Schedule 11 — Special Rural Zones

SPECIAL RURAL ZONE NO.1 - "HENLEY BROOK"

Land generally bounded by Park Street to the south, Lord Street to the west and the Swan Valley Planning Act Area to the east and located south of the intersection of Henley and Lord Streets, in the locality of Henley Brook, as delineated on the scheme maps.

Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to determine the precise extent of the zoning.

- Subdivision of this Special Rural Zone is to be in accordance with an approved Structure Plan and shall be in accordance with the following criteria:
 - a) Minimum lot size shall be 2ha.
 - b) A bridle path system incorporated into the design connecting the Special Rural Zone to Whiteman Park.
- 2. Permitted 'P' uses:
 - The following uses are permitted 'P' within the Special Rural Zone:
 - Dwelling House
 - Home Occupation
 - Rural Home Occupation
 - b) The following uses are not permitted unless Council gives its approval in writing 'D':
 - Home Business
 - Public Utility
 - c) The following use is an 'A' use:
 - Grouped Dwelling
 - d) The following uses are not permitted unless approval is granted by Council and Council is advised by the Department of Environment, Water and Catchment Protection that a licence would be issued for the use of groundwater in the amounts necessary for the development:
 - Stables
 - Rural Pursuit
 - Private Recreation
 - Public Recreation
 - e) All other uses not mentioned under a), b) and c) above and Rural pursuits, other than those referred to in d) above, which normally require the issue of any licence and permit are not permitted 'X'.
- 3. The Council may specify that no house shall be constructed with an internal floor area of less than 100m². No building shall be constructed within the zone of materials, the nature, colour or texture of which, in the opinion of the Council, is undesirable for the locality.
- 4. The Council may require an owner of a subdivided lot within the area to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement.

1

SPECIAL RURAL ZONE NO.1 - "HENLEY BROOK"

- 5. The subdivider shall ensure that each prospective purchaser of a subdivided lot acknowledges in writing at the time of purchase of a lot a schedule of conditions relating to the subdivision. Such schedule shall include the following provisions:
 - a) As these lots are within a public water supply and underground water pollution control area the requirements and regulations of the Department of Environment, Water and Catchment Protection regarding the use of the groundwater and the protection of groundwater supplies shall apply. The Department of Environment, Water and Catchment Protection is unlikely to issue a licence for the use of groundwater for amounts more than 1,500 cubic metres per annum. This is sufficient for house and domestic garden requirements and for the irrigation of approximately 0.1ha of pasture or other crops.
 - b) The siting of bores on each lot shall be carried out in consultation with the Department of Environment, Water and Catchment Protection, having regard to the position of effluent systems, the spacing of bores between neighbouring lots and the Water Corporation's bores.
- 6. Prior to Council issuing any licence to build within the zone, the Council shall be satisfied that there is sufficient vertical separation between the bottom of any proposed onsite effluent disposal system and the highest known level of the water table.
- 7. Any person who keeps an animal or animals or who uses any land in the zone for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include:
 - Seeding, cultivating, top dressing and/or stocking so as to maintain vegetative cover;
 - (ii) Installing sprinkler or ground water irrigation where necessary to maintain soil moisture at a level that will prevent wind-blown dust;
 - (iii) Constructing feed lot facilities;
 - (iv) Adopting any other management system that prevents dust arising or soil erosion.

Where in the opinion of the Council the continued presence of animals on any portion of land in the zone is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said portion of land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.

SPECIAL RURAL ZONE NO.2 - "HENLEY BROOK"

SPECIFIED AREA OF SPECIAL RURAL ZONE

Land generally bounded by Gnangara Road to the north, Lord Street to the west, Pine Road to the east and located to the north of the intersection of Henley and Lord Streets, in the locality of Henley Brook as delineated on the scheme map.

Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to determine the precise extent of the zoning.

