

# LOCAL PLANNING SCHEME NO. 42

Gazetted: 26 May 2020

Last Document Update: 18 January 2022

## Disclaimer

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The definitive City of Canning Local Planning Scheme No. 42 Text (and Scheme Maps) is that which is held by the City of Canning at any point in time.

## CITY OF CANNING LPS 42 – TEXT AMENDMENTS

Amendment No.	Gazettal Date	Details
1	18/01/2022	Table 10: Amend date under clause 1.3. Amend Additional Provisions. Amend holiday house under clause 6.2. Schedule B: Amend Additional Use No. 4 by inserting Shop 'A' use.

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## PART 1 – PRELIMINARY

### 1.1 CITATION

This local planning scheme is the City of Canning Scheme No. 42.

### 1.2 COMMENCEMENT

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

### 1.3 SCHEME REVOKED

The following local planning schemes are revoked –

Name	Gazettal date
City of Canning Town Planning Scheme No. 40	18 February 1994
City of Canning Town Planning Scheme No. 29	15 April 1977
City of Canning Town Planning Scheme No. 38	30 March 1990

### 1.4 NOTES DO NOT FORM PART OF THE SCHEME

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

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

### 1.5 RESPONSIBILITY FOR SCHEME

The City of Canning (herein referred to as “the local government”) is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

### 1.6 SCHEME AREA

This Scheme applies to the whole of the district of the City of Canning, comprising the area identified and contained within the inner edge of a broken black line on the Scheme map.

*Note: The Scheme area (or part) is also subject to the Metropolitan Region planning scheme (see clause 1.12) and other local planning schemes (see clause 1.11).*

### 1.7 CONTENTS OF SCHEME

1.7.1 In addition to the provisions set out in this document (the scheme text), this Scheme includes the following –

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2); and
- (b) the Scheme Map.



1.7.2 This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## **1.8 PURPOSES OF SCHEME**

The purposes of this Scheme are to –

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

## **1.9 AIMS OF SCHEME**

The aims of this Scheme are –

- (a) to zone and classify the land within the local government for the purposes described in the Scheme so as to promote the orderly and proper development of land, and make suitable provisions for the use of land within the local government; and
- (b) to secure the amenity, health and convenience of the local government and the inhabitants thereof; and
- (c) to set aside land used or to be secured for use as reserves for public purposes; and
- (d) to make provision for the conservation and enhancement of places of cultural heritage significance; and
- (e) to make provision for other matters incidental to town planning and land use.

## **1.10 RELATIONSHIP WITH LOCAL LAWS**

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

### **1.11 RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES**

The following local planning schemes of the City of Canning also apply in the Scheme area –

Scheme No. 17A	Gazettal date 20 March 1998
Scheme No. 21	Gazettal date 13 August 1982
Scheme No. 39	Gazettal date 18 November 1994

### **1.12 RELATIONSHIP WITH REGION PLANNING SCHEME**

The Metropolitan Region Scheme continued under Part 4 of the Act applies in respect of all of the Scheme area.

*Note: The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.*

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## PART 2 – RESERVES

### 2.1 REGIONAL RESERVES

2.1.1 Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.

2.1.2 The lands marked as regional reserves are lands reserved for a public purpose under the Metropolitan Region Scheme.

*Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the Land Administration Act 1997 section 41.*

### 2.2 LOCAL RESERVES

2.2.1 In this clause –

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

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

2.2.2 Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

2.2.3 The objectives of each local reserve are as follows –

**Table 1 – Reserve Objectives**

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"><li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li><li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li></ul>
Environmental Conservation	<ul style="list-style-type: none"><li>To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.</li><li>To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.</li></ul>

Reserve name	Objectives
Civic and Community	<ul style="list-style-type: none"> <li>To provide for a range of community facilities which are compatible with surrounding development.</li> <li>To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.</li> </ul>
Social Care Facilities	<ul style="list-style-type: none"> <li>Civic and Community which specifically provide for a range of essential social care facilities.</li> </ul>
Cultural Facilities	<ul style="list-style-type: none"> <li>Civic and Community which specifically provide for a range of essential cultural facilities.</li> </ul>
Public Purposes	<ul style="list-style-type: none"> <li>To provide for a range of essential physical and community infrastructure.</li> </ul>
Medical Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential medical services.</li> </ul>
Infrastructure Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential infrastructure services.</li> </ul>
Education	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential education services.</li> </ul>
Emergency Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of essential emergency services.</li> </ul>
Heritage	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of heritage purposes.</li> </ul>
Government Services	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of government services.</li> </ul>
Recreational	<ul style="list-style-type: none"> <li>Public Purposes which specifically provide for a range of public recreational facilities.</li> </ul>
Cemetery	<ul style="list-style-type: none"> <li>To set aside land required for a cemetery.</li> </ul>
Car Park	<ul style="list-style-type: none"> <li>To set aside land required for a car park.</li> </ul>
Drainage / Waterway	<ul style="list-style-type: none"> <li>To set aside land required for significant waterways and drainage.</li> </ul>
Railways	<ul style="list-style-type: none"> <li>To set aside land required for passenger rail and rail freight services.</li> </ul>
Primary Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.</li> </ul>
District Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a District Distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.</li> </ul>
Local Distributor Road	<ul style="list-style-type: none"> <li>To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.</li> </ul>

Reserve name	Objectives
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>
Foreshore Reserve	<ul style="list-style-type: none"> <li>To set aside areas for foreshore reserved abutting a body of water or water course, particularly those required pursuant to State Planning Policy 2.6 State Coastal Planning Policy and any other Commission policy.</li> <li>To provide for the protection of natural values, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/ or support the amenity of the reservation.</li> </ul>

### 2.3 ADDITIONAL USES FOR LOCAL RESERVES

There are no additional uses for land in local reserves that apply to this Scheme.

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## PART 3 – ZONES AND USE OF LAND

### 3.1 ZONES

3.1.1 Zones are shown on the Scheme Map according to the legend on the Scheme Map.

3.1.2 The objectives of each zone are as follows –

**Table 2 – Zone objectives**

Zone name	Objectives
Centre	<ul style="list-style-type: none"> <li>• To designate land for future development as a town centre or activity centre.</li> <li>• To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>
District Centre	<ul style="list-style-type: none"> <li>• Provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas.</li> <li>• Provide for district centres, to focus on weekly needs and services for a wider district catchment.</li> <li>• Provide a broad range of employment opportunities to encourage diversity within the Centre.</li> <li>• Ensure a mix of commercial and residential development, which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links.</li> <li>• Provide for a wide range of different types of residential accommodation, including high density residential, to meet the diverse needs of the community.</li> </ul>
General Industry	<ul style="list-style-type: none"> <li>• To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.</li> <li>• To accommodate industry that would not otherwise comply with the performance standards of light industry.</li> <li>• Seek to manage impacts such as noise, dust and odour within the zone.</li> </ul>



Zone name	Objectives
Light Industry	<ul style="list-style-type: none"> <li>• To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</li> <li>• To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</li> </ul>
Local Centre	<ul style="list-style-type: none"> <li>• Provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining areas.</li> <li>• Provide for neighbourhood and local centres to focus on the main daily household shopping and community needs.</li> <li>• Encourage high quality, pedestrian-friendly, street-orientated development.</li> <li>• Provide a focus for medium density housing.</li> <li>• Ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.</li> </ul>
Mixed Use	<ul style="list-style-type: none"> <li>• To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.</li> <li>• To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.</li> </ul>
Private Community Purposes	<ul style="list-style-type: none"> <li>• To provide sites for privately owned and operated recreation, institutions and places of worship.</li> <li>• To integrate private recreation areas with public recreation areas wherever possible.</li> <li>• To separate potentially noisy engine sports from incompatible uses.</li> <li>• To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.</li> <li>• To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.</li> </ul>

Zone name	Objectives
Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complimentary to residential development.</li> </ul>
Rural	<ul style="list-style-type: none"> <li>• To provide for the maintenance and enhancement of specific local rural character.</li> <li>• To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</li> <li>• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.</li> <li>• To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</li> <li>• To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.</li> </ul>
Rural Residential	<ul style="list-style-type: none"> <li>• To provide for lot sizes in the range of 1 ha to 4 ha.</li> <li>• To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</li> <li>• To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</li> </ul>
Service Commercial	<ul style="list-style-type: none"> <li>• To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.</li> <li>• To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.</li> </ul>

Zone name	Objectives
Urban Development	<ul style="list-style-type: none"> <li>• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</li> <li>• To provide for a range of residential densities to encourage a variety of residential accommodation.</li> <li>• To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</li> <li>• To provide an intermediate transitional zone following the lifting of an urban deferred zoning within a region planning scheme.</li> </ul>

### 3.2 ZONING TABLE

3.2.1 The zoning table for this Scheme is as follows –

**Table 3 – Zoning Table**

Use Classes	1. Centre	2. Commercial	3. District Centre	4. General Industry	5. Light Industry	6. Local Centre	7. Mixed Use	8. Private Community Purposes	9. Residential	10. Rural	11. Rural Residential	12. Service Commercial	13. Urban Development
Abattoir	X	X	X	A	X	X	X	X	X	X	X	X	X
Aged Care Facility	D	X	D	X	X	X	D	D	D	X	X	X	D
Amusement Parlour	D	D	D	X	A	D	D	D	X	X	X	A	D
Animal Establishment	X	X	X	X	X	X	X	X	X	D	D	X	X
Art Gallery	D	D	D	X	D	D	D	D	X	X	X	D	D
Bed and Breakfast	A	X	X	X	X	X	X	X	D	D	D	X	A
Betting Agency	D	D	D	X	X	D	D	X	X	X	X	X	X
Brewery	A	X	X	D	D	X	X	X	X	X	X	X	X
Bulky Goods Showroom	A	I	X	A	P	X	X	X	X	X	X	P	X
Caravan Park	X	X	X	X	X	X	X	X	X	D	X	X	X
Caretaker's Dwelling	I	I	I	I	I	I	X	I	X	X	X	I	I
Car Park	D	D	D	D	D	D	D	X	X	X	X	D	D
Child Care Premises	D	D	D	X	X	D	D	A	A	X	X	X	D
Cinema/Theatre	D	P	P	X	X	A	D	D	X	X	X	A	D
Civic Use	D	D	D	X	X	D	D	D	X	X	X	D	D
Club Premises	D	D	D	X	A	D	D	P	A	X	X	X	D
Commercial Vehicle Parking	A	A	A	P	D	X	X	X	A	A	A	A	X
Community Purpose	D	D	D	D	D	D	D	P	A	A	A	D	D
Consulting Rooms	D	P	P	X	X	P	P	A	A	A	A	X	D
Convenience Store	D	P	P	I	I	P	D	X	X	X	X	X	D
Corrective Institution	X	X	X	X	X	X	X	A	X	X	X	X	X
Educational Establishment	D	D	D	X	A	D	D	P	A	X	X	D	D
Exhibition Centre	D	D	D	X	D	D	D	D	X	X	X	D	D

