLUDING WHERE COVERED.

WHERE 2 LOTS HAVE A COMMON OR PARTY WALL OR HAVE BUILDINGS ON THEM WHICH ARE JOINED, THE CENTRE PLANE OF THAT WALL, OR THE PLANE AT WHICH THEY ARE JOINED, IS THE BOUNDARY.

ALL MEASUREMENTS ARE TO THE EXTERNAL SURFACES OF THE BUILDING UNLESS SHOWN OTHERWISE.

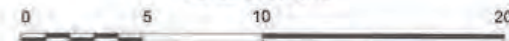
ALL ANGLES ON THE PLAN ARE 90° UNLESS DEFINED BY STRUCTURES, PARCEL BOUNDARIES OR OTHERWISE STATED.

COLUMNS FORM PART OF THE LOTS

P.O.P. DENOTES PERIMETER OF PARCEL

GROUND FLOOR PLAN

SCALE 1:200 @ A3



ALL DISTANCES ARE IN METRES



## **PROPERTY SIX –**

Visual Property Details	:	Full inspection of house at appraisal
Titled Property Details	:	Standard green title normal encumbrances
Special Rights Details	:	None
Buyer details	:	Small family of 3
Buyers moving from	:	Unsure
Buyers requirement	:	Family home with double garage. Green title property i.e. no shared property with neighbours etc
Buyers budget	:	Within range of asking price
Buyers limitations	:	Must have double garage and no further costs to be incurred after settlement.

### **Further Details:**

The sales representative conducted an appraisal of the home. During the inspection the owners informed her that there was a minor issue in that their garage encroached slightly into the neighbour's property. The owners advised that the neighbours were aware and that it had never been a problem. Several days later the owners appointed the sales representative as their selling agent.

### **What could go wrong?**

# Setback and Yard Requirements

