



TOWN PLANNING SCHEME NO 3

SCHEME TEXT

Last Updated

Government Gazette 6 March 2018

Note: The City of Mandurah Town Planning Scheme No.3 Scheme Text must be considered with the [Schedule 2 of the Planning and Development \(Local Planning Schemes\) Regulations 2015](#), took effect on 19 October 2015.

Document Marked Up to remove Scheme Text provisions no longer in effect due to the Regulations. This version has not been formally amended, but provided for reference purposes only.

THE CITY OF MANDURAH TOWN PLANNING SCHEME NO 3

The City of Mandurah Council, under and by virtue of the powers conferred upon it in that behalf by the *Town Planning and Development Act, 1928* (as amended), hereinafter referred to as The Act, hereby makes the following Town Planning Scheme for the purposes laid down in The Act.

TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME
City of Mandurah
Town Planning Scheme No. 3 -District Zoning Scheme

SCHEME TEXT

ADOPTION

(Council Resolution No. **6054**)

Adopted by Resolution of the Council of the City of Mandurah at the meeting of Council on the **12 October 1993**.

K.Holmes Mayor

S.K.Goode Chief Executive Officer

FINAL ADOPTION

(Council Resolution No. **G9747**)

Adopted for final approval by Resolution of the Council of the City of Mandurah at the meeting of the Council on the **27 October 1998**.

K.Holmes Mayor

S.K.Goode Chief Executive Officer

RECOMMENDED FOR FINAL APPROVAL

.....
Chairman of Western Australian Planning Commission

Date

FINAL APPROVAL GRANTED

.....
Hon. Minister for Planning

Date

The City of Mandurah under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended) hereby makes the following Town Planning Scheme.

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1.1 CITATION

This City of Mandurah Town Planning Scheme No. 3 may be cited as Town Planning Scheme No 3 (hereinafter called 'the Scheme' or TPS3) and shall come into operation on the publication of the Scheme in the Government Gazette "the Completed Date".

1.2 RESPONSIBLE AUTHORITY

The authority responsible for implementing the Scheme is the Council of the City of Mandurah "the Council".

1.3 SCHEME AREA

The Scheme applies to the municipal district of the City of Mandurah as generally shown by the Scheme area boundary on the Scheme Map.

1.4 CONTENTS OF SCHEME

The Scheme comprises:

- (a) This Scheme Text
- (b) The Scheme Maps (Sheets 1-26)

1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts:

- PART I - PRELIMINARY
- PART II - RESERVES
- PART III - ZONES
- PART IV - SPECIFIC ZONE REQUIREMENTS
- PART V - GENERAL DEVELOPMENT REQUIREMENTS
- PART VI - SPECIAL CONTROLS
- PART VII - USE AND DEVELOPMENT OF LAND
- PART VIII - NON-CONFORMING USES
- PART IX - ADMINISTRATION

1.6 SCHEME OBJECTIVES

The purpose of this Scheme is to:

- Provide the land planning framework to achieve the development of Mandurah as a sustainable city, through the integration of the economic, social and environmental goals of the City.
- To most effectively utilise resources and achieve employment opportunities while improving human amenity with due regard to the preservation of our natural environment.

This Statement of Vision and Focus is to be read in conjunction with Council's Corporate Plan as may be adopted by Council from time to time.

General objectives in support of the vision statement are:

- a) to provide the framework for the management of land use and development processes for land within the district.
- b) to secure the amenity and health of the inhabitants living within, and visitors to, the district. To secure effective provision of services and infrastructure for the inhabitants of, and visitors to, the City of Mandurah.
- c) to make provision for the conservation and enhancement of places of cultural and/or heritage significance.
- d) to establish the primacy of the city centre as an important commercial and administrative centre whilst maintaining a cultural heart.
- e) to ensure that appropriate land reserves are made to provide for the public utility and transport infrastructure required to support the land uses proposed by this Scheme.
- f) to contribute towards the integrated management of the Peel-Harvey Coastal Plain Catchment.
- g) to develop and enhance characteristics which contribute to the identity of Mandurah and avoid the feeling of suburbia with due regard to the provisions of the Peel Regional Strategy and the South West Corridor Structure Plan which acknowledge Mandurah as a strategic regional centre.
- h) to provide clear mechanisms for public consultation with open, accessible, and responsive planning processes.
- i) to improve and make provision for additional public transport within the City of Mandurah

1.7 REVOCATION OF EXISTING SCHEMES

The following Town Planning Schemes and all amendments thereto are hereby revoked:

- City of Mandurah Scheme No 1A published in the Government Gazette on 28 December 1983.

- The Shire of Mandurah Town Planning Scheme No 11 published in the Government Gazette on 5 October 1984.
- The Shire of Mandurah Town Planning Scheme No 10 published in the Government Gazette on 26 June 1981.

1.8 INTERPRETATION

Words and expressions used in the Scheme shall have the respective meanings given to them in Appendix 1 or elsewhere in the Scheme and the Residential Planning Codes.

Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

Words and expressions used in the Scheme but not defined in Appendix 1, elsewhere in the Scheme or in the Residential Planning Codes shall have their normal and common meanings.

1.9 RELATIONSHIP WITH OTHER SCHEMES

By way of information, the following other Schemes of the City of Mandurah, at the Gazettal date of this scheme, complementary to this Scheme and any Scheme since gazetted:

Scheme No.	Gazettal date
4	1 December 1995
6	15 August 1995

2.1 SCHEME RESERVES

The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Scheme Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:

The reservations within the District shall be as set out below in this clause.

- Local Recreation
- District Recreation
- Conservation and Foreshore
- Community Purposes
- Primary Distributor Road
- District Distributor Road
- Road Widening

2.1.1 Scheme Reserves

Any land shown as "Scheme Reserve" on the Scheme Map (hereinafter called "Scheme Reserve") is land reserved by this Scheme for Local Authority purposes or for purposes shown on the said Map.

2.1.2 Uses of Scheme Reserves

Any Scheme Reserve until vested in the Council or other public authority may be used in accordance with:

- a) for the purpose for which the land is reserved under this Scheme or pursuant to any policy adopted by Council;
- b) where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that Authority;
- c) for the purpose for which it was used at the date upon which the Scheme came into operation, unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the Council; or
- d) for any purpose approved by the Council but in accordance with any conditions imposed by the Council;

but shall not be used otherwise for any other purpose.

The use of any Scheme Reserve, which has not been vested in the Council, shall not be changed without the approval in writing of the Council unless the proposed new use is a public work exempted from the requirement of development approval by s.32 of the Act.

2.1.3 Prohibition of Certain Work on Scheme Reserves

Except as otherwise provided in this Part no person shall on any land comprising or forming part of any Scheme Reserve commence or carry out any

development without first applying for and obtaining approval in writing of the Council and without affecting the generality of the foregoing no person shall without such approval:

- a) demolish or damage any building works or thing forming part of, affixed to or growing from the reserved land;
- b) remove or damage any vegetation on the reserved land;
- c) excavate, spoil, or waste any part of the reserved land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved; or
- d) construct, extend or alter any building or structure, except a boundary fence of a kind defined or accepted by the Council as a sufficient fence in the relevant locality.

The provisions of this subclause shall not in any way limit or affect the interpretation or application of the general provisions of the Scheme relating to developments and applications for development approval insofar as they affect land zoned under the Scheme, and where any land is partly zoned under the Scheme and partly included in a Scheme Reserve, then the general provisions of the Scheme shall apply to the part which is zoned.

2.1.4 Right to Grant Approval or Refuse

2.1.4.1 The Council may on written application by the owner of any land comprising or forming part of a Scheme Reserve, either grant its approval to a use referred to in subclause 2.1.2 or the carrying out of any of the works mentioned in subclause 2.1.3 or may refuse its approval or grant its approval without conditions or with such conditions as it thinks fit. The written application shall contain such of the information required on an Application for Development Approval as the Council stipulates.

2.1.4.2 Where an Application for Development Approval involves land part of which is zoned under this Scheme and part of which is included in a Scheme Reserve, the Council may, where the circumstances justify, give one decision in respect of the part of the development on land which is zoned and a different decision in respect of the part of the land included in the Scheme Reserve.

2.1.5 Dealing With Applications

The general provisions in the Scheme relating to developments and Applications for Development Approval shall, insofar as they are not inconsistent with the provisions of this clause, apply to Scheme Reserves.