Use Classes	1. Centre	2. Commercial	3. District Centre	4. General Industry	5. Light Industry	6. Local Centre	7. Mixed Use	8. Private Community Purposes	9. Residential	10. Rural	11. Rural Residential	12. Service Commercial	13. Urban Development
Family Day Care	D	X	D	X	X	X	D	X	D	D	D	X	D
Fast Food Outlet	D	P	D	X	X	D	D	X	X	X	X	A	D
Fuel Depot	X	X	X	D	A	X	X	X	X	X	X	X	X
Funeral Parlour	X	A	X	X	A	X	X	X	X	X	X	D	X
Garden Centre	X	D	X	X	D	X	X	X	X	X	X	D	X
Grouped Dwelling	D	X	X	X	X	X	X	X	D	X	X	X	D
Holiday Accommodation	D	X	A	X	X	X	D	X	D	X	X	X	D
Holiday House	D	X	X	X	X	X	X	X	D	D	D	X	D
Home Business	A	X	A	X	X	X	A	X	A	X	X	X	A
Home Business – Rural	X	X	X	X	X	X	X	X	X	D	D	X	X
Home Occupation	D	X	D	X	X	X	D	X	D	D	D	X	D
Home Office	P	X	P	X	X	X	P	X	P	P	P	X	P
Home Store	A	X	X	X	X	X	X	X	A	A	A	X	A
Hospital	A	X	A	X	X	X	X	A	X	X	X	X	A
Hotel	D	A	D	X	X	X	X	D	X	X	X	X	D
Industry	X	X	X	P	X	X	X	X	X	X	X	X	X
Industry – Cottage	D	X	D	X	X	X	D	X	D	D	D	X	D
Industry – Extractive	X	X	X	A	X	X	X	X	X	A	X	X	X
Industry – Light	X	X	X	P	P	X	X	X	X	X	X	X	X
Industry – Primary Production	X	X	X	D	X	X	X	X	X	A	X	X	X
Liquor Store – Large	A	A	A	X	X	X	X	X	X	X	X	D	A
Liquor Store – Small	D	D	D	X	X	D	D	X	X	X	X	D	D
Lunch Bar	D	P	D	D	D	D	D	X	X	X	X	A	D
Market	D	D	D	X	A	D	D	X	X	X	X	A	D
Medical Centre	D	P	P	X	X	P	P	D	X	X	X	D	D
Motel	X	X	X	X	X	X	X	A	X	X	X	D	X

Use Classes	1. Centre	2. Commercial	3. District Centre	4. General Industry	5. Light Industry	6. Local Centre	7. Mixed Use	8. Private Community Purposes	9. Residential	10. Rural	11. Rural Residential	12. Service Commercial	13. Urban Development
Motor Vehicle, Boat or Caravan Sales	A	X	D	X	X	X	X	X	X	X	X	D	X
Motor Vehicle Repair	A	X	D	D	D	D	X	X	X	X	X	D	A
Motor Vehicle Wash	A	X	D	D	D	D	X	X	X	X	X	D	A
Multiple Dwelling	D	X	D	X	X	X	D	X	D	X	X	X	D
Nightclub	D	A	D	X	X	X	A	X	X	X	X	X	D
Office	D	P	P	I	I	P	P	I	X	X	X	I	D
Park Home Park	X	X	X	X	X	X	X	X	X	A	X	X	X
Place of Worship	A	X	X	D	D	X	A	D	A	D	X	X	A
Reception Centre	D	D	D	X	X	A	A	D	X	D	X	X	D
Recreation – Private	D	D	D	A	A	D	A	D	X	X	X	D	D
Renewable Energy Facility	X	X	X	X	X	X	X	X	X	A	X	X	X
Repurposed Dwelling	D	X	D	X	X	X	D	X	D	D	D	X	D
Residential Building	D	X	D	X	X	X	D	X	A	A	A	X	D
Resource Recovery Centre	X	X	X	D	X	X	X	X	X	X	X	X	X
Restaurant / Cafe	D	D	P	X	X	P	D	I	X	X	X	A	D
Restricted Premises	A	A	A	A	A	A	A	X	X	X	X	A	A
Rural Pursuit / Hobby Farm	X	X	X	X	X	X	X	X	X	D	D	X	X
Second Hand Dwelling	X	X	X	X	X	X	X	X	A	A	A	X	X
Serviced Apartment	D	X	D	X	X	X	D	D	X	X	X	X	D
Service Station	A	D	D	D	D	D	X	X	X	X	X	D	A
Shop	D	P	P	I	I	P	P	I	X	X	X	I	D
Single House	D	X	X	X	X	X	X	X	P	P	P	X	D
Small Bar	D	D	D	X	X	D	D	X	X	X	X	A	D

Use Classes	1. Centre	2. Commercial	3. District Centre	4. General Industry	5. Light Industry	6. Local Centre	7. Mixed Use	8. Private Community Purposes	9. Residential	10. Rural	11. Rural Residential	12. Service Commercial	13. Urban Development
Tavern	D	D	D	X	X	X	A	X	X	X	X	A	D
Telecommunications Infrastructure	A	A	A	A	A	A	A	A	A	A	A	A	A
Tourist Development	D	D	D	X	X	X	D	A	X	X	X	D	D
Trade Display	D	D	D	D	D	X	D	X	X	X	X	D	D
Trade Supplies	D	D	A	D	D	X	X	X	X	X	X	D	D
Transport Depot	X	X	X	P	D	X	X	X	X	X	X	X	X
Veterinary Centre	D	P	D	X	D	D	D	D	A	D	A	D	D
Warehouse / Storage	I	I	I	P	P	I	I	I	X	I	X	I	I
Waste Disposal Facility	X	X	X	A	X	X	X	X	X	X	X	X	X
Waste Storage Facility	X	X	X	A	X	X	X	X	X	X	X	X	X
Winery	X	X	X	X	X	X	X	X	X	D	X	X	X

### 3.3 INTERPRETING ZONING TABLE

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

3.3.2 The symbols used in the zoning table have the following meanings –

P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of land and it complies with any relevant development standards and requirements of this Scheme;

D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;

X means that the use is not permitted by this Scheme.

*Note:*

1. *The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.*

2. *In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.*

3.3.3 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

3.3.4 The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –

(a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or

(b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or

(c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

3.3.5 If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

3.3.6 If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –

(a) the development approval application relates to land that is being used for a non-conforming use; and

(b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.



3.3.7 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –

- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan.

### **3.4 ADDITIONAL USES**

3.4.1 The Additional Uses table at **Schedule B** of this Scheme sets out –

- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to those additional uses.

3.4.2 Despite anything contained in the zoning table, land that is specified in **Schedule B** may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

### **3.5 RESTRICTED USES**

3.5.1 The Restricted Uses table at **Schedule C** of this Scheme sets out –

- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that restricted use.

3.5.2 Despite anything contained in the zoning table, land that is specified in **Schedule C** of this Scheme may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

### **3.6 SPECIAL USE ZONES**

There are no special use zones which apply to this Scheme.

### **3.7 NON-CONFORMING USES**

3.7.1 Unless specifically provided, this Scheme does not prevent –

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of development on land if –
  - (i) before the commencement of this Scheme, the development was lawfully approved; and
  - (ii) the approval has not expired or been cancelled.

- 3.7.2 Subclause 3.7.1 does not apply if –
- (a) the non-conforming use of the land is discontinued; and
  - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- 3.7.3 Subclause 3.7.1 does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government –
- (a) purchases the land; or
  - (b) pays compensation to the owner of the land in relation to the non-conforming use.

### **3.8 CHANGES TO NON-CONFORMING USE**

- 3.8.1 A person must not, without development approval –
- (a) alter or extend a non-conforming use of land; or
  - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
  - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
  - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- 3.8.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- 3.8.3 A local government may only grant development approval for a change of use of land referred to in subclause 3.8.1(d) if, in the opinion of the local government, the proposed use –
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - (b) is closer to the intended purpose of the zone in which the land is situated.

### **3.9 REGISTER OF NON-CONFORMING USES**

- 3.9.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- 3.9.2 A register prepared by the local government must set out the following –
- (a) a description of each area of land that is being used for a non-conforming use;
  - (b) a description of any building on the land;
  - (c) a description of the non-conforming use;

- (d) the date on which any discontinuance of the non-conforming use is noted.
- 3.9.3 If the local government prepares a register under subclause 3.9.1 the local government –
- (a) must ensure that the register is kept up to date; and
  - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
  - (c) may publish a copy of the register on the website of the local government.
- 3.9.4 An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

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## **PART 4 – GENERAL DEVELOPMENT REQUIREMENTS**

### **4.1 R-CODES**

4.1.1 The R-Codes, modified as set out in clause 4.2, are to be read as part of this Scheme.

4.1.2 The local government –

(a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and

(b) may publish a copy of the R Codes on the website of the local government.

4.1.3 The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.

4.1.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause 4.1.3.

### **4.2 MODIFICATION OF R-CODES**

There are no modifications to the R-Codes.

### **4.3 STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME**

4.3.1 State Planning Policy 3.6 – Development Contributions for Infrastructure, modified as set out in clause 4.4, is to be read as part of this Scheme.

4.3.2 The local government –

(a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and

(b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

### **4.4 MODIFICATION OF STATE PLANNING POLICY 3.6**

There are no modifications to State Planning Policy 3.6.

### **4.5 OTHER STATE PLANNING POLICIES TO BE READ AS PART OF SCHEME**

There are no other State planning policies that are to be read as part of the Scheme.

### **4.6 MODIFICATION OF STATE PLANNING POLICIES**

There are no modifications to a State planning policy that, under clause 4.5 is to be read as part of the Scheme.

## 4.7 ENVIRONMENTAL CONDITIONS

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

## 4.8 SETBACKS TO ROADS TO BE WIDENED

Where a proposed development has frontage to a road reserved under the Metropolitan Region Scheme that is proposed to be widened, any proposed building shall be setback from the road as if the road had been already widened, unless otherwise approved by the local government or Western Australian Planning Commission.