SPECIAL PROVISIONS

- Subdivision of this Special Rural Zone is to be in accordance with an approved Structure Plan and shall be in accordance with the following criteria:
 - a) Minimum lot size shall be 2ha.
- 2. Permitted 'P' uses:
 - The following uses are permitted 'P' within the Special Rural Zone:
 - Dwelling House
 - Home Occupation
 - Rural Home Occupation
 - b) The following uses are not permitted unless Council gives its approval in writing 'D':
 - Home Business
 - Public Utility
 - c) The following use is an 'A' use:
 - Grouped Dwelling
 - d) The following uses are not permitted unless approval is granted by Council and Council is advised by the Department of Environment, Water and Catchment Protection that a licence would be issued for the use of groundwater in the amounts necessary for the development:
 - Stables
 - Rural Pursuit
 - Private Recreation
 - Public Recreation
 - e) All other uses not mentioned under a), b) and c) above and Rural pursuits, other than those referred to in d) above, which normally require the issue of any licence and permit are not permitted 'X'.
- The Council may specify that no house shall be constructed with an internal floor area of less than 100m². No building shall be constructed within the zone of materials, the nature, colour or texture of which, in the opinion of the Council, is undesirable for the locality.
- The Council may require an owner of a subdivided lot within the area to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement.

SPECIAL RURAL ZONE NO.2 - "HENLEY BROOK"		
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PR	OVISIONS
	a subo of a lo	ubdivider shall ensure that each prospective purchaser of divided lot acknowledges in writing at the time of purchase of a schedule of conditions relating to the subdivision. schedule shall include the following provisions:
	a)	As these lots are within a public water supply and underground water pollution control area the requirements and regulations governing the use of the groundwater and the protection of groundwater supplies shall apply. The Department of Environment, Water and Catchment Protection is unlikely to issue a licence for the use of groundwater for amounts more than 1,500 cubic metres per annum. This is sufficient for house and domestic garden requirements and for the irrigation of approximately 0.1 ha of pasture or other crops.
	b)	The siting of bores on each lot shall be carried out in consultation with the Department of Environment, Water and Catchment Protection, having regard to the position of effluent systems, the spacing of bores between neighbouring lots and the Water Corporation's bores.
	Cound separ groun	to Council issuing any licence to build within the zone, the cil shall be satisfied that there is a minimum vertical ation of 1.2 metres between the highest known dwater level and the bottom of any proposed onsite nt disposal system.
	land ii respo and s	erson who keeps an animal or animals or who uses any in the zone for the exercise or training of animals shall be insible for appropriate measures to prevent dust pollution oil erosion to the satisfaction of the Council. These ures may include:
	(i)	Seeding, cultivating, top dressing and/or stocking so as to maintain vegetation cover;
	(ii)	Installing sprinkler or groundwater irrigation where necessary to maintain soil moisture at a level that will prevent wind-blown dust;
	(iii)	Constructing feed lot facilities;
	(iv)	Adopting any other management system that prevents dust arising or soil erosion
	on any portion contributing to the owner of	opinion of the Council the continued presence of animals in of land in the zone is likely to contribute, or is o dust pollution or soil erosion, notice may be serviced on the said portion of land, requiring the immediate removal of a specified in the notice for a period specified in the

SPECIAL RURAL ZONE NO.3 - "SWAN VALLEY SPECIAL RURAL AND RECREATION"		
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS	
	Deleted by Amend. 35 – Gov. Gaz. 05.02.2013	

SPECIAL RURAL ZONE NO.3 - "BRIGADOON/BASKERVILLE"

SPECIFIED AREA OF SPECIAL RURAL ZONE

SPECIAL PROVISIONS

Land generally bounded by the Baskerville suburb boundary to the south, but including that land generally fronting Weir Road, Daniel Place, Abraham Close and Joshua Mews, the Gidgegannup suburb boundary to the east, to the north and west encompassing the majority of Parent Lot 1022 Cathedral Avenue and then further delineated to the west by Campersic Road, the freight rail line reserve (as far as Lot 45 Cathedral Avenue), Lot 1007 Cathedral Avenue, the State Equestrian Centre, Holstein Close, Cathedral Avenue and the freight rail line, as depicted on the Scheme maps.