2.1.6 Regard for Ultimate Purpose

In considering whether or not to give its approval to the development of any land comprising or forming part of a Scheme Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and shall in the case of land reserved for the purpose of a public authority confer with that authority before giving its approval.

2.1.7 Development Standards on Reserved Land

Where the Council considers the development of any Scheme Reserve by any person, the Council shall to the extent that it is reasonable to do so apply or impose development standards and requirements which are considered appropriate to the proposed use and purpose of the subject reserve.

2.1.8 Acquisition of Reserves and Compensation

2.1.8.1 This clause applies to land which is:

- a) A Scheme Reserve; and
- b) not owned by or vested in a public authority, a Commonwealth agency or the Council.

2.1.8.2 In addition to the compensation provisions of the Act and Clause 9.3 of this Scheme, where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may claim compensation from the Council for injurious affection.

2.1.8.3 Claims for compensation shall be lodged at the office of the Council not later than 6 months after the date of the decision of the Council or appellate body.

2.1.8.4 Where a claim for compensation arises as a result of clause 2.1.8.2, the Council may at its option elect to acquire the land so affected instead of paying compensation in accordance with the provisions of clause 9.4 of this Scheme.

2.1.9 Rights of Disposal

2.1.9.1 The Council may deal with or dispose of land acquired for a Scheme Reserve upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the purpose for which it was reserved, and subject to any other laws, the Council may grant a lease of such land.

2.1.9.2 Land referred to in the preceding paragraph may be leased for any purpose or may be used under licence for any purpose pending the ultimate use of the land for the purpose for which it was acquired or is reserved, and provided the lease or licence will not compromise the ultimate use of the land for such purpose.

2.1.10 Primary Distributor Roads

2.1.10.1 The Primary Distributor Roads delineated on the Scheme Map are important regional roads which form the region's primary road network. They connect major points of traffic generation and carry

most long distance movements. Access points and adjacent development need to be controlled and future alignments protected to ensure the roads' traffic function is not impaired. Access points require approval under the *Main Roads Act 1930*. With regard to Primary Distributor Roads the following shall apply:

- a) A person shall not without the approval of the Council carry out any development on land designated as a Primary Distributor Road.
- b) The Council shall refer an application for Development Approval on land designated as a Primary Distributor Road or on a lot abutting land so designated to Main Roads Western Australia for comment and shall have regard to that Department's comments in considering the application.
- c) Development of land adjoining a Primary Distributor Road shall comply with the Zoning Table for the zone in which it is situated except that -
 - i. the requirement that the front boundary set back specified for the development proposed applies from the alignment of the Primary Distributor Road whether that alignment corresponds with the boundary of the lot or not;
 - ii. vehicular access from the land to the Primary Distributor Road is not permitted without the approval of the Council and the Council shall not grant approval if it is satisfied that reasonable alternative access to the land is available.
- d) Where application is made to the Council for Development Approval to a development which would in the opinion of Council have an adverse effect on a Primary Distributor Road or the alignment thereof the Council may -
 - i. negotiate with the applicant to change the proposed development so that any adverse effect thereof will be eliminated or minimised;
 - ii. subject to paragraph b) hereof, grant Development Approval and alter or modify the alignment of the Primary Distributor Road; or
 - iii. after negotiation with the Main Roads Department concerning the liability for payment of any compensation payable, refuse to grant Development Approval.

2.1.11 District Distributor Roads

District Distributor Roads are the principal feeders and collectors between Primary Distributor Roads and other important roads. They serve secondary traffic generators and carry traffic travelling from one neighbourhood to another as well as some local traffic. Access points need to be regulated and adjoining

development should be set back to secure health and safety standards. With regard to District Distributor Roads the following will apply:

- a) Not more than one vehicular access point to and from land abutting a District Distributor Road is permitted unless the Council otherwise approves; the Council shall not grant its approval to a new vehicular access or egress point if there is reasonable alternative access or egress available.
- b) Development on land adjoining a District Distributor Road shall comply with the requirements and standards of the Zoning Table in respect of the zone or area in which it is situated except that a building or structure shall not be erected closer than 5 metres to the alignment of the District Distributor Road whether that alignment corresponds with the boundary of the lot or not, unless other setbacks are specified.
- c) A road classified as a District Distributor Road shall have a minimum reserve width as determined by Council.

2.1.12 Road Widenings

The Scheme Maps show the widening of some roads within the Scheme Area. The precise requirements of the road widenings have not been determined. In determining applications for land identified as road widening on the Scheme Maps, Council shall determine whether a widening is required and the amount of land affected by a widening.

In dealing with the application Council may;

- a) negotiate acquisition or pay compensation for the land required for the road widening.
- b) require the applicant to set aside the land required for the road widening as a separate lot for future acquisition.
- c) require buildings and other improvements on the property to be set back a suitable distance so as not to affect the land required for road widening.

3.1 CLASSIFICATION

3.1.1 Land, other than land reserved under Clause 2.1 is classified into zones as set out hereunder:

Amend No 52
GG 24/12/04

Amend No 29
GG 25/05/04

- City Centre Development
- Commercial
- Industry
- Service Commercial
- Canal
- Tourist
- Residential
- Rural Residential
- Rural
- Urban Development
- Mandurah Ocean Marina Development Zone
- Special Development
- Precinct Development

Amend No 40
GG 5/12/03

Amend No 60
GG 19/08/05

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

3.2 ZONING TABLES

The Zoning Tables indicate, subject to the provisions of the Scheme, the permissibility of uses in the various zones.

3.2.1 The symbols used in the cross reference in the Zoning Table have the following meanings:

'P' means that the use is consistent with the objectives of the Scheme and may be developed after Council has granted planning approval.

'AA' means that the use may be developed after Council has granted planning approval. Council may consider firstly giving notice in accordance with Clause 7.3.

'SA' means that the use may be developed after Council has granted planning approval after giving notice in accordance with Clause 7.3.

'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.

'X' means a use that is not permitted by the Scheme.

3.2.2 Where in any of the Zoning Tables a use does not appear, but is listed in another Zoning Table, that use shall be deemed to be not permitted in the Zone where the use does not appear.

3.2.3 If the use of the land for a particular purpose is not specifically mentioned in any of the Zoning Tables and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedures of Clause 7.3 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

3.3 ADDITIONAL USES

Notwithstanding anything contained within the Zoning Table, the land specified in Appendix 2 may be used for the specific use that is listed in addition to any uses permitted in the zone in which the land is situated subject to the conditions set out in Appendix 2 with respect to that land.

3.4 SPECIAL USE ZONES

Special Use Zones are set out in Appendix 3 and are in addition to the zones in the Zoning Table. No persons shall use any land or any structure or buildings thereon, in a Special Use Zone except for the purpose set out against that land in Appendix 3 and subject to the conditions set out in Appendix 3 with respect to that land.

Amend No 135
GG 2/2/18

3.5 RESTRICTED USES

- 3.5.1 Appendix 3A sets out 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 the conditions that apply to that restricted use.
- 3.5.2 Despite anything contained in the zoning table, land that is specified in Appendix 3A 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.

Amend No 52
GG 24/12/04

4.1 CITY CENTRE DEVELOPMENT ZONE

Amend No 96
GG 9/4/13

4.1.1 Purpose and Intent of Zone

The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors ~~after comprehensive planning of the land has been carried out resulting in a Precinct Plan, prepared and approved as an Outline Development Plan pursuant to Clause 7.11 of the Scheme, will provide for matters such as, but not limited to permissibility of land uses, development and subdivision opportunities and standards, and infrastructure requirements.~~ SEE CLAUSE 31 OF DEEMED PROVISIONS

4.1.2 Permitted Uses and Development Standards

SEE CLAUSE 43 OF DEEMED PROVISIONS

(Scheme Text use not listed clause applies to land uses; due regard to development standards applies)

~~4.1.2.1 The permissibility of uses in the City Centre Development Zone and the relevant development and subdivision standards are specified in the applicable Precinct Plan.~~

~~4.1.2.2 Where a Precinct Plan designates a zone which corresponds to a zone included in the Scheme, the general and specific provisions of the Scheme relating to that zone, and the use class permissibility and development standards set by the relevant Zoning Table, shall apply, except to the extent any such provision is modified by the Precinct Plan.~~

~~4.1.2.34.1.2.2 Where a Precinct Plan has not been prepared and approved pursuant to Clause 7.11 of the Scheme, the permissibility of uses in the City Centre Development Zone and the relevant development and subdivision standards are specified in Zoning Table 1.~~

4.1.3 Specific Provisions

4.1.3.1 Maximum Retail Floorspace

Development of retail floorspace in the City Centre Development Zone will be encourage to expand to a level commensurate with Mandurah's status as a Regional Centre.