## 4.9 ACCESS TO PRIMARY AND OTHER REGIONAL ROADS

Where a site abuts a Primary or Other Regional Road under the Metropolitan Region Scheme, the number of crossovers for any development is to be minimised, having regard to the relevant policy of the Western Australian Planning Commission and/or local government.

## 4.10 CAR PARKING

### 4.10.1 General Requirements

- (a) All developments are to provide car parking at a rate in accordance with the requirements detailed in **Table 4**.
- (b) Notwithstanding subclause 4.10.1(a) if a change of use application in the Centre zone results in a car parking requirement that is less than the number of parking spaces on the site, the excess car parking spaces may be retained for use on the site.
- (c) The number of car parking spaces required in **Table 4** shall be rounded to the nearest whole number.
- (d) If the number of parking spaces for a land use is not specified in **Table 4**, the local government shall determine the appropriate number of car parking spaces.
- (e) All car parking is to be provided on the same site as the development unless otherwise approved by the local government.
- (f) Land set aside for car parking is to be used only for the parking of cars used by employees or visitors to the site, unless otherwise approved by the local government.

### 4.10.2 Cash in Lieu

- (a) In the event that a development does not provide the number of car parking spaces required in **Table 4**, the local government may consider cash in lieu for the car parking shortfall.
- (b) The moneys received by the local government under the provisions of this subclause shall be paid into a trust fund and used for –
  - (i) the acquisition and/or development of a public car park in the locality; or

- (ii) the construction of car parking bay embayments directly adjoining the site;  
or
  - (iii) investment in infrastructure that will improve access to, or reduce demand for, car parking in the vicinity of the development.
- (c) Prior to accepting cash in lieu of car parking, the local government shall prepare and adopt a policy that details how the costs will be calculated and how the moneys will be used.

#### **4.10.3 Reciprocal Parking**

- (a) If there is a deficiency in the number of parking spaces provided to serve a building or land use, the local government may permit the sharing of parking spaces of an adjoining building or site subject to there being different peak hours of the land uses.
- (b) The local government may require reciprocal access for any buildings or land uses subject to subclause 4.10.3(a), when in the opinion of the local government the reciprocal access will improve design or amenity.
- (c) The applicant of any development subject to subclause 4.10.3(a) shall provide evidence –
  - (i) that no substantial conflict will exist in the peak hours of operation of the buildings or land uses for which the reciprocal parking is proposed; and
  - (ii) that the parking spaces credited from one building or land use to another is not in excess of that required by the first building or land use to operate at peak hours.
- (d) The local government may require a legal agreement to be prepared by a solicitor detailing the relevant reciprocal parking arrangement and access. The terms within the legal agreement are to be to the satisfaction of the local government.
- (e) Any costs associated with a legal agreement subject to subclause 4.10.3(d) are to be borne by the person seeking to take advantage of the reciprocal parking arrangement.

#### **4.11 SERVICE ACCESS**

- 4.11.1 Provision shall be made for service access for the purposes of loading and unloading to the rear or side of any non-residential development, where available.
- 4.11.2 The local government may waive the requirements of subclause 4.11.1 where it can be demonstrated that the development will not require loading and unloading facilities.
- 4.11.3 Any service access provided pursuant to subclause 4.11.1 is to comply with the following requirements –
- (a) the access way and loading areas shall be designed to allow service vehicles to manoeuvre and return to street or right of way in forward gear;

- (b) vehicles loading or unloading are to do so within the lot/s boundary and are not to do so from a public street or right of way; and
- (c) access ways shall be designed to segregate service vehicles from parking areas and access ways provided for customer parking to the satisfaction of the local government.

## **4.12 BICYCLE PARKING AND END OF TRIP FACILITIES**

### **4.12.1 Bicycle Parking**

- (a) Bicycle parking shall be provided for all developments in accordance with the rates set out in **Table 4**.
- (b) The number of bicycle parking spaces required in **Table 4** shall be rounded up to the nearest whole number.
- (c) Bicycle parking spaces required under the provisions of paragraph 4.12.1(a) shall be sheltered by a water impermeable roof structure.
- (d) If the number of bicycle parking spaces for a land use is not specified in **Table 4**, the local government shall determine the appropriate number of bicycle parking spaces.

### **4.12.2 End of Trip Facilities**

- (a) Provision shall be made for 1 male and 1 female shower (or 1 unisex) per 8 bicycle parking spaces or part thereof, excluding bicycle parking spaces required for visitors, up to a maximum of 6 male and 6 female showers (or 6 unisex).
- (b) Lockers shall be provided and maintained for all developments at a rate of 1 locker per bicycle parking space required for employees.
- (c) Where bicycle parking rates in **Table 4** do not provide a split between employees and visitors, the bicycle parking rate shall be allocated to employees for the purposes of calculating the number of showers and lockers.

### **4.12.3 Unit of Measurement**

When the unit of measurement is based on the number of employees, the shift or employment period during which the greatest number of employees are present on the lot shall be used in the calculation.

## **4.13 PARKING AND ACCESS DESIGN REQUIREMENTS**

All car parking, bicycle parking, accessways and unloading and loading areas are to be designed in accordance with the relevant part of AS 2890.



**Table 4 – Land Use Parking Requirements**

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Abattoir	N/A.	1 space per 100m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.
Aged Care Facility	1 space per unit.	1 space per unit.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Aged or Dependent Persons' Dwellings	As per R-Codes.	As per R-Codes.	As per R-Codes.
Amusement Parlour	<b>Minimum:</b> 1 space per 16 persons the building is designed to accommodate. <b>Maximum:</b> 1 space per 8 persons the building is designed to accommodate.	1 space per 4 persons the building is designed to accommodate.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Ancillary Dwelling	As per R-Codes.	As per R-Codes.	As per R-Codes.
Animal Establishment	N/A.	1 space per employee on the premises at any one time.	N/A.
Art Gallery	<b>Minimum:</b> 1 space per 100m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 50m <sup>2</sup> NLA.	1 space per 25m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Bed and Breakfast	<b>Minimum:</b> 0.5 spaces per bedroom in addition to the residential requirement. <b>Maximum:</b> 1 space per bedroom in addition to the residential requirement.	1 space per bedroom in addition to the residential requirement.	N/A.

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Betting Agency	<b>Minimum:</b> 1 space per 20m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 40m <sup>2</sup> NLA.	1 space per 20m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Brewery	N/A.	1 space per 100m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.
Bulky Goods Showroom	<b>Minimum:</b> 1 space per 100m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 50m <sup>2</sup> NLA.	1 space per 40m <sup>2</sup> of areas open to the public. Storage areas to be calculated at the warehouse/storage rate.	0.2 spaces per 100m <sup>2</sup> NLA.
Caravan Park	N/A.	N/A.	N/A.
Caretaker's Dwelling	N/A.	N/A.	N/A.
Car Park	N/A.	N/A.	N/A.
Child Care Premises	<b>Minimum:</b> 0.5 space per employee + 1 space per 40 children. <b>Maximum:</b> 1 space per employee + 1 space per 20 children.	1 space per employee + 1 space per 10 children.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Cinema/Theatre	<b>Minimum:</b> 1 space per 16 persons the building is designed to accommodate. <b>Maximum:</b> 1 space per 8 persons the building is designed to accommodate.	1 space per 5 seats.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Civic Use	<b>Minimum:</b> 1 space per 50m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 25m <sup>2</sup> NLA.	1 space per 25m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Club Premises	<p><b>Minimum:</b> 1 space per 8m<sup>2</sup> of eating, drinking or lounge area.</p> <p><b>Maximum:</b> 1 space per 4m<sup>2</sup> of eating, drinking or lounge area.</p>	1 space per 4 persons the building is designed to accommodate.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Commercial Vehicle Parking	N/A.	N/A.	N/A.
Community Purpose	<p><b>Minimum:</b> 1 space per 100m<sup>2</sup> NLA.</p> <p><b>Maximum:</b> 1 space per 50m<sup>2</sup> NLA.</p>	1 space per 25m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Consulting Rooms	<p><b>Minimum:</b> 1 space per 40m<sup>2</sup> NLA.</p> <p><b>Maximum:</b> 1 space per 20m<sup>2</sup> NLA.</p>	5 spaces for the first practitioner + 4 spaces for the second practitioner.	<p><b>Centre Zone</b></p> <p>0.6 spaces per 100m<sup>2</sup> NLA (0.5 spaces for employees + 0.1 spaces for visitors).</p> <p><b>Other Zones</b></p> <p>0.4 spaces per 100m<sup>2</sup> NLA (0.3 spaces for employees + 0.1 spaces for visitors).</p>
Convenience Store	<p><b>Minimum:</b> 2.1 spaces per 100m<sup>2</sup> NLA.</p> <p><b>Maximum:</b> 4.2 spaces per 100m<sup>2</sup> NLA.</p>	1 space per 20m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Corrective Institution	N/A.	1 space per employee on site at any one time and parking for visitors to be negotiated with the local government.	0.5 spaces per 100m <sup>2</sup> (0.4 spaces for visitors + 0.1 spaces for employees).

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Educational Establishment	<p><b>Minimum:</b> 0.3 spaces per employee + parking for students to be negotiated with the local government.</p> <p><b>Maximum:</b> 0.6 spaces per employee + parking for students to be negotiated with the local government.</p>	<p><b>Primary and Secondary</b> 1 space per employee on site at any one time + 1 space per 10 students.</p> <p><b>Tertiary</b> 1 space per 5 employees and students.</p>	<p><b>Primary and secondary</b> 0.5 spaces per student + 0.1 spaces per employee on premises.</p> <p><b>Tertiary</b> 0.15 spaces per student and employee on premises.</p>
Exhibition Centre	<p><b>Minimum:</b> 1 space per 100m<sup>2</sup> NLA.</p> <p><b>Maximum:</b> 1 space per 50m<sup>2</sup> NLA.</p>	1 space per 4 persons the building is designed to accommodate.	0.5 spaces per 100m <sup>2</sup> (0.4 spaces for visitors + 0.1 spaces for employees).
Family Day Care	A paved pick-up area to the satisfaction of the local government in addition to residential requirements.	A paved pick-up area to the satisfaction of the local government in addition to residential requirements.	N/A.
Fast Food Outlet	<p><b>Minimum:</b> 1 space per 100m<sup>2</sup> NLA (car queuing areas can be calculated as parking spaces).</p> <p><b>Maximum:</b> 1 space per 50m<sup>2</sup> NLA (car queuing areas can be calculated as parking spaces).</p>	1 space per 15m <sup>2</sup> NLA (car queuing areas can be calculated as parking spaces), unless part of a shopping centre in excess of 1,500m <sup>2</sup> NLA with a shared car parking area, in which case the parking standards for a 'Shop' shall apply.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Fuel Depot	N/A.	N/A.	N/A.
Funeral Parlour	N/A.	1 space per employee on site at any one time + parking for visitors to be negotiated with the local government.	N/A.