Inserted by Amend.35 – Gov. Gaz. 05.02.2013

General Provisions

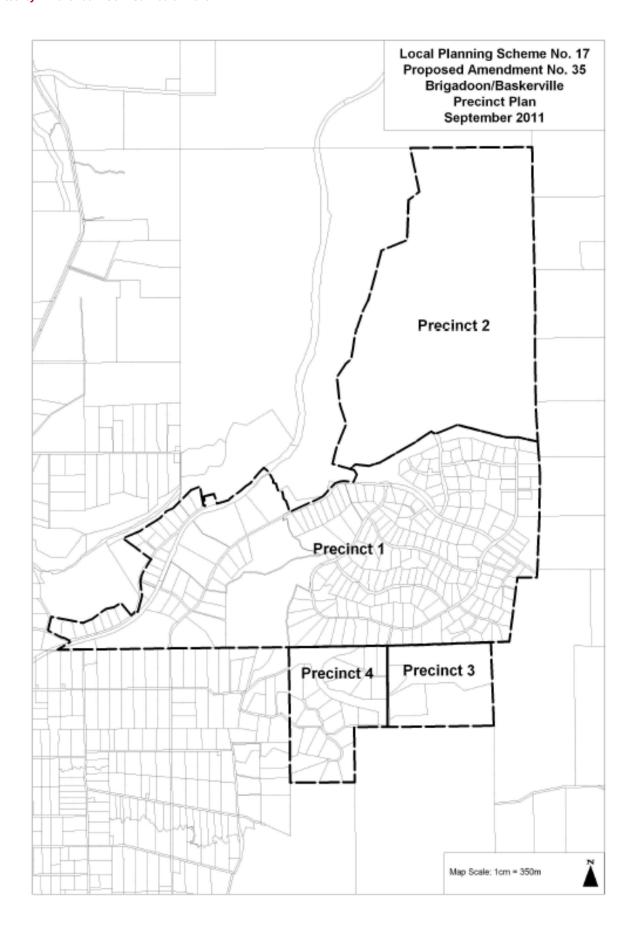
The purpose and intent of this Special Rural Zone is to create a high quality rural living estate which satisfies the following objectives:

- Minimise adverse impacts on the natural environmental qualities
 of the area including native flora and fauna, ecological linkages
 within the area and to adjoining areas of regional open space,
 water resources, soils and landform;
- Ensure development does not negatively impact on the visual landscape qualities of the area including landform, slopes, ridgelines, rock outcrops and especially the visual prominence of the area along the Darling Scarp;
- Ensure adequate protection of life and property especially from bush fire;
- d) Ensure that lot size minimises adverse impacts on landscape and natural environmental qualities of the area, especially reducing the need to clear high quality remnant vegetation and provide opportunities for rural activities where land capability and suitability permits.
- e) Incorporate a safe and integrated road network with alternative means of access to Brigadoon Estate
- f) Return the area of Swan River valley to the ownership of Council or the State Government for the purpose of public open space or regional open space respectively.
- g) The following use class permissibility will apply to Precincts 1, 2 and 3 of this zone:
 - (i) The following uses are 'P' uses:
 - Bed and Breakfast
 - · Family Day care
 - Home Occupation
 - Home Office
 - Radio & TV Installation Private
 - Single House