4.1.3.2 Residential Development

Council may permit residential development as provided in the Precinct Plan and will encourage mixed use development with a residential component in the City Centre Development Zone, provided that it can be demonstrated that the proposal will contribute to the overall amenity of the area.

In considering such proposals, regard shall be given to measures taken to minimise any potential conflict between residential and non-residential uses.

4.1.3.3 Cash In Lieu - Car Parking and Landscaping

Notwithstanding other car parking requirements, within the City Centre Development Zone, Council may accept a cash payment in lieu of the provision of parking or landscaping required for a development in accordance with a Precinct Plan. Separate trust funds will be established for the management of cash-in-lieu contributions for parking and landscaping.

4.1.3.6 Car Parking Agreements

Within the City Centre Development Zone, Council may enter into agreements with landowners so that the Council may provide the whole or portion of the parking required to be provided for development.

4.1.4 ~~General Provisions (See Clause 32 and 43 of Deemed Provisions)~~

~~Notwithstanding the specific provisions relating to the preparation and content of an Outline Development Plan, as detailed in Clause 7.11 of the Scheme, the following provisions shall be addressed in an Outline Development Plan for land within the City Centre Development Zone:~~

- ~~(a) a statement of the vision and key principles for development within the Precinct Area.~~
- ~~(b) the general location of major buildings, land uses, car parking and servicing areas.~~
- ~~(c) the proposed road and traffic network, including details relevant and applicable to the Precinct Area, detailing internal and external traffic circulation and access, street cross sections, street parking, traffic calming, public transport, and streetscape improvements.~~
- ~~(d) design guidelines, which may include details relevant and applicable to the Precinct Area, including external building design, building scale and form, lot layout and development standards.~~
- ~~(e) the methods for implementing, including funding through developer contributions for the provision of servicing, community infrastructure and facilities, contributions by developers of land for such purposes, and foreshadowing amendments to the Scheme required or desirable for aspects of the Precinct Plan.~~

~~4.1.4.2 A Precinct Plan may make such provision as the Council thinks fit relating to any of the matters referred to in this Clause 4.1, and for any other matter relevant to the planning and development of the Precinct Plan Area.~~

~~4.1.4.3 An approved Precinct Plan shall have the same force and effect as if enacted as part of the Scheme. The provisions of an approved Precinct~~

~~Plan shall prevail to the extent of any inconsistency with any other Scheme provision.~~

~~4.1.4.4 An approved Precinct Plan may consist of a number of documents, including a plan or plans and written text, or a combination of them, and for the removal of doubt shall be considered to incorporate documents associated with the Precinct Plan such as design guidelines.~~

~~4.1.4.5 Notwithstanding anything to the contrary in Clause 7.11, the Council may prepare a Precinct Plan.~~

4.2 COMMERCIAL ZONE**4.2.1 Purpose and Intent of Zone** (Refer to Table 2.)

The Commercial Zone is primarily intended to provide for retail shopping but also other associated non-bulky retail and local office uses that cater for the current and future residents of the City consistent with the Retail Strategy.

4.2.2 Permitted Uses and Development Standards

The permissibility of uses in the Commercial Zone and the relevant development and subdivision standards are specified in Zoning Table 2.

4.2.3 Specific Provisions**4.2.3.1 Retail Floorspace**

Development in the Commercial Zone may be permitted to expand to the maximum retail NLA as specified in Council's Retail Strategy. The amount of retail floorspace that is permitted to develop at any time shall relate to the resident population within the catchment area of the centre. Council may require the submission of a commercial viability report in conjunction with applications for commercial development to prove there is sufficient population in the catchment area to warrant the expansion.

4.2.3.2 Offices

Council may permit the development of local, service and professional offices within the Commercial Zone. In determining development applications:

- a) Office GLA shall not be included in the calculation of the retail floorspace limit subject to the office floorspace being designed and designated for office purposes to the satisfaction of Council; and
- b) Preference will be given for office floorspace to be located at first floor level of any proposed building so that it is not directly competing with retail uses for ground floor tenancies.

4.2.3.3 Residential Development

Council may permit residential development to an R40 density or mixed use development with a residential component at an R40 standard in the Commercial Zone, provided that it can be demonstrated that the proposal will contribute to the overall amenity of the area. In considering such proposals Council shall have particular regard to measures taken to minimise any potential conflict between residential and non-residential uses.

4.2.3.4 Height Limit

Council may limit the height of buildings to preserve the amenity of the area. Height limits shall be introduced as policy in accordance with Clause 9.6. All new development in this zone shall conform with the height limit.

Amend No 29
GG 25/05/04

4.3 (Clause 4.3 Deleted By Amendment No. 29)**4.4 SERVICE COMMERCIAL ZONE****4.4.1 Purpose and Intent of Zone** (Refer to Table 4.)

This zone is intended to provide for the establishment of primarily showroom uses but also for a variety of low intensity commercial land office uses that require extensive land areas but excludes retail shops.

4.4.2 Permitted Uses and Development Standards

The permissibility of uses in the Service-Commercial Zone and the relevant development and subdivision standards are specified in Zoning Table 4.

4.4.3 Specific Provisions

Amend No 12
GG 18/02/03

4.4.3.1 Development within that part of the Service Commercial zone located in the area affected by the City Centre Skyline Policy shall comply with the requirements of that policy.

4.4.3.2 Development will be required to comply with any adopted Council's Planning Policy on Pinjarra Road and other relevant Council policies.

4.5 RESIDENTIAL ZONE

4.5.1 Purpose and Intent of Zone (Refer to Table 5.)

The Residential Zone is intended to promote a high quality residential environment by maintaining the quality and character of existing residential areas and providing for a range of residential densities and housing types throughout the City.

4.5.2 Permitted Uses and Development Standards

4.5.2.1 The permissibility of uses in the Residential Zone and the relevant development and subdivision standards are specified in Zoning Table 5.

4.5.2.2 The development and subdivision standards that apply to the Residential Zone are as per the R coding density shown on the Scheme Maps and the standards specified in Residential Planning Codes or as per specified on Zoning Table 5. Where there is a variation to the Residential Planning Codes in this Scheme the subdivision or development shall comply with the provisions of this Scheme.

4.5.3 Specific Provisions

Amend No 108
GG 27/01/12

4.5.3.1 Special Requirements to R0.5 to R1 Coded Areas

The following special requirements apply to all areas coded R1 on the Scheme Maps, or referenced as R0.5 in Appendix 3:

1 R Code	2 Dwelling Type	3 Min Area of Land per Dwelling (m ²)	4 Min Lot Frontage (metres)	5 Min Total % of Site Private Open Space per Dwelling		6 Min No of car parking spaces per dwelling	7 Min Setbacks from Boundaries (metres)		
							Street	Rear	Side
R0.5	Single House Grouped Dwelling	20,000	40	80	-	3	20	20	10
		20,000	40	80	-	3	20	20	10
R1	Single House Grouped House	10,000	30	80	--	3	20	10	5
		10,000	30	80	--	3	20	10	5

4.5.3.2 Special Requirements for R0.5 to R1 Coded Areas

The following special requirements apply to all areas Coded R0.5 to R1 on the Scheme Maps.

- Subdivision will be in accordance with ~~an Outline Development Plan and Technical Guidelines adopted by Council and approved by the Western Australian Planning Commission~~ Structure Plan.
- Except to the extent necessary for the construction of approved buildings, driveways and firebreaks, no land shall be cleared without the prior written approval from Council.

- c) The Council may, as a condition of any approval granted under the Special Provisions (b) require the owner or occupier of the land to plant and maintain to its satisfaction trees and shrubs to promote the natural setting of the area.
- d) Notwithstanding the provisions of the Scheme and what may be shown in the ~~Outline Development Plan and Technical Guidelines~~ Structure Plan specified in (a) the Western Australian Planning Commission may approve a minor variation to the subdivisional design but there shall be no further breakdown to the lots so created.
- e) Where Council approves proposed development either:
 - i) subject to a condition requiring a building envelope; or
 - ii) on the basis of an application which includes the provision of a building envelope;the building envelope applies and prevails over other provisions of the Scheme to the extent of any inconsistency.