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Garden Centre	<b>Minimum:</b> 1 space per 200m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 100m <sup>2</sup> NLA.	1 space per 50m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.
Grouped Dwelling	As per R-Codes.	As per R-Codes.	As per R-Codes.
Holiday Accommodation	<b>Minimum:</b> 1 space for the first bedroom + 0.5 spaces for every additional bedroom. <b>Maximum:</b> 1 space for the first 2 bedrooms + 1 space for every additional bedroom.	1 space for the first 2 bedrooms + 1 space for every additional bedroom.	N/A.
Holiday House	<b>Minimum:</b> 1 space for the first bedroom + 0.5 spaces for every additional bedroom. <b>Maximum:</b> 1 space for the first 2 bedrooms + 1 space for every additional bedroom.	1 space for the first 2 bedrooms + 1 space for every additional bedroom.	N/A.
Home Business	<b>Minimum:</b> 0.5 spaces per employee in addition to the residential requirement. Visitor parking to be negotiated with the local government. <b>Maximum:</b> 1 space per employee in addition to the residential requirement. Visitor parking to be negotiated with the local government.	1 space per employee in addition to the residential requirement. Visitor parking to be negotiated with the local government.	N/A.

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Home Business – Rural	N/A.	N/A.	N/A.
Home Occupation	As per definition in Part 6.	As per definition in Part 6.	N/A.
Home Office	As per definition in Part 6.	As per definition in Part 6.	N/A.
Home Store	Extra parking in addition to the residential requirement to be negotiated with the local government.	5 spaces in addition to the residential requirement.	1 space in addition to the residential requirement for visitors.
Hospital	<b>Minimum:</b> 1 space per 100m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 50m <sup>2</sup> NLA.	1 space per 4 patient beds + 1 space for each employee on duty at any one time.	<b>Centre Zone</b> 0.6 spaces per 100m <sup>2</sup> NLA (0.5 spaces for employees + 0.1 spaces for visitors). <b>Other Zones</b> 0.4 spaces per 100m <sup>2</sup> NLA (0.3 spaces for employees + 0.1 spaces for visitors).
Hotel	<b>Minimum:</b> 1 space per 8 rooms. <b>Maximum:</b> 1 space per 4 rooms.	1 space per 4 rooms.	<b>Centre Zone</b> 0.6 spaces per 100m <sup>2</sup> NLA (0.5 spaces for employees + 0.1 spaces for guests). <b>Other Zones</b> 0.4 spaces per 100m <sup>2</sup> NLA (0.3 spaces for employees + 0.1 spaces for guests).
Industry	N/A.	1 space per 100m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Industry – Cottage	<b>Minimum:</b> 0.5 spaces per employee in addition to residential requirement. <b>Maximum:</b> 1 space per employee in addition to residential requirement.	1 space per employee in addition to the residential requirement.	N/A.
Industry – Extractive	N/A.	1 space per 100m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.
Industry – Light	N/A.	1 space per 100m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.
Industry – Primary Production	N/A.	N/A.	N/A.
Liquor Store – Large	<b>Minimum:</b> 2.1 spaces per 100m <sup>2</sup> NLA. <b>Maximum:</b> 4.2 spaces per 100m <sup>2</sup> NLA.	1 space per 20m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Liquor Store – Small	<b>Minimum:</b> 2.1 spaces per 100m <sup>2</sup> NLA. <b>Maximum:</b> 4.2 spaces per 100m <sup>2</sup> NLA.	1 space per 20m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Lunch Bar	<b>Minimum:</b> 1 space per 100m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 50m <sup>2</sup> NLA.	1 space per 15m <sup>2</sup> NLA unless part of a shopping centre in excess of 1,500m <sup>2</sup> NLA with a shared car parking area, in which case the parking standards for a Shop shall apply.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Market	<b>Minimum:</b> 2.1 spaces per 100m <sup>2</sup> NLA. <b>Maximum:</b> 4.2 spaces per 100m <sup>2</sup> NLA.	3 spaces per stall or 1 space per 10m <sup>2</sup> whichever is the greater.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Medical Centre	<b>Minimum:</b> 1 space per 40m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 20m <sup>2</sup> NLA.	6 spaces for the first practitioner + 4 spaces for each subsequent practitioner on site at any one time.	<b>Centre Zone</b> 0.6 spaces per 100m <sup>2</sup> NLA (0.5 spaces for employees + 0.1 spaces for visitors). <b>Other Zones</b> 0.4 spaces per 100m <sup>2</sup> NLA (0.3 spaces for employees + 0.1 spaces for visitors).
Motel	N/A.	1 space per unit + 1 space per 5m <sup>2</sup> eating, drinking or lounge area.	N/A.
Motor Vehicle, Boat or Caravan Sales	<b>Minimum:</b> 1 space per 200m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 100m <sup>2</sup> NLA.	1 space per 100m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.
Motor Vehicle Repair	<b>Minimum:</b> 1 space per 200m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 100m <sup>2</sup> NLA.	1 space per 100m <sup>2</sup> NLA.	N/A.
Motor Vehicle Wash	Parking to be negotiated with the local government.	Parking to be negotiated with the local government.	N/A.
Multiple Dwelling	As per R-Codes.	As per R-Codes.	As per R-Codes.
Night Club	<b>Minimum:</b> 1 space per 8m <sup>2</sup> of eating, drinking or lounge area. <b>Maximum:</b> 1 space per 4m <sup>2</sup> of eating, drinking or lounge area.	1 space per 4m <sup>2</sup> of eating, drinking or lounge area.	N/A.



Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Office	<b>Minimum:</b> 0.75 spaces per 100m <sup>2</sup> NLA. <b>Maximum:</b> 1.5 spaces per 100m <sup>2</sup> NLA.	1 space per 30m <sup>2</sup> NLA.	<b>Centre Zone</b> 0.6 spaces per 100m <sup>2</sup> NLA (0.5 spaces for employees + 0.1 spaces for visitors). <b>Other Zones</b> 0.4 spaces per 100m <sup>2</sup> NLA (0.3 spaces for employees + 0.1 spaces for visitors).
Park Home Park	N/A.	N/A.	N/A.
Place of Worship	<b>Minimum:</b> 1 space per 100m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 50m <sup>2</sup> NLA.	1 space per 4 persons the building is designed to accommodate.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Reception Centre	<b>Minimum:</b> 1 space per 8m <sup>2</sup> seating area or 1 space per 100m <sup>2</sup> NLA, whichever is the lesser. <b>Maximum:</b> 1 space per 4m <sup>2</sup> seating area, or 1 space per 50m <sup>2</sup> NLA, whichever is the lesser.	1 space per 4m <sup>2</sup> seating area.	N/A.
Recreation – Private	<b>Minimum:</b> 1 space per 16 persons the building is designed to accommodate. <b>Maximum:</b> 1 space per 8 persons the building is designed to accommodate.	1 space per 4 persons the building is designed to accommodate.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Renewable Energy Facility	N/A.	N/A.	N/A.
Repurposed Dwelling	As per R-Codes.	As per R-Codes.	As per R-Codes.

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Residential Building	<b>Minimum:</b> 0.25 spaces per bedroom. <b>Maximum:</b> 0.5 spaces per bedroom.	0.5 spaces per bedroom.	N/A.
Resource Recovery Centre	N/A.	1 space per 100m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.
Restaurant/Cafe	<b>Minimum:</b> 1 space per 100m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 50m <sup>2</sup> NLA.	1 space per 5 seats or 1 space per 5m <sup>2</sup> of seating area, whichever is the greater, unless part of a shopping centre in excess of 1,500m <sup>2</sup> NLA with a shared car parking area, in which case the parking standards for a Shop shall apply.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Restricted Premises	<b>Minimum:</b> 2.1 spaces per 100m <sup>2</sup> NLA. <b>Maximum:</b> 4.2 spaces per 100m <sup>2</sup> NLA.	1 space per 20m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Rural Pursuit/Hobby Farm	N/A.	N/A.	N/A.
Second Hand Dwelling	N/A.	As per R-Codes.	As per R-Codes.
Serviced Apartment	<b>Minimum:</b> 1 space per 2 units. <b>Maximum:</b> 1 space per unit.	1 space per unit.	<b>Centre Zone</b> 0.6 spaces per 100m <sup>2</sup> NLA (0.5 spaces for employees + 0.1 spaces for guests). <b>Other Zones</b> 0.4 spaces per 100m <sup>2</sup> NLA (0.3 spaces for employees + 0.1 spaces for guests).