SPECIAL RURAL ZONE NO.3 - "BRIGADOON/BASKERVILLE"		
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS	
Land generally bounded by the Baskerville suburb boundary to the south, but including that land generally fronting Weir Road, Daniel Place, Abraham Close and Joshua Mews, the Gidgegannup suburb boundary to the east, to the north and west encompassing the majority of Parent lot 1022 Cathedral Avenue and then further delineated to the west by Campersic Road, the freight rail line reserve (as far as lot 45 Cathedral Avenue), lot 1007 Cathedral Avenue, the State Equestrian Centre, Holstein Close, Cathedral Avenue and the freight rail line, as depicted on the Scheme maps. Inserted by Amend.35 – Gov. Gaz. 05.02.2013	(ii) The following uses are 'D' uses and are not permitted unless Council has exercised its discretion in granting planning approval: • Ancillary Accommodation • Home Business • Rural Pursuit • Private Recreation • Place of Assembly • Public Recreation • Public Utility • Veterinary Centre • Industry - Cottage (iii) The following uses are 'A' uses and are not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4: • Community Purpose • Telecommunications Infrastructure • Grouped Dwelling • Chalet (iv) All other uses not mentioned under i), ii) or iii) are not permitted.	
Precinct 1 - Land generally bounded by the Baskerville suburb boundary to the south, the Gidgegannup suburb boundary to the east, to the north by Lot 1022 Cathedral Avenue and then westwards by Campersic Road, the freight rail line reserve (as far as Lot 45 Cathedral Avenue), Lot 1007 Cathedral Avenue, the State Equestrian Centre, Holstein Close, Cathedral Avenue and the freight rail line, as depicted on the Precinct Plan.	Specific Provisions The existing mix of lot sizes as originally depicted in Subdivision Guide Plan 8A for Brigadoon are to be maintained, with any further resubdivision of lots to achieve a minimum size of 4ha and to fulfil objectives a) to e) for this zone as set out in the General Provisions, and; - subdivision and development must achieve compliance with WAPC Planning for Bushfire Protection Guidelines Edition 2 (or as otherwise revised or superseded by the WAPC).	
Precinct 2 - The majority of parent Lot 1022 Cathedral Avenue as depicted on the Precinct Plan	Specific Provisions Subdivision shall be generally in accordance with the approved Structure Plan SP-008 for this precinct. No additional lots beyond the 214 lots approved under the Structure Plan are permitted	

SPECIAL RURAL ZONE NO.3 - "BRIGADOON/BASKERVILLE"			
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPEC	CIAL PF	ROVISIONS
Precinct 3 - Parent Lots 100, 504, 505 and 506 Joshua Mews as depicted on the Precinct Plan	The f	ollowin	pvisions g conditions must be satisfied prior to the granting of sub-division or development:
	1)	comp requi been	division within this precinct shall be in accordance with a prehensive local structure plan that is consistent with the irements of Part 5A of Local Planning Scheme 17 and has a endorsed by the City of Swan and the Western Australian ning Commission.
	2)	deve	comprehensive local structure plan, subdivision and elopment must be in accordance with WAPC's Planning for fifire Protection Guidelines, which includes but is not limited
		a)	Identifying appropriate hazard separation zones and building protection zones;
		b)	Construction to AS3959 (noting (c) below);
		c)	No residential development within the bush fire attack level (BAL) zones BAL-FZ or BAL-40; and
		d)	Consideration of ember protection features incorporated in all dwelling design within the precinct.
	3)	by a Appe Guid	comprehensive local structure plan must be accompanied Bush Fire Hazard Assessment in accordance with endix 1 of the WAPC's Planning for Bush Fire Protection elines (refer to Appendix 1) and a land capability ssment.
	4)	fire p	ardless of whether the land has been designated as bush brone, any buildings to be erected within Precinct 3 shall bly with the requirements of AS3959-2009.

SPECIAL RURAL ZONE NO.3 - "BRIGADOON / BASKERVILLE"		
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS	
Precinct 4 - Land generally fronting Weir Road, Daniel Place, Abraham Close and Joshua Mews but excluding Parent Lots 100, 504, 505 and 506 Joshua Mews as depicted on the Precinct Plan	Specific Provisions	
	The existing mix of lot sizes as established through past subdivision are to be maintained, with any further re-subdivision of lots to achieve a minimum size of 4ha and to fulfil objectives a) to e) for this zone as set out in the General Provisions, and:	
	 subdivision and development must achieve compliance with WAPC Planning for Bushfire Protection Guidelines Edition 2 (or as otherwise revised or superseded by the WAPC); 	
	 All dwellings and ancillary buildings are to be located within the building envelopes designated for each allotment shown on the plan of subdivision approved by the Commission, unless otherwise approved by Council. 	
	The following use class permissibility will apply within Precinct 4 of this zone:	
	i) The following uses are 'P' uses:	
	- Home Occupation	
	- Home Office	
	- Radio & TV Installation Private	
	- Rural Home Occupation	
	- Single House	
	ii) The following uses are 'D' uses and are not permitted unless Council has exercised its discretion in granting planning approval:	
	- Ancillary Accommodation	
	- Home Business	
	- Rural Pursuit	
	- Private Recreation	
	- Public Recreation	
	- Public Utility	
	- Industry - Cottage	
	iii) All other uses not mentioned under i) and ii) are not permitted.	