4.5.3.3 Dual Coded Areas

In areas dual coded on the Scheme Maps, subdivision and development to the higher coding shall only be permitted upon connection to a reticulated sewerage system.

4.5.3.4 Height Limit

In considering any application for planning approval, Council may limit the height of buildings to preserve the amenity of the area.

4.6 INDUSTRY ZONE**4.6.1 Purpose and Intent of Zone** (Refer to Table 6.)

To encourage the development of light, service and general industries in the zone to a high standard that will provide for the industrial needs of the City of Mandurah.

4.6.2 Permitted Uses and Development Standards

The permissibility of uses in the Industry Zone and the relevant development and subdivision standards are specified in Zoning Table 6.

4.6.3 Specific Provisions**4.6.3.1 Industries That Create Liquid Effluent**

All industries within the Industry Zone that create liquid effluent are required to be connected to a reticulated sewerage system with approval from the Water and Rivers Commission or an alternative wastewater treatment and effluent disposal system where it is approved by the Health Department of WA, Water Corporation and the Department of Environmental Protection, unless otherwise exempt under Clause 5.7 of the Western Australian Planning Commission's State Planning Policy No 2.1.

4.6.3.2 Height Limit

Council may limit the height of buildings to preserve the amenity of the area. Height limits shall be introduced as policy in accordance with Clause 9.6. All new development in this zone shall conform with the height limit.

Amend No 75
GG 15/01/08

4.7 RURAL-RESIDENTIAL ZONE**4.7.1 Purpose and Intent of Zone** (Refer to Table 7.)

This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.

4.7.2 Permitted Uses and Development Standards

The permissibility of uses in the Rural-Residential Zone and the relevant development and subdivision standards are specified on Zoning Table 7. In addition to the provisions of Table 7, the special requirements specified in Appendix 4 apply to those areas zoned Rural Residential and described in the Appendix.

Amend No 136
GG 6/3/18

4.7.3 Subdivision of Land

Subdivisional lot sizes shall be not less than 5 hectares, unless otherwise specified within Appendix 4. Lot sizes nevertheless shall be dependent upon the assessment of land capability, bush fire hazard, biodiversity conservation and environmental constraints.

Amend No 136
GG 6/3/18

4.7.4 General Development Requirements

The following shall apply to all development within the Rural Residential zone:

- 4.7.4.1 Prior to development, a building envelope shall be approved under the provision of Part 7 of the Deemed Provisions of the Scheme (Development Approval), unless otherwise previously approved as part of a Structure Plan.
- 4.7.4.2 All Building Envelopes shall be located in accordance with the following provisions:
 - (a) Shall not exceed 2000 square metres in area, unless otherwise specified in Appendix 4 in an approved Bushfire Management Plan.
 - (b) Minimise the need for clearing of remnant vegetation by being located within the most degraded area of the lot;
 - (c) Ensure consistency with the Bushfire Regulations with respect site layout, vehicular access, fire fighting water supply and siting of development;
 - (d) Have regard for visual landscape values respecting views to and from the development site through avoidance of significant rock outcrops, ridgelines and visually dominant topography; and
 - (e) Setback from relevant property boundaries as required by Table 7 – Rural Residential zone.

- 4.7.4.3 Any variation of an approved building envelope shall be subject to the approval requirements for an application for development approval as required by the Scheme.
- 4.7.4.4 All development shall be contained within the approved Building Envelope, which includes the following:
- (a) The area for the construction of a dwelling and all outbuildings which shall generally be constructed in a central location within the building envelope to minimise clearing required for an Asset Protection Zone as specified in State Policy 3.7 – Planning in Bushfire Prone Areas;
 - (b) Contain effluent disposal systems and associated drainage and potable water supply tank;
 - (c) Any earthworks or filling of the land, including those required to meet minimum finished floor levels as required;
 - (d) The undertaking of all land uses as set out in Table 7, unless otherwise approved as part of an application for development approval.
- 4.7.4.5 Council may require the planting of trees and/or groups of trees, where tree cover is considered deficient to facilitate rehabilitation of understorey species as a condition of any development approval.
- 4.7.4.6 No indigenous trees or other indigenous vegetation shall be destroyed or cleared except where development approval has been obtained or is exempt under Section 6.5 of the Scheme.
- 4.7.4.7 Conventional onsite effluent disposal systems shall only be permitted if located so as to achieve a 2 metre vertical separation between the base of any leach drain and the highest recorded groundwater level and at least a 100m horizontal separation from any water body.
- 4.7.4.8 All stormwater shall be contained on site.
- 4.7.4.9 The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Stocking rates shall be limited to those specified by Agriculture WA. Where in the opinion of the Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to unsatisfactory environmental impact, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.
- 4.7.4.10 All buildings intended for residential use must include provision for the storage of water in tanks of not less than 130000 litres capacity where no arrangement has been made for connection to a reticulated water supply provided by a licenced water provider.
- 4.7.4.11 In respect of existing subdivisions, the development standards as specified in Appendix 4 shall apply.

4.8 RURAL ZONE

Amend No 136
GG 6/3/18

4.8.1 Purpose and Intent of Zone

This zone is intended to apply to those parts of the municipality which are suitable for agriculture or general rural activity. This zone applies to those parts of the municipality that have significant environmental sensitivities. Prior to rezoning, the landowner will be required to undertake a comprehensive outline development planning process. The character of well-vegetated rural areas in the City should be extensively retained where possible by employing sympathetic urban design.

4.8.2 Permitted Uses and Development Standards

The permissibility of uses in the Rural Zone and the relevant development and subdivision standards are specified on Zoning Table 8.

Amend No 136
GG 6/3/18

4.8.3 Specific Provisions

The following shall apply to all new subdivision and development of land in the Rural zone:

- 4.8.3.1 There is a general presumption against subdivision of rural land. Subdivision applications will be subject to an assessment of land capability, environmental assets and bushfire risk management measures together with the relevant plans, strategic advice, State Planning Policy and bulletins of the Western Australian Planning Commission and Environmental Protection Authority. The subdivider may be required to undertake strategic revegetation of cleared or degraded areas.
- 4.8.3.2 No indigenous trees or other indigenous vegetation shall be destroyed or cleared except where development approval has been obtained or is exempt under Section 6.5 of the Scheme.
- 4.8.3.3 Effluent disposal systems shall be located so as to achieve a 2 metre vertical separation between the base of any leach drain and the highest recorded groundwater level and at least a 100 metre horizontal separation from any water body.
- 4.8.3.4 The keeping of horses, sheep, goats and other grazing animals shall be limited to equivalents per hectare as recommended by the Department of Agriculture. Where in the opinion of the Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to unsatisfactory environmental impact, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.
- 4.8.3.5 A potable water supply comprising not less than 130,000 litre tank is to be provided for each lot not connected to reticulated water at the time of developing the land with sheds and/or a dwelling.
- 4.8.3.6 All subdivision and development surrounding classified wetlands shall be referred to the relevant state government agency responsible for wetland classification for assessment.

4.9 URBAN DEVELOPMENT ZONE

Amend No 43
GG.5/2/10

4.9.1 Purpose and Intent of Zone

The Urban Development Zone is intended to provide for future residential and urban related development after comprehensive planning of the land has been carried out. ~~resulting in an approved Outline Development Plan.~~

4.9.2 Permitted Uses and Development Standards

(See Clause 27 of Deemed Provisions)

(Scheme Text use not listed clause applies to land uses; due regard to development standards applies)

~~4.9.2.1 The permissibility of uses in the Urban Development Zone and the relevant development and subdivision standards are specified in an approved Outline Development Plan, prepared and approved pursuant to Clause 7.11 of the Scheme.~~

~~4.9.2.2 Where an Outline Development Plan imposes a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, the provisions of an Outline Development Plan shall apply to the land within it as if its provisions were incorporated in this Scheme and it shall be binding and enforceable in the same way as corresponding provisions incorporated in the Scheme.~~

~~4.9.2.3 Where an Outline Development Plan has not been prepared and approved pursuant to Clause 7.11 of the Scheme, the permissibility of uses in the Urban Development Zone and the relevant development and subdivision standards are specified in Zoning Table 8 and Clause 4.9.3.~~

4.9.3 Specific Provisions

Notwithstanding the permissibility of uses and the relevant development and subdivision standards that are specified in Zoning Table 8, development and subdivision that are likely to adversely affect the potential future urban development shall not be permitted.