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Service Station	<p><b>Minimum:</b> 0.5 spaces per working bay + 0.5 spaces per employee.</p> <p><b>Maximum:</b> 1 space per working bay + 1 space per employee.</p>	1 space per working bay + 1 space per employee on site at any one time.	N/A.
Shop	<p><b>Minimum:</b> 2.1 spaces per 100m<sup>2</sup> NLA.</p> <p><b>Maximum:</b> 4.2 spaces per 100m<sup>2</sup> NLA.</p>	1 space per 20m <sup>2</sup> NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Single House	As per R-Codes.	As per the R-Codes.	As per R-Codes.
Small Bar	<p><b>Minimum:</b> 1 space per 8m<sup>2</sup> of eating, drinking or lounge area.</p> <p><b>Maximum:</b> 1 space per 4m<sup>2</sup> of eating, drinking or lounge area.</p>	1 space per 4m <sup>2</sup> of eating, drinking or lounge area.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Tavern	<p><b>Minimum:</b> 1 space per 100m<sup>2</sup> NLA.</p> <p><b>Maximum:</b> 1 space per 50m<sup>2</sup> NLA.</p>	1 space per 4m <sup>2</sup> of eating, drinking or lounge area.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Telecommunications Infrastructure	N/A.	N/A.	N/A.
Tourist Development	<p><b>Minimum:</b> 1 space per 8 rooms.</p> <p><b>Maximum:</b> 1 space per 4 rooms.</p>	1 space per 4 rooms.	<p><b>Centre Zone</b></p> <p>0.6 spaces per 100m<sup>2</sup> NLA (0.5 spaces for employees + 0.1 spaces for guests).</p> <p><b>Other Zones</b></p> <p>0.4 spaces per 100m<sup>2</sup> NLA (0.3 spaces for employees + 0.1 spaces for guests).</p>

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Trade Display	N/A.	N/A.	N/A.
Trade Supplies	<b>Minimum:</b> 1 space per 100m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 50m <sup>2</sup> NLA.	1 space per 25m <sup>2</sup> of NLA.	0.5 spaces per 100m <sup>2</sup> NLA (0.4 spaces for visitors + 0.1 spaces for employees).
Transport Depot	N/A.	1 space per 100m <sup>2</sup> NLA.	N/A.
Veterinary Centre	<b>Minimum:</b> 1 space per 40m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 20m <sup>2</sup> NLA.	6 spaces for 1 practitioner + 4 spaces for each subsequent practitioner on site at any one time.	<b>Centre Zone</b> 0.6 spaces per 100m <sup>2</sup> NLA (0.5 spaces for employees + 0.1 spaces for visitors). <b>Other Zones</b> 0.4 spaces per 100m <sup>2</sup> NLA (0.3 spaces for employees + 0.1 spaces for visitors).
Warehouse/Storage	Warehouse/Storage up to 5,000m <sup>2</sup> NLA. <b>Minimum:</b> 1 space per 200m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 100m <sup>2</sup> NLA. Warehouse/Storage above 5,000m <sup>2</sup> NLA. <b>Minimum:</b> 1 space per 400m <sup>2</sup> NLA. <b>Maximum:</b> 1 space per 200m <sup>2</sup> NLA.	1 space per 100m <sup>2</sup> NLA for developments with Warehouse/Storage area up to 5,000m <sup>2</sup> NLA. 1 space per 200m <sup>2</sup> NLA for developments with Warehouse/Storage area above 5,000m <sup>2</sup> NLA.	0.2 spaces per 100m <sup>2</sup> NLA.
Waste Disposal Facility	N/A.	1 space per 100m <sup>2</sup> NLA.	N/A.

Land Use	Car Parking		Bicycle Parking (Minimum)
	Centre Zone	Other Zones (Minimum)	
Waste Storage Facility	N/A.	1 space per 100m <sup>2</sup> NLA.	N/A.
Winery	N/A.	N/A.	N/A.

## **4.14 ADAPTABLE BUILDINGS**

### **4.14.1 Application**

The provisions of this clause apply to the Centre, District Centre and Mixed Use zones.

### **4.14.2 Minimum Floor to Ceiling Height**

Where Holiday Accommodation, Multiple Dwelling or Serviced Apartment land uses are proposed on the ground floor of any development, a minimum 4 metres floor to ceiling height is to be provided.

## **4.15 HOME BASED BUSINESSES**

4.15.1 For the purposes of this clause, a home based business includes –

- (a) Home Occupation;
- (b) Home Business;
- (c) Family Day Care; and
- (d) Industry – Cottage.

4.15.2 The approval of a home based business shall be personal to the applicant and shall not be transferred or assigned to another person.

4.15.3 The approval shall not run with the land in respect of which it was granted.

4.15.4 The person to whom approval is granted by the local government to carry on a home based business shall not carry on that home based business on any other land.

## **4.16 RESIDENTIAL ZONE DEVELOPMENT REQUIREMENTS**

### **4.16.1 Application**

The provisions of this clause apply to the Residential zone.

### **4.16.2 General Requirements**

- (a) All development within the Residential zone is to comply with the requirements of the R-Codes.
- (b) Non-residential development within the Residential zone shall be of a scale and intensity of uses and buildings that are compatible with the proposed uses and buildings permitted under the maximum residential density in that locality, and be compatible with surrounding development in terms of streetscape.

### **4.16.3 Commercial Vehicle Parking in the Residential Zone**

- (a) A person may park a commercial vehicle in the Residential zone subject to the following provisions –
- (i) the lot on which the vehicle is parked contains only a single house, ancillary dwelling and/or associated outbuildings;
  - (ii) notwithstanding paragraph 4.16.3(a)(i), the local government may permit the parking of a commercial vehicle on a grouped dwelling lot, if in the opinion of the local government, the parking of the commercial vehicle is unlikely to adversely affect the amenity of the surrounding area;
  - (iii) the commercial vehicle is to be parked entirely within the lot and located on a hardstand behind the front building line;
  - (iv) the commercial vehicle does not exceed 3 metres in height, 2.5 metres in width and 8 metres in length;
  - (v) any noise created by the commercial vehicle does not exceed the standards set out in the Environmental Protection (Noise) Regulations 1997;
  - (vi) only minor servicing or cleaning of the commercial vehicle is carried out behind the front building line;
  - (vii) storage of liquid fuels on the lot complies with the Dangerous Goods Safety Act 2004; and
  - (viii) the commercial vehicle is not carrying a refrigeration unit which operates on a continuous or intermittent basis.
- (b) The local government may consider variations to the requirements of paragraph 4.16.3(a) through a development approval provided the local government consults surrounding landowners and is satisfied that the variations will not adversely affect the amenity of the surrounding area.
- (c) A development approval granted under paragraph 4.16.3(b) does not run with the land in respect of which it is granted but is personal to the person to whom it was granted. The development approval shall not be transferred or assigned to another person.
- (d) A commercial vehicle is considered to be parked on a lot for the purposes of this subclause if it remains parked in aggregate for more than one hour in a twenty four hour period unless the commercial vehicle is associated with construction work on the lot.

## 4.17 INDUSTRIAL ZONES DEVELOPMENT REQUIREMENTS

### 4.17.1 Application

The provisions of this clause apply to the General Industry and Light Industry zones.

### 4.17.2 Setbacks and Frontage

- (a) Setbacks and frontage in the General Industry and Light Industry zone shall meet the requirements set out in Table 5.

**Table 5 – General and Light Industry Zones Setback Requirements**

Zone	Frontage (minimum)	Primary Street Setback (minimum)	Other Street Setback (minimum)	Rear & Side Setback (minimum)
General Industry	28m	15m	7.5m	0m
Light Industry	N/A	15m	7.5m	0m

*Note: Rear and side setbacks may be subject to requirements under the Building Code of Australia.*

- (b) The street setback requirements in **Table 5** may be reduced by the local government subject to the following provisions –
- (i) the reduced setback will not have any adverse impacts on the adjoining properties or the street appearance;
  - (ii) the proposed development will constitute a general improvement to the appearance of the street; and
  - (iii) the portion of the building encroaching into the street setback forms an integral part of the development.

### 4.17.3 Use of Setbacks

Land within the primary street and other street setback areas in a General Industry or Light Industry zone shall not be used for any purpose other than –

- (a) access;
- (b) car or bicycle parking;
- (c) landscaping;
- (d) loading and unloading;
- (e) Trade Display up to a maximum 20% of the setback area;
- (f) transformer compounds, water tanks and gas storage infrastructure; and
- (g) pergolas, carports, patios and cantilevered buildings.



#### **4.17.4 Landscaping**

Any development in the industrial zones shall provide landscaping in accordance with the following provisions –

- (a) a minimum 2 metre width landscaping strip shall be provided along any boundary to a public street, except where a driveway and crossover is required;
- (b) trees are to be provided in accordance with any local planning policy relating to tree retention and/or planting;
- (c) landscaped areas shall be separated from car parking areas with kerbing at least 150mm higher than the car parking area, or other manner to protect the landscaping from damage, to the satisfaction of the local government; and
- (d) landscaped areas shall be planted in accordance with an approved plan prior to the occupation of the site, or such other time as agreed by the local government.

#### **4.17.5 Facades**

- (a) Each façade of a building shall be constructed of brick, stone, concrete or glass or a combination of those materials or similar materials as approved by the local government, and shall incorporate the following features –
  - (i) varied heights, materials, colours or textures; or
  - (ii) public artwork.
- (b) Any artwork on walls subject to paragraph 4.17.5(a) is to meet the requirements of any local planning policy relating to public art.
- (c) Panel filling of other materials to a design approved by the local government may be permitted on facades above a height of 2 metres from the ground level.

#### **4.17.6 Storage of Goods and Materials**

- (a) In any Industrial zone where the open storage of goods or materials is permitted and the goods and materials stored are, in the opinion of the local government, of an untidy nature and likely to have an adverse effect upon the general appearance of the area, the local government may require –
  - (i) the owner or occupier to restrict the height to which goods and materials may be stored; and
  - (ii) the screening of the open storage area by a visually impermeable fence and the planting of trees and/or shrubs as may be considered desirable.

- (b) The height to which storage is to be restricted, the height, design and specifications of the fence, distance from side or rear boundaries of the site, and the nature and extent of the planting shall be determined by the local government in respect of each case taking into consideration any matters it considers relevant including the physical characteristics and the zoning classification of surrounding land.
- (c) A front fence erected pursuant to this subclause shall not be erected in front of the setback line unless approved otherwise by the local government.

## 4.18 COMMERCIAL AND SERVICE COMMERCIAL ZONES DEVELOPMENT REQUIREMENTS

### 4.18.1 Application

The provisions of this clause apply to the Commercial and Service Commercial zones.

### 4.18.2 Setbacks

- (a) Setbacks in the Commercial and Service Commercial zones shall meet the requirements set out in **Table 6**.

**Table 6 – Commercial and Service Commercial Zones Setback Requirements**

Zone	Primary Street Setback (minimum)	Other Street Setback (minimum)	Rear & Side Setback (minimum)
Commercial	15m	3m	0m
Service Commercial	15m	3m	0m

*Note: Rear and side setbacks may be subject to requirements under the Building Code of Australia.*

- (b) The street setback requirements in **Table 6** may be reduced by the local government subject to the following provisions –
  - (i) the reduced setback will not have any adverse impacts on the adjoining properties or the street appearance;
  - (ii) the proposed development will constitute a general improvement to the appearance of the street; and
  - (iii) the portion of the building encroaching into the street setback forms an integral part of the development.

#### 4.18.3 Use of Setbacks

Land within the primary street and other street setback areas in a Commercial or Service Commercial zone shall not be used for any purpose other than –

- (a) access;
- (b) car or bicycle parking;
- (c) landscaping;
- (d) loading and unloading;
- (e) pergolas, carports, patios and cantilevered buildings.