SPECIAL RURAL ZONE NO.4 - "ADAMS ROAD, RED HILL"		
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS	
Land to the immediate south of Adams and Toodyay Roads, in the locality of Red Hill, as delineated on the scheme maps. Note: The above description refers to a general area only. Reference should be made to the scheme maps to determine the precise extent of the zoning	The purpose and intent of this Special Rural Zone is to create a high quality, rural residential estate. 1. Subdivision of this Special Rural Zone shall be in accordance with the Subdivision Guide Plan as endorsed by the CEO and with the following criterion: a) Minimum lot size shall be 1ha. 2. Permitted 'P' uses: a) The following uses are permitted - 'P' within the Special Rural Zone No.4: • Dwelling House • Home Occupation • Rural Home Occupation b) The following uses are not permitted unless Council gives its approval in writing - 'D': • Home Business • Public Utility • Rural Pursuit • Stable c) The following use is an 'A' use: • Grouped Dwelling d) All other uses not mentioned under a), b) and c) above and rural pursuits which normally require the issue of any licence and permit other than that referred to in b) above, are not permitted. 3. No building on a lot shall be constructed closer to any boundary of the lot than 15m except that the Council may approve a lesser distance if it can be shown to be necessary or desirable for reasons of topography or other site conditions. 4. The keeping of livestock and poultry for commercial purposes is prohibited. 5. The land shall be managed in such a manner as to avoid the land being laid bare of vegetation resulting in loose, wind erodible conditions. In particular, lots shall not be cleared of trees except where necessary to permit strategic and general firebreaks, the construction of houses and outbuildings as approved by Council or where trees are dead or pose a hazard to safety. 6. Where in the opinion of the Council the continued presence of animals on any portion of the land in the zone is likely to contribute, or is contributing to dust pollution and soil erosion, notice may be served on the owner of the said land requiring the immediate removal of animals and rehabilitation of the property to the satisfaction of Council.	

SPECIAL RURAL ZONE NO.4 - "ADAMS ROAD, RED HILL"		
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS	
	7. The Council may require an owner of a subdivided lot within the area, as a condition of development for any Building Permit issued in the zone, to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement and require the owner to maintain these trees.	
	 No septic tank or disposal area shall be sited closer than a minimum of 60 metres to any watercourse or stream within the zone, and/or located in a position to the satisfaction of Council's Environmental Health Service. 	
	 No direct vehicular access or egress shall be permitted on to the proposed highway reserve or Toodyay Road. 	
	All buildings shall be constructed of materials and in colours acceptable to the Council.	

SPECIAL RURAL ZONE NO.5A – 'GIDGEGANNUP RURAL SMALL HOLDINGS PRECINCT'

SPECIFIED AREA OF SPECIAL RURAL ZONE

SPECIAL PROVISIONS

Lot 81 Reen Road, Lot 99 the Springs Road, Lots 51 & 52 Toodyay Road and Lot 50 Reserve Road, Gidgegannup –

Described as land generally bounded by Reen Road to the west, Toodyay Road to the south and Reserve Road to the east, in the locality of Gidgegannup, as delineated on the scheme maps.

Inserted by Amend. 46 – Gov. Gaz. 04.11.2011

The purpose and intent of this Special Rural Zone is to create a high quality rural living estate. The following conditions must be satisfied prior to the granting of approval for sub-division or development:

- Subdivision within this Special Rural Zone shall be in accordance with a comprehensive local structure plan that is consistent with the requirements of Part 5A of Local Planning Scheme 17 and has been endorsed by the City of Swan and the Western Australian Planning Commission.
- Subdivision must provide for a variety of lot sizes with a minimum of 4ha and an average of 6ha over the entire precinct to provide for the preservation of local natural assets and landscape characteristics and allow for low-impact rural activity;
- 3. The subdivision design and layout must be in accordance with WAPC Policy DC3.7 Bushfire Planning.
- The comprehensive local structure plan must be accompanied by a Type 2 Bush Fire Hazard Assessment in accordance with WAPC/FESA Planning for Bush Fire Protection.
- 5. A field investigation of Declared Rare and Priority Species that conforms to the EPA 'Guidance Statement 51 Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessments in Western Australia' must be undertaken during the flowering season prior to the commencement of site works. If identified on the property these species are to be protected pursuant to the provisions of the Wildlife Conservation Act 1950.
- Building envelopes must be located in areas of cleared land where
 it can be demonstrated that development will not impact on
 vegetation worthy of retention, particularly with respect to Declared
 Rare and Priority Flora.
- 7. The following use class permissibility will apply to this precinct:
 - a) The following uses are 'P' uses:
 - Bed and Breakfast
 - Family Day Care
 - Home Occupation
 - Home Office
 - Radio & TV Installation Private
 - Single House