4.9.4 General Provisions

Notwithstanding the specific provisions relating to the preparation and content of an Outline Development Plan, as detailed in Clause 7.11 of the Scheme, the following provisions shall be addressed in an Outline Development Plan for land within the Urban Development Zone:

- (a) An adequate foreshore reserve shall be provided on land abutting the Indian Ocean, Peel Inlet, Harvey Estuary and Serpentine River. A proponent shall provide detailed justification for any proposed foreshore and shall be determined, giving due consideration to the policies, plans and strategies of the Council, the Commission, the Environmental Protection Authority and the Department of Environment and Conservation.

- (b) All subdivision and development adjacent to Mandurah Road and Old Coast Road, unless otherwise determined by Council, shall provide land for a landscaped buffer area, in the form of a recreation reserve, to provide both visual and acoustical buffering between the road and residential areas. This land shall not be calculated as part of the public open space contribution as required by Commission policy and should be provided upon subdivision of the land.
- (c) The assessment of the natural and environmental features of the area, including:
 - (i) having regard to the significance and conservation value of remnant vegetation and inclusion in appropriate reserves or imposition of suitable conservation controls;
 - (ii) having regard to the impact of development on wetlands with appropriate wetland buffers and stormwater drainage management techniques being employed.
 - (iii) having regard to the impact of development on groundwater quality and quantity;
 - (iv) having regard to the impact of development on waterbirds particularly with regard to species diversity and richness of migratory and endemic waterbirds, adequacy of foreshore reserve, disturbance of wildlife by noise, light, water, quality impacts, increased predation by introduced fauna etc; and maintenance of ecosystem and habitat;
 - (v) having regard to the topography with appropriate measures seeking to retain the natural contours of the area.

4.10 TOURIST ZONE**4.10.1 Purpose and Intent of Zone**

The intention of this zone is to encourage the development of tourist facilities in the District to promote and take advantage of the tourism and recreational assets of the Region. Where possible, Council will encourage the development of short term accommodation in preference to permanent residential development within the Zone.

4.10.2 Permitted Uses and Development Standards

The permissibility of uses in the Tourist Zone and the relevant development and subdivision standards are specified in Zoning Table 10.

4.10.3 Specific Provisions**4.10.3.1 Retail Floorspace**

Council encourages the development of retail facilities in this zone that service the needs of tourists. Retail facilities that are developed shall be primarily tourist related catering for the demands of short term residents in tourist facilities and shall not provide convenience shopping facilities for established residential catchments in the locality. Commercial development shall comply with the provisions of the Scheme relating to the Commercial Zone.

4.10.3.2 Residential Development

Notwithstanding any of the provisions of this Scheme to the contrary, Council may permit residential development to an R40 density or mixed use development with a residential component to an R40 density in the Tourist Zone provided that it can be demonstrated that the proposal will contribute to the overall amenity of the area. In considering such proposals, Council shall have particular regard to measures taken to minimise any potential conflict between residential and non-residential uses. Residential development shall also comply with the provisions of the Scheme relating to the Residential Zone.

4.10.3.3 Tourist Orientated Uses

Council shall permit tourist orientated uses in the Tourist Zone but only where the development:

- a) does not detrimentally affect the amenity of the area;
- b) provides a tourist facility;
- c) has no significant adverse environmental impact; and
- d) complies with all other Scheme requirements and any relevant policy of Council.

4.10.3.4 ~~Development Plan and Technical Guidelines~~Structure Plan

4.10.3.4.1 Prior to any development approval by Council and any approval of a subdivision by the Western Australian Planning Commission, Council may require an ~~Outline Development Plan and Technical Guidelines to be prepared and processed as set out in Clause 7.11~~Structure Plan.

4.10.3.4.2 ~~All subdivision and development shall accord with an Outline Development Plan and Technical Guidelines that has been adopted for an area by Council and approved by the Western Australian Planning Commission.~~

4.10.3.5 Height Limit

Council may limit the height of buildings to preserve the amenity of the area. Height limits shall be introduced as policy in accordance with Clause 9.6. All new development in this zone shall conform with the height limit.

4.11 CANAL ZONE

Amend No 43
GG.5/2/10

4.11.1 Purpose and Intent of Zone

The Canal Zone is intended to provide for the canal development that have a high standard of amenity and have minimal impacts on the environmental qualities of the area.

4.11.2 ~~Permitted Uses and Development Standards~~

See Clause 27 of Deemed Provisions

(Scheme Text use not listed clause applies to land uses; due regard to development standards applies)

~~4.11.2.1 The permissibility of uses in the Canal Zone and the relevant development and subdivision standards are specified in an approved Outline Development Plan, prepared and approved pursuant to Clause 7.11 of the Scheme.~~

~~4.11.2.2 Where an Outline Development Plan imposes a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, the provisions of an Outline Development Plan shall apply to the land within it as if its provisions were incorporated in this Scheme and it shall be binding and enforceable in the same way as corresponding provisions incorporated in the Scheme.~~

~~4.11.2.3 Where an Outline Development Plan has not been prepared and approved as provided for under Clause 7.11, the permissibility of uses in the Canal Zone and the relevant development and subdivision standards are specified in Zoning Table 5 and Clause 4.11.3.~~

4.11.3 Specific Provisions

Notwithstanding the permissibility of uses and the relevant development and subdivision standards that are specified in Zoning Table 5, development and subdivision within the Canal Zone shall comply with the following:

4.11.3.1 Prior to any subdivision of land within the Canal Zone by the Commission, an ~~Outline Development~~Structure Plan shall be prepared ~~and adopted pursuant to Clause 7.11 of the Scheme.~~

4.11.3.2 Environmental Approvals

4.11.3.2.1 No subdivision or development within the Canal Zone shall proceed unless and until an approval has been issued by the Minister for Environment under the provisions of the Environmental Protection Act 1986 (as amended).

4.11.3.2.2 All subdivision and development within the Canal Zone shall comply with any conditions and

decisions made by the Environmental Protection Authority or the Minister for Environment.

4.11.3.3 Measurement of Lot Area

In calculating the area of a lot within Canal Zone, measurements shall exclude any portion of the lot that is included within the canal or waterway. The minimum lot area for the purpose of development within the Canal Zone shall be calculated on the effective lot area only.

4.11.3.4 Measurement of Setbacks

4.11.3.4.1 Where a boundary abuts a canal, the setback requirements shall be measured from the outer or canal side of the canal wall.

4.11.3.4.2 No retaining wall shall be erected along the canal frontage or within 0.6 metres of the outer edge (canal side) of the canal wall.

4.11.3.4.3 Where a ~~n-Outline Development~~Structure Plan has ~~been prepared and approved pursuant to Clause 7.11 of the Scheme~~, the following setback provisions shall apply:

(a) Where a rear boundary abuts a canal, the setback to any building or structure shall be a minimum of 4 metres with an average of 6 metres;

(b) Where a side boundary abuts a canal, the setback to any building or structure shall be a minimum of 4 metres;

(c) Certification for a Practising Structural Engineer will be required for any building or structure which is proposed to be closer than 6 metres to any canal wall.

4.11.3.4.4 Where a Structure ~~n-Outline Development~~ Plan has not been prepared and approved ~~pursuant to Clause 7.11 of the Scheme~~, no building or structure will be permitted within 6 metres to any canal wall.

The provisions of this subclause will apply within the area generally bounded by Waterside Drive, Blackwood Parade and Leslie Street (commonly known as Waterside Canals), and the area generally bounded by Leighton Road East,

Leighton Place and Mary Street (commonly known as Port Mandurah Stage 1).

4.11.3.5 Geotechnical Requirements

In order to ensure that the footings for any development within the Canal Zone are suitably designed to cater for the differing soil types, prior to any development taking place, a geotechnical report prepared by an appropriately qualified engineer may be required and that the footings of any structure be then designed to reflect those soil conditions.

Amend No 72
GG 15/07/08

4.11.3.6 Special Requirements for Eastport Stage 5 Canal Lots

- (a) At the time of subdivision, a notification is to be placed on the Certificates of Title of the proposed lot(s), pursuant to Section 70A of the Transfer of Lands Act 1893 (as amended), advising that the estate has been designed for boats with a maximum overall length of 7.5 metres and a maximum overall width of 3 metres.
- (b) At the time of subdivision, a restrictive covenant is to be placed on the Certificates of Title, pursuant to section 1360 of the Transfer of Land Act (as amended), restricting the maximum overall length of any moored vessel to 7.5 metres and restricting the maximum overall width of any moored vessel to 3 metres.