#### 4.18.4 Landscaping

Any development in the commercial zones shall provide landscaping in accordance with the following provisions –

- (a) a minimum 2 metre width landscaping strip shall be provided along any boundary to a public street, except where a driveway and crossover is required;
- (b) trees are to be provided in accordance with any local planning policy relating to tree retention and/or planting;
- (c) landscaped areas shall be separated from car parking areas with kerbing at least 150mm higher than the car parking area, or other manner to protect the landscaping from damage, to the satisfaction of the local government; and
- (d) landscaped areas shall be planted in accordance with an approved plan prior to the occupation of the site, or such other time as agreed by the local government.

#### 4.18.5 Facades

- (a) Each façade of a building shall be constructed of brick, stone, concrete or glass or a combination of those materials or similar materials as approved by the local government, and shall incorporate the following features –
  - (i) varied heights, materials, colours or textures; or
  - (ii) public artwork.
- (b) Any artwork on walls subject to paragraph 4.18.5(a) is to meet the requirements of any local planning policy relating to public art.
- (c) Facades facing regional or local reserves as detailed in **Table 1** are to incorporate clear openings to a minimum of 50% of the façade.
- (d) Panel filling of other materials to a design approved by the local government may be permitted on facades above a height of 2 metres from the ground level.

## 4.19 MIXED USE ZONE DEVELOPMENT REQUIREMENTS

### 4.19.1 Application

The provisions of this clause apply to the Mixed Use zone.

### 4.19.2 Density

The maximum residential density for developments in the Mixed Use zone shall be in accordance with the R-Code value shown on the Scheme map for the lot.

### 4.19.3 Setbacks

Setbacks for developments in the Mixed Use zone shall be in accordance with **Table 7**.

**Table 7 – Mixed Use Zone Setback Requirements**

Boundary	Setback Requirement
Primary Street (Minimum)	Nil.
Primary Street (Maximum)	2m.
Other Street (Minimum)	Nil.
Other Street (Maximum)	2m.
Side	As per R-Codes.
Rear / Other	As per R-Codes

### 4.19.4 Building Height

The height of the ground floor of buildings within the Mixed Use zone shall be a minimum of 4 metres measured floor to ceiling, and the remaining wall and building height shall be in accordance with the R-Code requirements for the density assigned on the Scheme map in addition to the ground floor height.

### 4.19.5 Land Use Mix

Non-residential floor space in a mixed use development is to occupy a minimum of 20% and a maximum of 60% of the development floor space.

### 4.19.6 Deep Soil Zones

- (a) A minimum of 12% of the land area is to be made available for a deep soil zone where larger trees can be planted.
- (b) Trees are to be provided in accordance with any local planning policy relating to tree retention and/or planting.

#### **4.19.7 Parking Location and Signage**

- (a) Parking areas shall be located behind the building line (except disabled parking) and screened from view from the street.
- (b) Car parking spaces shall be clearly signposted differentiating between the residential car parking and non-residential car parking spaces.

#### **4.19.8 Streetscape and Facades**

- (a) Awnings shall be provided above all entrances and exits of a building and public footpaths that abut a building.
- (b) Entrances to buildings shall be from the primary street to which the building faces, unless otherwise approved by the local government.
- (c) Non-residential facades abutting public streets and public open spaces of any development in the mixed use zones are to incorporate a minimum 75% visually permeable glazing.
- (d) On all levels above the ground floor, facades shall be articulated to break-up straight plain walls through the use of at least four of the following –
  - (i) openings;
  - (ii) protruding balconies;
  - (iii) awnings over windows;
  - (iv) use of different colours and textures; and
  - (v) indentations and extrusions with details to break the building into individual elements.

#### **4.19.9 Blank Walls**

- (a) Exposed blank walls visible from regional or local reserves as detailed in **Table 1** are to incorporate one of the following features –
  - (i) varied heights, materials, colours or textures; or
  - (ii) public artwork.
- (b) Any artwork on walls subject to paragraph 4.19.9(a) is to meet the requirements of any local planning policy relating to public art.

## 4.20 RURAL AND RURAL RESIDENTIAL ZONES DEVELOPMENT REQUIREMENTS

### 4.20.1 Application

The provisions of this clause apply to the Rural and Rural Residential zones.

### 4.20.2 Setbacks and Density

- (a) All development within the Rural and Rural Residential zones shall comply with the requirements of **Table 8**.
- (b) The local government may require greater setback distances than those required in **Table 8**, to preserve indigenous vegetation on a lot.

**Table 8 – Rural and Rural Residential Zones Setback and Density Requirements**

Zone	Lot Size (minimum)	Front Setback (minimum)	Side Setback (minimum)	Rear Setback (minimum)
Rural Residential	10,000m <sup>2</sup>	15m	5m	7.5m
Rural	20,000m <sup>2</sup>	15m	5m	7.5m

- (c) The front setback requirement may be averaged as provided for under the R-Codes.

### 4.20.3 Character

Except with the approval of the local government, no boundary fence within a Rural Residential zone shall be constructed of the following materials –

- (a) fibre cement sheeting;
- (b) metal sheeting; or
- (c) wooden pickets.

### 4.20.4 Environment and Vegetation

- (a) No animals are to be kept or grazed on a lot unless the local government is satisfied that the grazing or keeping of any animal will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the local government may require the animals to be stabled or corralled.
- (b) No indigenous vegetation or trees shall be destroyed or cleared unless –
  - (i) approved by the local government; and
  - (ii) such vegetation or trees are dead or diseased; or
  - (iii) the clearing is required for the purpose of a fire break, dwelling, outbuilding, fence and/or house driveways.

- (c) The local government may direct the landowner(s) to plant on a lot indigenous and native trees and shrubs of a species and at a density, distribution and at a time to be determined by the local government to control soil erosion.
- (d) The landowner(s) of a lot shall be responsible for the maintenance and the replacement, if and where necessary, of trees and vegetation on the lot to the satisfaction of the local government.

#### **4.20.5 Commercial Vehicle Parking**

- (a) A person may park a commercial vehicle in the Rural zones subject to the following provisions –
  - (i) the commercial vehicle is to be parked entirely within the lot and located on a hardstand behind the front building line;
  - (ii) the commercial vehicle does not exceed 3 metres in height, 2.5 metres in width and 8 metres in length;
  - (iii) any noise created by the commercial vehicle does not exceed the standards set out in the Environmental Protection (Noise) Regulations 1997;
  - (iv) only minor servicing or cleaning of the commercial vehicle is carried out behind the front building line;
  - (v) storage of liquid fuels on the lot complies with the Dangerous Goods Safety Act 2004; and
  - (vi) the commercial vehicle is not carrying a refrigeration unit which operates on a continuous or intermittent basis.
- (b) The local government may consider variations to the requirements of paragraph 4.20.5(a) through a development approval provided the local government consults surrounding landowners and is satisfied that the variations will not adversely affect the amenity of the surrounding area.
- (c) A development approval granted under paragraph 4.20.5(b) does not run with the land in respect of which it is granted but is personal to the person to whom it was granted. The development approval shall not be transferred or assigned to another person.
- (d) A commercial vehicle is considered to be parked on a lot for the purposes of this subclause if it remains parked in aggregate for more than one hour in a twenty four hour period unless the commercial vehicle is associated with construction work on the lot.

## **4.21 PRIVATE COMMUNITY PURPOSES ZONE DEVELOPMENT REQUIREMENTS**

### **4.21.1 Application**

The provisions of this clause apply to the Private Community Purposes zone.

### **4.21.2 Setbacks**

Setbacks for development in the Private Community Purposes zone shall be compatible with the setbacks of the surrounding properties.

### **4.21.3 Bulk and Scale**

The bulk, scale and height of development in the Private Community Purposes zone shall be compatible with the bulk, scale and character of the surrounding properties.

### **4.21.4 Landscaping**

- (a) Soft landscaping shall cover a minimum of 25% of any street setback area with a minimum width of 2 metres along any street boundary except where a crossover is present or required.
- (b) Trees are to be provided in accordance with any local planning policy relating to tree retention and/or planting.
- (c) Landscaped areas shall be separated from car parking areas with kerbing at least 150mm higher than the car parking area, or other manner to protect the landscaping from damage, to the satisfaction of the local government.
- (d) Landscaped areas shall be planted in accordance with an approved plan prior to the occupation of the site, or such other time as agreed by the local government.

### **4.21.5 Facades**

- (a) Each façade of a building shall be constructed of brick, stone, concrete or glass or a combination of those materials or similar materials as approved by the local government.
- (b) Facades facing regional or local reserves as detailed in **Table 1** are to incorporate clear openings to a minimum of 25% of the façade.
- (c) Panel filling of other materials to a design approved by the local government may be permitted on facades above a height of 2 metres from the ground level.



## 4.22 DISTRICT CENTRE AND LOCAL CENTRE ZONES DEVELOPMENT REQUIREMENTS

### 4.22.1 Application

The provisions of this clause apply to the District and Local Centre zones.

### 4.22.2 Density

The maximum residential density for developments in the District Centre zone shall be in accordance with the R-Code value shown on the Scheme map for the lot.

### 4.22.3 Setbacks

- (a) Setbacks in the District and Local Centre zones shall meet the requirements set out in **Table 9**.

**Table 9 – District and Local Centre Zones Setback Requirements**

Zone	Primary Street Setback (minimum)	Secondary Street Setback (minimum)	Rear & Side Setback (minimum)
District Centre	12m	3m	0m
Local Centre	12m	3m	0m

*Note: Rear and side setbacks may be subject to requirements under the Building Code of Australia.*

- (b) The setback requirements in **Table 9** may be reduced by the local government subject to the following provisions –
- (i) the reduced setback will not have any adverse impacts on the adjoining properties or the street appearance;
  - (ii) the proposed development will constitute a general improvement to the appearance of the street; and
  - (iii) the portion of the building encroaching into the setback forms an integral part of the development.

### 4.22.4 Landscaping

- (a) Soft landscaping shall cover a minimum of 25% of any street setback area with a minimum width of 2 metres along any street boundary except where a crossover is present or required.
- (b) Trees are to be provided in accordance with any local planning policy relating to tree retention and/or planting.
- (c) Landscaped areas shall be separated from car parking areas with kerbing at least 150mm higher than the car parking area, or other manner to protect the landscaping from damage, to the satisfaction of the local government.