SPECIAL RURAL ZONE NO.5A – 'GIDGEGANNUP RURAL SMALL HOLDINGS PRECINCT'		
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS	
	b) The following uses are 'D' uses and are not permitted unless Council has exercised its discretion in granting planning approval:	
	Animal Establishment	
	Agriculture - Extensive	
	Agriculture – Intensive	
	Agroforestry	
	Ancillary Accommodation	
	Camping Area	
	Community Purpose	
	Home Business	
	Garden Centre	
	Industry – Cottage	
	Place of Worship	
	Recreation – Private	
	Recreation – Public	
	Rural Pursuit	
	Telecommunications Infrastructure	
	Veterinary Centre	
	c) The following uses are 'A' uses and are not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4:	
	Cabin or Chalet	
	Club Premises	
	Equestrian Facility	
	d) All other uses not mentioned under a), b) and c) are not permitted.	
	No additional direct vehicular access or egress shall be permitted on to Toodyay road or the future Perth-Adelaide National Highway without the prior approval of the relevant agency.	

SPECIAL RURAL ZONE NO.6 – GIDGE	GANNUP SOUTH
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
Lot 48 Toodyay Road, and Lot 5 Stoneville Road, Gidgegannup	Subdivision of this Special Rural Zone is to be in accordance with the following criteria:
Inserted by Amend. 103 – Gov. Gaz.	a) On Parent Lot 5:
10.02.23	i. A maximum of four (4) new lots fronting Stoneville Road, and with a minimum lot size of 2ha; and
	ii. A balance lot with the existing dwelling (also fronting Stoneville Road) and a conservation area.
	b) On Parent Lot 48:
	 i. A maximum of four (4) new lots in the northern section with access from Stanley Road, and with a minimum lot size of 2ha; and
	ii. A balance lot with a conservation area.
	Subdivision and development must address the following:
	Subdivision design and accompanying Bushfire Management Plan achieve compliance with State Planning Policy 3.7 Planning in Bushfire Prone Areas.
	 b) An Environmental Management Plan (EMP) (or equivalent) shall be required to submit with an application for subdivision and shall include, but is not limited to:
	i. Land capability;
	ii. Hydrology and proposed waste and stormwater treatment and management;
	iii. Identification of key areas of vegetation and fauna habitat for retention and protection;
	iv. Fauna management;
	v. Foreshore and Buffer Management;
	vi. Site management measures (pre-construction, during construction, post construction); and
	vii. Implementation and responsibility.
	 c) Identification and Implementation of Conservation Covenant Areas to ensure the protection of remnant vegetation and its long term management within portions of Lot 48 Toodyay Road and Lot 5 Stoneville Road.
	d) Building envelopes shall be located in areas where it can be demonstrated that development will not impact on remnant vegetation worthy of retention, particularly with respect to Rare and Priority Flora and conservation of identified fauna and its habitat.
	The following use class permissibility will apply to this precinct –
	a) The following uses are 'P' uses –
	Bed and Breakfast
	Home Occupation
	Home Office
	Single House

SPECIAL RURAL ZONE NO.6 – GIDGEGANNUP SOUTH	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
	b) The following uses are 'D' uses and are not permitted unless Council has exercised its discretion in granting planning approval –
	Home Business
	Industry – Cottage
	Place of Assembly
	Rural Pursuit
	Telecommunications Infrastructure
	Family Day Care
	c) The following uses are 'A' uses and are not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 –
	Animal Establishment
	Cabin or Chalet
	Applications for development approval shall be referred to the Department of Water and Environmental Regulation.