4.12 MANDURAH OCEAN MARINA DEVELOPMENT ZONE

Amend No 43
GG.5/2/10

4.12.1 Purpose and Intent of Zone

The Mandurah Ocean Marina Development Zone is intended to provide for public marina uses, tourist, commercial and residential components for the local and visiting community, which has strong links to the existing cultural and town precincts, in recognition of the strategic location of the site in its local and regional context.

~~4.12.2 Permitted Uses and Development Standards~~
~~(See Clause 43 of Deemed Provisions)~~

~~(Scheme Text use not listed clause applies to land uses; due regard to development standards applies)~~

~~4.12.2.1 The permissibility of uses in the Mandurah Ocean Marina Development Zone and the relevant development and subdivision standards are specified in an approved Outline Development Plan, prepared and approved pursuant to Clause 7.11 of the Scheme.~~

~~4.12.2.2 Where an Outline Development Plan imposes a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, the provisions of an Outline Development Plan shall apply to the land within it as if its provisions were incorporated in this Scheme and it shall be binding and enforceable in the same way as corresponding provisions incorporated in the Scheme.~~

4.12.2.3 Where an Outline Development Plan has not been prepared and approved pursuant to Clause 7.11 of the Scheme, the permissibility of uses in the Mandurah Ocean Marina Development Zone and the relevant development and subdivision standards are specified in Zoning Table 10.

4.12.3 General Provisions

The following shall apply to all subdivision and development of land in the Mandurah Ocean Marina Development Zone and shall be addressed in the ~~Outline Development Plan required under Clause 7.11~~ Structure Plan:

- (a) Proposals shall have regard for management and public access for the foreshore areas.
- (b) The Outline Development Plan for Lot 1 Marco Polo Drive, shall provide for the following:
 - Development of residential units may be permitted, but permanent residency shall be restricted to 20 per cent of the total residential units within the hotel site shown on the approved Outline Development Plan;
 - Residential uses are not to occupy the ground floor of any development on the hotel site;
 - For the hotel site, only commercial uses are to be located on the ground floor;

Amend No 29
GG 25/05/04

- All buildings are to address the water;
- Public access shall be maintained around the waterfront by way of Crown reserve/public access-way(s).
- The Moreton Bay Fig tree and Stingray Point shall be protected.

4.13 SPECIAL DEVELOPMENT ZONE**4.13.1 Purpose and Intent of Zone**

The Special Development zone is intended to provide for the redevelopment of identified sites, which will require the comprehensive planning of the relevant area being carried out, in the form of an approved ~~Development Guide~~Local Development Plan, prior to any further development.

The ~~Development Guide~~Local Development Plan shall be used to facilitate further development within the zone ensuring that the proposed land uses and built form will not create an adverse impact of the amenity of the area, where an alternative zoning will not ensure appropriate controls to the future development of the land.

**4.13.2 ~~Permitted Uses and Development Standards~~
(See Clause 56 of Deemed Provisions)**

~~(Scheme Text use not listed clause applies to land uses; due regard to development standards applies)~~

~~The permissibility of uses in the Special Development Zone and the relevant development standards shall be specified in an approved Development Guide Plan, prepared and approved pursuant to Clause 4.13.4, and unless otherwise stated the development standards shall conform with those elsewhere in the Scheme.~~

4.13.3 Specific Provisions

Council will not grant planning approval to any development within the Special Development Zone, unless it is satisfied that:

- (a) the development complies with an approved ~~Development Guide~~Local Development Plan~~, prepared and approved pursuant to Clause 4.13.4;~~
- (b) the design and siting of any new buildings, the colours, materials, height, bulk and character does not create an adverse impact on the visual amenity of the area;

4.13.4 Development Guide Plan**4.13.4.1 ~~Content of a Development Guide Plan~~
(See Clause 48 - 59 of Deemed Provisions)**

~~A Development Guide Plan is to contain such detail, as in the opinion of Council, is required to satisfy the planning requirements for the area, and, without limiting the generality of the foregoing, should include and address the following details:~~

- ~~(a) the area to which the Development Guide Plan applies;~~
- ~~(b) a site analysis, outlining the following:~~
 - ~~i) the key opportunities and constraints for the site;~~

- ~~ii) demonstrating how the development minimises negative impacts on the amenity of adjoining developments;~~
- ~~iii) demonstrating how the development complements the adjacent neighbourhood character;~~
- ~~(c) the planning context for the site, including any regional and local plans, policies and strategies that have been adopted by the Commission and Council;~~
- ~~(d) the overall site layout, including any proposed subdivision layout and lot orientation;~~
- ~~(e) description of proposed land uses, their permissibilities, and, if applicable development standards which vary from those contained elsewhere in the Scheme;~~
- ~~(f) residential densities (where applicable);~~
- ~~(g) the integration and impact of any proposed development, including land uses and built form with adjoining land;~~
- ~~(h) the provision of public, communal and private open spaces, landscaping and aesthetics, including the conservation and retention of existing vegetation into the design of the development;~~
- ~~(i) the proposed traffic management for site, including location and provision of car parking, vehicle access and circulation, access to public transport and pedestrian access and walkways within and from the site;~~
- ~~(j) the provision of infrastructure for the site, including main drainage, which shall generally be designed in accordance with the principles of water sensitive design, where appropriate, sewerage, water supply and other key infrastructure services;~~
- ~~(k) design guidelines, incorporating the external building design and addressing the following:~~
 - ~~i) streetscape including external building treatments, colours and finishes, building materials, building bulk and building setbacks;~~
 - ~~ii) building scale and form;~~
 - ~~iii) security and lighting;~~
 - ~~iv) solar building design principles;~~
 - ~~v) fencing;~~
 - ~~vi) signage, and;~~

~~vii) stormwater disposal; and~~

~~(f)(a) _____ any other relevant matter, which Council considers to be warranted to ensure the proper and orderly planning of the site and its immediate surrounds.~~

~~4.13.4.2 Adoption of a Development Guide Plan~~

~~4.13.4.2.1 Upon receipt of a proposed Development Guide Plan, Council shall do one of the following:~~

~~(a) determine that the proposed Development Guide Plan is satisfactory for advertising and advertise it under the provisions of Clause 7.3;~~

~~(b) determine that the proposed Development Guide Plan should not be advertised until specified matters have been included in it or have otherwise been attended to by the proponent; or~~

~~(c) determine that the proposed Development Guide Plan should not be advertised and state reasons for that determination.~~

~~4.13.4.2.2 Council shall, in regard to a proposed Development Guide Plan which has been advertised under the proceeding clause, shall do one of the following:~~

~~(a) to refuse to adopt the proposed Development Guide Plan and in that event give reasons for the refusal to the proponent;~~

~~(b) to adopt the proposed Development Guide Plan with or without modifications.~~

~~4.13.4.2.3 Council, when making a decision under the proceeding clause, shall have regard to the matters listed in Clause 7.5 of the Scheme.~~

~~4.13.4.2.4 For the purposes of determining a Development Guide Plan, Clause 7.7 of the Scheme shall apply.~~

~~4.13.4.2.5 Council, in resolving to adopt a Development Guide Plan may stipulate conditions that the Council would impose on any development or would seek to have imposed on any subdivision in accordance with the Development Guide Plan.~~

~~4.13.4.2.6 The Scheme Map shall be appropriately flagged, marked or annotated on the Council's copy to draw attention to the existence of a Development Guide Plan. Such flagging, marking or annotation shall be for information purposes only and shall not be or be deemed to be an amendment to the Scheme Map.~~

~~4.13.4.3 Modifications to a Development Guide Plan~~

~~A Development Guide Plan may be modified by such means as the Council deems appropriate, provided that any modification, which, in the opinion of Council, is substantial, shall be dealt with by procedures similar to those for the approval of the Plan.~~

~~4.13.4.4 Operation of a Development Guide Plan~~

~~4.13.4.4.1 A Development Guide Plan commences operation on the date that it is adopted by Council pursuant to Clause 4.13.4.2.2. and shall continue in operation for a period of three (3) years from its date of commencement unless specified by Council in its resolution to adopt the Development Guide Plan, or the period is extended for a further period as stipulated by Council.~~