- (d) Landscaped areas shall be planted in accordance with an approved plan prior to the occupation of the site, or such other time as agreed by the local government.

#### **4.22.5 Facades**

- (a) Each façade of a building shall be constructed of brick, stone, concrete or glass or a combination of those materials or similar materials as approved by the local government, and shall incorporate the following features –
  - (i) varied heights, materials, colours or textures; or
  - (ii) public artwork.
- (b) Any artwork on walls subject to paragraph 4.22.5(a) is to meet the requirements of any local planning policy relating to public art.
- (c) Facades facing regional or local reserves as detailed in **Table 1** are to incorporate clear openings to a minimum of 50% of the façade.
- (d) Panel filling of other materials to a design approved by the local government may be permitted on facades above a height of 2 metres from the ground level.

#### **4.23 SCHEME TO PREVAIL**

To the extent that a requirement referred to in clauses 4.8 to 4.22 are inconsistent with a requirement in the R-Codes, an activity centre plan, structure plan, a local development plan or a State or local planning policy the requirements referred to in clauses 4.8 to 4.22 prevail.

#### **4.24 VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS**

4.24.1 In this clause –

Additional site and development requirement means a requirement set out in clauses 4.8 to 4.22.

4.24.2 The local government may approve an application for development approval that does not comply with an additional site and development requirement.

4.24.3 An approval under subclause 4.24.2 may be unconditional or subject to any conditions the local government considers appropriate.

4.24.4 If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

- 4.24.5 The local government may only approve an application for development approval under this clause if the local government is satisfied that –
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
  - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

## **4.25 RESTRICTIVE COVENANTS**

- 4.25.1 A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- 4.25.2 If subclause 4.25.1 operates to extinguish or vary a restrictive covenant –
- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
  - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

## PART 5 – SPECIAL CONTROL AREAS

### 5.1 SPECIAL CONTROL AREAS

- 5.1.1 Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- 5.1.2 The purpose, objectives and additional provisions that apply to each special control area is set out in **Table 10**.

**Table 10 – Special Control Areas in Scheme Area**

Name of area	Purpose	Objectives	Additional provisions
SCA 1 – Perth Airport Buffer Special Control Area	To support the implementation of State Planning Policy No. 5.1 – Land Use Planning in the Vicinity of Perth Airport.	<p>To promote the long term viability of the Perth Airport so as to enable its on-going development and operation.</p> <p>To prevent unreasonable encroachment of incompatible (noise sensitive) land uses and those activities affected or potentially impacted upon by aircraft noise.</p> <p>To provide for appropriately designed and constructed development of low to medium density residential uses within suitable locations within the Special Control Area.</p> <p>To minimise the impact of aircraft noise on existing and future communities within the Special Control Area.</p>	<p>The development of a single house between the 20 and 25 ANEF Contours of the Perth Airport Buffer Special Control Area requires development approval if no notification relating to aircraft noise is on the land title.</p> <p>The development of a single house above the 25 ANEF Contour of the Perth Airport Buffer Special Control Area requires development approval.</p> <p>Development applications for residential development above the 25 ANEF contour must be accompanied by a statement or report which demonstrates that the development achieves all of the relevant policy measures under the State Planning Policy No. 5.1 – Land Use Planning in the Vicinity of Perth Airport.</p> <p>Applications for development approval in the Perth Airport Buffer Special Control Area may be referred to the Perth Airport Pty. Ltd. for comment and advice in accordance with State Planning Policy No. 5.1 – Land Use Planning in the Vicinity of Perth Airport.</p>

Name of area	Purpose	Objectives	Additional provisions
SCA 2 – Jandakot Airport Buffer Special Control Area	To support the implementation of State Planning Policy No. 5.3 – Land Use Planning in the Vicinity of Jandakot Airport.	<p>To promote the long term viability of the Jandakot Airport so as to enable its on-going development and operation.</p> <p>To prevent unreasonable encroachment of incompatible (noise sensitive) land uses and those activities affected or potentially impacted upon by aircraft noise.</p> <p>To provide for appropriately designed and constructed development of low to medium density residential uses within suitable locations within the Special Control Area.</p> <p>To minimise the impact of aircraft noise on existing and future communities within the Special Control Area.</p>	<p>The development of a single house between the 20 and 25 ANEF Contours or within the Frame Area of the Jandakot Airport Buffer Special Control Area requires development approval if no notification relating to aircraft noise is on the land title.</p> <p>The development of a single house above the 25 ANEF Contour of the Jandakot Airport Buffer Special Control Area requires development approval.</p> <p>Development applications for residential development above the 25 ANEF contour must be accompanied by a statement or report which demonstrates that the development achieves all of the relevant policy measures under the State Planning Policy No. 5.3 – Land Use Planning in the Vicinity of Jandakot Airport.</p> <p>Applications for development approval in the Jandakot Airport Buffer Special Control Area may be referred to the operators of Jandakot Airport for comment and advice in accordance with State Planning Policy No. 5.3 – Land Use Planning in the Vicinity of Perth Airport.</p>
SCA 3 – Former Town Planning Scheme No. 29 Special Control Area	The Special Control Area is created to obtain all financial contributions associated with the former Town Planning Scheme No. 29.	To secure the remaining financial contributions from the former Town Planning Scheme No. 29.	Properties that have not provided financial contributions detailed in the former Town Planning Scheme No. 29 are required to provide financial contributions in accordance with the requirements set out in <b>Schedule D</b> of the Scheme.

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## PART 6 – TERMS REFERRED TO IN THE SCHEME

### Division 1 – General definitions used in Scheme

#### 6.1 TERMS USED

6.1.1 If a word or expression used in this Scheme is listed in this clause, its meaning is as follows –

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

**building height**, in relation to a building –

- (a) if the building is used for residential purposes, has the meaning given in the R Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R Codes;

**cabin** means a dwelling forming part of a tourist development or caravan park that is –

- (a) an individual unit other than a chalet; and
- (b) designed to provide short term accommodation for guests;

**chalet** means a dwelling forming part of a tourist development or caravan park that is –

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short term accommodation for guests;

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

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

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

**floor area** has meaning given in the Building Code;

**frontage**, in relation to a building –

- (a) if the building is used for residential purposes, has the meaning given in the R Codes; or



- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

**incidental use** means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

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

**net lettable area or nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas –

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

**non-conforming use** has the meaning given in the *Planning and Development Act 2005* section 172;

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

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

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

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

**short-term accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

**wall height**, in relation to a wall of a building –

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

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

6.1.2 A word or expression that is not defined in this Scheme –

(a) has the meaning it has in the *Planning and Development Act 2005*; or

(b) if it is not defined in that *Act* – has the same meaning as it has in the R-Codes.

## 6.2 LAND USE TERMS USED

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

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

**aged care facility** means a premises used to provide accommodation and personal or nursing care for the aged and may include recreational, health or laundry facilities and services for residents of the facility;

**amusement parlour** means premises –

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines;

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

**art gallery** means premises –

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

**bed and breakfast** means a dwelling –

- (a) used by a resident of the dwelling to provide short term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

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

**brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

**bulky goods showroom** means premises –

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes –

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

or

(b) used to sell by retail goods and accessories by retail if –

- (i) a large area is required for the handling, display or storage of the goods; or
- (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

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

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

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

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

**child care premises** means premises where –

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

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

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

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

**commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include –

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

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

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

**convenience store** means premises –

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300m<sup>2</sup> net lettable area;

**corrective institution** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

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

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

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

**fast food outlet** means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –

- (a) without further preparation; and
- (b) primarily off the premises;

**freeway service centre** means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services –

- (a) service station facilities;
- (b) emergency breakdown repair for vehicles;
- (c) charging points for electric vehicles;
- (d) facilities for cyclists;
- (e) restaurant, cafe or fast food services, excluding the sale or consumption of alcohol under the *Liquor Licensing Act 1988*;
- (f) take away food retailing, without a drive-through facility;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas; and
- (j) dump points for the disposal of black and/or grey water from recreational vehicles;

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

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

**funeral parlour** means premises used –

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

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

**holiday accommodation** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

**holiday house** means a single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast;

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

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

**home business – rural** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation –

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

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

- (a) does not involve employing a person who is not a member of the occupier’s household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not –
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood;and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

**home store** means a shop attached to a dwelling that –

- (a) has a net lettable area not exceeding 100m<sup>2</sup>; and
- (b) is operated by a person residing in the dwelling;

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



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

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

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

**industry – cottage** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which –

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

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

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

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

**industry – primary production** means premises used –

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997 (Commonwealth)* section 995-1; or

(b) for a workshop servicing plant or equipment used in primary production businesses;

**liquor store – large** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m<sup>2</sup>;

**liquor store – small** means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m<sup>2</sup>;

**lunch bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

**market** means premises used for the display and sale of goods from stalls by independent vendors;

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

**motel** means premises, which may be licensed under the *Liquor Control Act 1988* –

(a) used to accommodate guests in a manner similar to a hotel; and

(b) with specific provision for the accommodation of guests with motor vehicles;

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

**motor vehicle repair** means premises used for or in connection with –

(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or

(b) repairs to tyres other than recapping or re-treading of tyres;

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

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

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

**park home park** means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;

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

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

**recreation – private** means premises that are –

(a) used for indoor or outdoor leisure, recreation or sport; and

(b) not usually open to the public without charge;

**renewable energy facility** means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.

**repurposed dwelling** means a building or structure not previously used as a single house which has been repurposed for use as a dwelling;

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

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

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

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

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

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

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

**serviced apartment** means a group of units or apartments providing –

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

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

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

**shop** means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

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

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

**telecommunications infrastructure** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

**tourist development** means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide –

- (a) short term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

**trade display** means premises used for the display of trade goods and equipment for the purpose of advertisement;

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

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

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

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

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

**veterinary centre** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

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

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

**waste disposal facility** means premises used –

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

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

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

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## Schedule A – Supplementary Provisions to the Deemed Provisions

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

Clause 13A Significant Tree Register –

- (1) The local government must establish and maintain a significant tree register to identify trees within the scheme area that are worthy of preservation.
- (2) The significant tree register –
  - (a) must set out a description of each tree, its location and the reason for its entry in the significant tree register; and
  - (b) must be available, with the scheme documents, for public inspection during business hours at the offices of the local government; and
  - (c) may be published on the website of the local government.
- (3) The local government must not enter a tree in, or remove a tree from, the significant tree register or modify the entry of a tree in the significant tree register unless the local government –
  - (a) notifies in writing each owner and occupier of the land which contains the tree and provides each of them with a description of the tree and the reason for its proposed entry; and
  - (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
  - (c) carries out any other consultation the local government considers appropriate; and
  - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register.
- (4) If the local government enters a tree in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree.
- (5) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register.