~~4.13.4.4.2 Council may approve any development or recommend to the Commission approval of any subdivision that does not comply with any aspect of a Development Guide Plan, if Council considers that the proposed departure or alteration will not prejudice the progressive development of the Development Guide Plan area and is not considered to be a substantial alteration to the Development Guide Plan.~~

~~4.13.4.5 Rights of Appeal~~

~~Should an applicant be aggrieved by a decision of the Council in regard to the approval, amendment, imposition of a condition or requirement or refusal of a Development Guide Plan shall have a right of appeal pursuant to the provisions of Part V of the Act.~~

Amend No 60
GG 19/08/05

4.14 PRECINCT DEVELOPMENT ZONE

Amend No 57
GG 01/09/06

4.14.1 Purpose and Intent of Zone

The purpose of the Precinct Development Zone is to provide a mechanism for the control and guidance of development in Precinct Areas which have been identified as requiring, or being likely to benefit from, comprehensive planning, ~~with the intention that a Precinct Plan, prepared and approved as an Outline Development Plan pursuant to Clause 7.11 of the Scheme, will provide for matters such as, but not limited to, permissibility of land uses, development and subdivision opportunities and standards, and infrastructure requirements SEE CLAUSE 31 OF DEEMED PROVISIONS.~~

4.14.2 ~~Permitted Uses and Development Standards (See Clause 43 of Deemed Provisions)~~ (Scheme Text use not listed clause applies to land uses; due regard to development standards applies)

~~4.14.2.1 The permissibility of uses in the Precinct Development Zone and the relevant development and subdivision standards shall be as specified in the applicable Precinct Plan.~~

~~4.14.2.2 Where a Precinct Plan designates a zone which corresponds to a zone included in the Scheme, the general and specific provisions of the Scheme relating to that zone, and the use class permissibility and development standards set by the relevant Zoning Table, shall apply, except to the extent any such provision is modified by the Precinct Plan~~

4.14.2.3 There may also be provisions contained within Appendix 2 (Additional Uses) of the Scheme which are relevant and continue to apply to land contained within the Precinct Development zone

4.14.3 Specific Provisions

4.14.3.1 Retail Floorspace

Development of retail floorspace in the Precinct Development Zone will be encouraged to expand to a level as identified in Council's Local Commercial Strategy.

4.14.3.2 Cash In Lieu - Car Parking and Landscaping

Notwithstanding other car parking requirements, within the Precinct Development Zone, Council may accept a cash payment in lieu of the provision of parking or landscaping required for a development in accordance with a Precinct Plan. Separate trust funds will be established for the management of cash-in-lieu contributions for parking and landscaping.

4.14.3.2 Car Parking Agreements

Within the Precinct Development Zone, Council may enter into agreements with landowners so that the Council may provide the whole or portion of the parking required to be provided for development.

4.14.4 — General Provisions (SEE CLAUSE 32 AND 43 OF DEEMED PROVISIONS)

~~4.14.4.1 Notwithstanding the specific provisions relating to the preparation and content of an Outline Development Plan, as detailed in Clause 7.11 of the Scheme, the following provisions may be addressed in a Precinct Plan where considered appropriate by the Council~~

- ~~(a) a statement of the vision and key principles for development within the Precinct Area;~~
- ~~(b) the general location of major buildings, land uses, car parking and servicing areas;~~
- ~~(c) the proposed road and traffic network, including details relevant and applicable to the Precinct Area, detailing internal and external traffic circulation and access, street cross sections, street parking, traffic calming, public transport, and streetscape improvements;~~
- ~~(d) design guidelines, which may include details relevant and applicable to the Precinct Area, including external building design, building scale and form, lot layout and development standards;~~
- ~~(e) the methods for implementing, including funding through developer contributions for the provision of servicing, community infrastructure and facilities, contributions by developers of land for such purposes, and foreshadowing amendments to the Scheme required or desirable for aspects of the Precinct Plan.~~

~~4.14.4.2 A Precinct Plan is to be prepared for each Precinct Area and approved in accordance with Clause 7.11 of the Scheme but subject to any modification of those requirements by this Clause 4.14.~~

~~4.14.4.3 A Precinct Plan may make such provision as the Council thinks fit relating to any of the matters referred to in this Clause 4.14, and for any other matter relevant to the planning and development of the Precinct Plan Area.~~

~~4.14.4.4 An approved Precinct Plan shall have the same force and effect as if enacted as part of the Scheme. The provisions of an approved Precinct Plan shall prevail to the extent of any inconsistency with any other Scheme provision.~~

~~4.14.4.5 An Outline Development Plan or Precinct Plan approved pursuant to Clause 7.11 before or contemporaneous with the gazettal of a Precinct Development Zone corresponding to a part or the whole of~~

~~the Outline Development Plan or Precinct Plan Area shall have effect as a Precinct Plan under this Clause without the need for any further resolution of the Council or any other formality, following the gazettal of the Precinct Development Zone.~~

~~4.14.4.6 An approved Precinct Plan may consist of a number of documents, including a plan or plans and written text, or a combination of them, and for the removal of doubt shall be considered to incorporate documents associated with the Precinct Plan such as design guidelines.~~

~~4.14.4.7 Notwithstanding anything to the contrary in Clause 7.11, the Council may prepare a Precinct Plan.~~

Amend No 52
GG 24/12/04

Amend No 96
GG 9/7/13

TABLE 1 - CITY CENTRE DEVELOPMENT ZONE

POLICY STATEMENT - The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors after comprehensive planning of the land has been carried out resulting in an approved ~~Precinct~~ Precinct Activity Centre Plan. Where no ~~Precinct~~ Precinct Activity Centre Plan has been prepared and approved, the following Uses and Development Standards shall apply.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
		NIL	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. Other Areas of the Zone: A nil setback shall apply to all boundaries unless otherwise specified.			6 spaces per 100m ² of Gross Leasable Area	10% of site. This requirement may be reduced in accordance with adopted Council Planning Policy.	<ul style="list-style-type: none"> Development in the City Centre Skyline Policy Area shall comply with the height requirements of that policy. In areas outside the City Centre Skyline Policy area a height limit of three storeys or 10 metres (whichever is the lesser) shall apply. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy. Shade projections are not included in setback calculations. Where shade projections include storage space, this may be excluded from plot ratio calculations and commercial floor limitations, provided the storage space does not exceed 10% of the floor space.

Amend No 96
GG 9/7/13

Amend No 96
GG 9/7/13

	Aged Persons Home	P							As per the Residential Design Code R60 density
	Aged Persons Village	P					0.5/unit		As per the Residential Design Code R60 density
	Auction Mart	SA							
	Amusement Parlour	P					1 per 35m ² GLA		
	Arts and Crafts Display	SA							
	Bank	P					1 per 35m ² GLA		
	Bed and Breakfast Accommodation	P					1 per bedroom		
	Cabin	P							
	Car Park	P							Landscaping of multi level car parks will be required to address aesthetic amenity.
	Chalet	P							

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

Amend No 52
GG 24/12/04

Amend No 96
GG 9/7/13

TABLE 1 - CITY CENTRE DEVELOPMENT ZONE

POLICY STATEMENT - The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors after comprehensive planning of the land has been carried out resulting in an approved Precinct Activity Centre Plan. Where no Precinct Activity Centre Plan has been prepared and approved, the following Uses and Development Standards shall apply.

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DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
		NIL	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. Other Areas of the Zone: A nil setback shall apply to all boundaries unless otherwise specified.			6 spaces per 100m ² of Gross Leasable Area	10% of site. This requirement may be reduced in accordance with adopted Council Planning Policy.	<ul style="list-style-type: none"> Development in the City Centre Skyline Policy Area shall comply with the height requirements of that policy. In areas outside the City Centre Skyline Policy area a height limit of three storeys or 10 metres (whichever is the lesser) shall apply. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy. Shade projections are not included in setback calculations. Where shade projections include storage space, this may be excluded from plot ratio calculations and commercial floor limitations, provided the storage space does not exceed 10% of the floor space.