Clause 61(1)(k) The removal of a tree unless it is identified on the significant tree register, or is required to be retained as a condition of development approval.

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## Schedule B – Additional Uses

No.	Description of land	Additional use	Conditions
1	4 Castlereagh Close (Lot 37), Willetton.	Medical Centre.	
2	339 Wharf Street (Lot 20), Queens Park.	Medical Centre.	Maximum of 6 practitioners on site at any one time.
3	Portion of 280 Bannister Road (Lot 1002), Canning Vale.	Bulky Goods Showroom, Club Premises, Fast Food Outlet, Garden Centre, Lunch Bar, Market, Medical Centre, Motor Vehicle, Boat or Caravan Sales, Office, Restaurant/Café, Shop & Tavern.	Tavern floorspace limited to a maximum of 900m <sup>2</sup> GFA. Total floorspace limited to a maximum of 7,000m <sup>2</sup> GFA.
4	87-91 Catalano Circuit (Lot 3), 257 Bannister Road (Lot 1) & 259-261 Bannister Road (Lot 2), Canning Vale.	Office 'P' use Industry – Light 'P' use Shop 'A' use as defined in clause 3.3.2 of the Scheme.	
5	23-29 Kewdale Road (Lot 57), Welshpool.	Restaurant/Café, Fast Food Outlet & Convenience Store.	
6	230 Treasure Road (Lot 16), Queens Park.	Caravan Park.	
7	2/627 Metcalfe Road (Lot 91), Lynwood.	Medical Centre.	Maximum of 4 practitioners on site at any one time.
8	1120-1124 Albany Highway (Lot 77), Bentley.	Hotel.	
9	1098-1100 Albany Highway (Lot 70 & 51), St James.	Medical Centre & Shop.	Shop floorspace limited to a maximum of 130m <sup>2</sup> GFA.
10	58 Burrendah Boulevard (Lot 108), Willetton.	Medical Centre.	Maximum of 3 practitioners on site at any one time.

No.	Description of land	Additional use	Conditions
11	36 & 38 Granville Way (Lot 501 & 101), Willetton.	Medical Centre & Shop.	Maximum of 14 practitioners on site at any one time. Shop floorspace limited to a maximum of 80m <sup>2</sup> GFA.
12	1128-1132 Albany Highway (Lot 503), Bentley.	Convenience Store.	
13	25 Mills Street (Lot 500), Cannington.	Medical Centre.	
14	138-144 Pilbara Street (Lot 8), Welshpool.	Office.	Office floorspace limited to a maximum of 2,450m <sup>2</sup> GFA.
15	Portion of 271 Treasure Road (Lot 151), Welshpool	Office, Exhibition Centre Reception Centre & Club Premises.	Total floorspace limited to a maximum of 1,330m <sup>2</sup> GFA.
16	Catalano Circuit, Canning Vale	Motor Vehicle, Boat or Caravan Sales, Market & Fast Food Outlet.	Total floorspace limited to a maximum of 3,000m <sup>2</sup> GFA.
17	6-8 Aveley Street (Lot 500), Willetton.	Office.	Office floorspace limited to a maximum of 500m <sup>2</sup> NLA.
18	38 Vahland Ave (Lot 57) & 211 & 213 Corinthian Road East (Lot 55 & 56), Riverton.	Medical Centre.	Maximum of 7 practitioners on site at any one time.
19	7 Herald Avenue (Lot 194), Willetton.	Medical Centre.	Maximum of 4 practitioners on site at any one time.
20	81-85 Catalano Circuit (Lot 31), Canning Vale.	Place of Worship.	Place of Worship floorspace limited to a maximum of 500m <sup>2</sup> NLA.
21	Portion of 59-87 Pilbara Street (Lot 3), Welshpool.	Office.	Office floorspace limited to a maximum of 3,145m <sup>2</sup> GFA.
22	2 Granite Place (Lot 20), Welshpool.	Fast Food Outlet.	

No.	Description of land	Additional use	Conditions
23	206 & 208 High Road (Lot 4 & 5), Riverton.	Medical Centre & Office.	Maximum of 6 practitioners on site at any one time.
24	29 Augusta Street, (Lot 62), Willetton.	Office.	Office floorspace limited to a maximum of 100m <sup>2</sup> GFA.
25	202 High Road (Lot 218), Riverton.	Consulting Rooms & Office.	
26	1 Wilfred Road (Lot 11), Canning Vale.	Child Care Premises & Office.	Office floorspace limited to a maximum of 100m <sup>2</sup> GFA.
27	1-31 & 33-37 Murray Road (Lot 3359 & 1), Welshpool	Convenience Store, Fast Food Outlet & Office.	
28	All lots zoned Residential with an R-Code of R2.5 in the vicinity of Candeloro Road, Battersea Road and Crufts Way, Canning Vale.	Animal Establishment as a 'D' use as defined in clause 3.3.2 of the Scheme.	Development of an animal establishment shall not be permitted on a lot unless there is an existing dwelling or a dwelling is developed concurrently on the same lot, such dwelling being for the use of the animal establishment operator.
29	64-66 Bannister Road (Lot 303), Canning Vale.	Lunch Bar, Office & Shop as 'D' uses as defined in clause 3.3.2 of the Scheme.	

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## Schedule C – Restricted Uses

No.	Description of Land	Restricted Use	Conditions
1	Manning Road Corridor as depicted on the Scheme Map.	<p>Land use permissibility within the R80 coded areas is as follows:</p> <p>Multiple dwelling - 'D' pursuant to clause 3.3.2.</p> <p>Single house - 'X' pursuant to clause 3.3.2.</p> <p>Grouped dwelling - 'X' pursuant to clause 3.3.2.</p> <p>All other land uses – in accordance with Table 3, unless otherwise specified in Schedule B or Schedule C.</p>	Development adjacent to Manning Road and Leach Highway is to comply with the requirements of State Planning Policy No. 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning.
2	Albany Highway Corridor as depicted on the Scheme Map.	<p>Land use permissibility within the R80 and R100 coded areas is as follows:</p> <p>Multiple dwelling - 'D' pursuant to clause 3.3.2.</p> <p>Single house - 'X' pursuant to clause 3.3.2.</p> <p>Grouped dwelling - 'X' pursuant to clause 3.3.2.</p> <p>All other land uses – in accordance with Table 3, unless otherwise specified in Schedule B or Schedule C.</p>	<p>Access requirements should generally be in accordance with the City approved local planning policy for Albany Highway.</p> <p>Development fronting Albany Highway, Leach Highway and Welshpool Road is to comply with the requirements of State Planning Policy No. 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning.</p>

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## Schedule D – Former Town Planning Scheme No. 29 Contribution Requirements

**Note:** *Town Planning Scheme No. 29 – Burton Street Guided Development Scheme (TPS29) was Gazetted on 15 April 1977. TPS29 was applicable to an area bounded by Leach Highway, Manning Road and Albany Highway. All works for the scheme have been completed and there are only two lots that have not yet contributed to scheme costs, identified in SCA 3 – Former Town Planning Scheme No. 29 Special Control Area.*

### D.1 General

- D1.1 The remaining objective of former Town Planning Scheme No. 29 is to facilitate and encourage the development of land within the Scheme Area.
- D1.2 The properties with outstanding contributions are identified in SCA 3 – Former Town Planning Scheme No. 29 Special Control Area.
- D1.3 Contributions are required from these properties at subdivision or development stage (whichever comes first), consistent with the manner of dealing with outstanding contributions for the original Town Planning Scheme No. 29.
- D1.4 Unspent contributions remaining in trust funds will be used to fund infrastructure improvements within the former Town Planning Scheme No. 29 scheme area.

### D.2 Sewerage Costs

- D2.1 In this clause, unless the context requires otherwise, “sewerage costs” means the sum of:
  - (a) the total costs of all sewerage works carried out and of acquisition of land required for sewerage services paid or incurred by the local government less any portion thereof recouped from or paid or payable by the Water Corporation or government grant or subsidy;
  - (b) any payments made or agreed to be made by the local government to owners; and
  - (c) all interest on moneys borrowed by the local government for the purpose of carrying out the sewerage works or any of them or making payments to owners under subclause D2.5.
- D2.2 Subject to the provisions of this clause, the owners of the land within the original Town Planning Scheme No. 29 area shall pay the sewerage costs in the proportion that the area of each owner's land bears to the total area of land within the original Town Planning Scheme No. 29 area other than roads.
- D2.3 Each owner shall pay to the local government their proportion of the sewerage costs upon -
  - (a) being granted approval to commence development of their land; or
  - (b) the final approval of a subdivision of their land or of amalgamation of their land with another piece of land;whichever first occurs.

D2.4 Where local government is of the opinion that any one or more items of the sewerage costs relate exclusively to any part of the original Town Planning Scheme No. 29 area it may apportion that item or items among the owners of the land within that part in the proportion that the area of each owner's land bears to the total area of land within that part other than roads in addition to or in substitution for the method of apportionment provided for in subclause D2.2 hereof, as the case requires.

D2.5 Where:

- (a) an owner has, carried out or caused to be carried out any sewerage works within the original Town Planning Scheme No. 29 area at their own expense; and
- (b) the local government is of the opinion that it is fair and reasonable that the cost of those works be apportioned under Clause D2 Sewerage Costs;

it may pay or enter into an agreement to pay that owner the proportion of the cost of those works (other than interest on moneys borrowed by the owner) which the local government considers should be paid by other owners of land within the original Town Planning Scheme No. 29 area.



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**COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME**

Adopted by resolution of the Council of the City of Canning at the Ordinary Meeting of Council held on the 18<sup>th</sup> of July 2017.

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**CHIEF EXECUTIVE OFFICER**

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**MAYOR**

**COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL**

Council resolved to support approval of the Scheme of the City of Canning at the Ordinary Meeting of Council held on the 16th of April 2019.

The Common Seal of the City of Canning was hereunto affixed by authority of a resolution of the Council in the presence of:



\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**MAYOR**

WAPC Recommended for Approval

\_\_\_\_\_  
**Delegated under S.16 of the Planning and  
Development Act, 2005**

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

Approval Granted

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

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