Amend No 63
GG 13/01/06

Child Care Premises	AA						As determined by Council		As determined by Council
Civic Use	P						As determined by Council		
Club Premises	P						As determined by Council		
Consulting Room	P						2 for the dwelling plus 4 per consultant		
Convenience Store	SA								
Cultural Use	P								

Amend No 52
GG 24/12/04

Amend No 96
GG 9/7/13

Amend No 12
GG 18/02/03

Amend No 12
GG 18/02/03

Amend No 96
GG 9/7/13

Amend No 108
GG 27/01/12

Family Day
Care Deleted
Amend No 83
GG 14/09/10

Amend No 108
GG 27/01/12

TABLE 1 - CITY CENTRE DEVELOPMENT ZONE

POLICY STATEMENT - The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors after comprehensive planning of the land has been carried out resulting in an approved ~~Precinct~~ Activity Centre Plan. Where no ~~Precinct~~ Activity Centre Plan has been prepared and approved, the following Uses and Development Standards shall apply.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
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DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
		NIL	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. Other Areas of the Zone: A nil setback shall apply to all boundaries unless otherwise specified.			6 spaces per 100m ² of Gross Leasable Area	10% of site. This requirement may be reduced in accordance with adopted Council Planning Policy.	<ul style="list-style-type: none"> Development in the City Centre Skyline Policy Area shall comply with the height requirements of that policy. In areas outside the City Centre Skyline Policy area a height limit of three storeys or 10 metres (whichever is the lesser) shall apply. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy. Shade projections are not included in setback calculations. Where shade projections include storage space, this may be excluded from plot ratio calculations and commercial floor limitations, provided the storage space does not exceed 10% of the floor space.

	Dwelling (Single House, Group, Multi)	AA	As per the Residential Design Code R60 density						Calculation of dwelling yield, parking and other requirements for residential development that is to be constructed above or within a commercial development, shall be calculated as if the commercial development did not exist. This is to encourage a vertical mix of residential and commercial development within the zone. Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or thelike and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
	Eco-Tourist Facility	P							
	Educational Establishment	SA					1.5 bays per classroom or as determined by Council		
	Fish Shop	P							
	Guesthouse	P							
	Health Studio	P					1/35m ² GLA		

TABLE 1 - CITY CENTRE DEVELOPMENT ZONE

POLICY STATEMENT - The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors after comprehensive planning of the land has been carried out resulting in an approved Precinct Activity Centre Plan. Where no Precinct Activity Centre Plan has been prepared and approved, the following Uses and Development Standards shall apply.

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DEVELOPMENT STANDARDS										
USES		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
			NIL	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. Other Areas of the Zone: A nil setback shall apply to all boundaries unless otherwise specified.			6 spaces per 100m ² of Gross Leasable Area	10% of site. This requirement may be reduced in accordance with adopted Council Planning Policy.	<ul style="list-style-type: none"> Development in the City Centre Skyline Policy Area shall comply with the height requirements of that policy. In areas outside the City Centre Skyline Policy area a height limit of three storeys or 10 metres (whichever is the lesser) shall apply. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy. Shade projections are not included in setback calculations. Where shade projections include storage space, this may be excluded from plot ratio calculations and commercial floor limitations, provided the storage space does not exceed 10% of the floor space.
	Home Occupation	AA								
	Hotel, Tavern	AA						1 per bed plus 1 per 2m ² public bar area plus 1 per 3m ² lounge area		
	Industry – Service	SA								
	Laundromat	P								
	Liquor Store	P								
	Lunch Bar	P								
	Lodging House	P						1 per bedroom for hire plus 2 for the dwelling		
	Lunch Bar	P								
	Medical Centre	P						1 per Staff Member plus 4 per practitioner		
	Motel	P						1 per unit		

TABLE 1 - CITY CENTRE DEVELOPMENT ZONE

POLICY STATEMENT - The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors after comprehensive planning of the land has been carried out resulting in an approved Precinct Activity Centre Plan. Where no Precinct Activity Centre Plan has been prepared and approved, the following Uses and Development Standards shall apply.

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DEVELOPMENT STANDARDS										
		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
USES			NIL	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	FRONT	REAR	SIDES	6 spaces per 100m ² of Gross Leasable Area	10% of site. This requirement may be reduced in accordance with adopted Council Planning Policy.	<ul style="list-style-type: none"> Development in the City Centre Skyline Policy Area shall comply with the height requirements of that policy. In areas outside the City Centre Skyline Policy area a height limit of three storeys or 10 metres (whichever is the lesser) shall apply. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy. Shade projections are not included in setback calculations. Where shade projections include storage space, this may be excluded from plot ratio calculations and commercial floor limitations, provided the storage space does not exceed 10% of the floor space.
	Night Club	SA						1 per 4 people the building is designed to accommodate		
	Nursing Home	SA								
	Office	P						1/35m ² GLA		
	Place of Amusement	P						5 per bowling alley or 2 per billiard/pool table and/or 1 per 15m ² GLA or; 1 per 15m ² GLA. Otherwise determined by Council		
	Private Hotel	P						As per hotel		
	Public Amusement	AA								
	Public Utility	P								
	Public Worship - Place of	SA	2000m ²	30m				1 per 3 seats		
	Reception Centre	P						1 per 4 seats		

Amend No 52
GG 24/12/04

Amend No 96
GG 9/7/13

TABLE 1 - CITY CENTRE DEVELOPMENT ZONE

POLICY STATEMENT - The intent of the City Centre Development Zone is to provide for the development of the Mandurah City Centre as the Waterfront Capital of the Peel Region, offering vibrant and diverse commercial, retail, mixed use, entertainment and lifestyle opportunities for residents and visitors after comprehensive planning of the land has been carried out resulting in an approved ~~Precinct~~ Activity Centre Plan. Where no ~~Precinct~~ Activity Centre Plan has been prepared and approved, the following Uses and Development Standards shall apply.

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DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
		NIL	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. Other Areas of the Zone: A nil setback shall apply to all boundaries unless otherwise specified.			6 spaces per 100m ² of Gross Leasable Area	10% of site. This requirement may be reduced in accordance with adopted Council Planning Policy.	<ul style="list-style-type: none"> Development in the City Centre Skyline Policy Area shall comply with the height requirements of that policy. In areas outside the City Centre Skyline Policy area a height limit of three storeys or 10 metres (whichever is the lesser) shall apply. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy. Shade projections are not included in setback calculations. Where shade projections include storage space, this may be excluded from plot ratio calculations and commercial floor limitations, provided the storage space does not exceed 10% of the floor space.

Residential Building	AA						1 per bed		
Restaurant	P						1 per 4 seats		
Restricted Premises	SA						1 per bed		
Serviced Apartment	P								
Service Premise	P								
Service Station	SA						3 work bays plus 1 per staff member		Due regard is to be given to guidelines of the Environmental Protection Authority Guidelines for 'Separation Distances between Industrial and Sensitive Land Use' regard separation distances to existing residential development.
Shop	P								
Takeaway Food Outlet	P						1 per 4 seats plus 1 for every 1m of queue length area		Stacking bays may be included in the car parking calculation
Tourism Development	P								
Tourist Resort	P								

Amend No 108
GG 27/01/12

Amend No 133
GG 16/05/17

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

TABLE 2 - COMMERCIAL ZONE

POLICY STATEMENT - The Commercial Zone is primarily intended to provide for retail shopping but also other associated non bulky retail and local office uses that cater for the current and future residents of the City consistent with the Retail Strategy.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
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DEVELOPMENT STANDARDS

USES		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
			NIL	1.0	9m	Nil	Nil	8 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> the side and rear setback shall be 6m where the site adjoins residential zoned land
	USES									
	Auction Mart	P								
	Amusement Parlour	P						1 per 35m ² GLA		
	Arts and Craft Display	SA								
	Bank	P						1 per 35m ² GLA		
	Bed and Breakfast	AA						2 for the permanent occupants plus 1 bay per bedroom for hire		
	Car Park	P			2m	1m	1m			
	Car Wash	P								
	Caretaker's Dwelling	AA	As per 'R25'					2 car bays		
	Child Care Premises	AA	900m ²	20m				As determined by Council		As determined by Council
	Civic Use	P						As determined by Council		
	Club Premises	AA						As determined by Council		
	Consulting Room	P						2 for the dwelling plus 4 per Consultant		
	Convenience Store	P								
	Cultural Use	P								

Amend No 63
GG 13/01/06

TABLE 2 - COMMERCIAL ZONE

POLICY STATEMENT - The Commercial Zone is primarily intended to provide for retail shopping but also other associated non bulky retail and local office uses that cater for the current and future residents of the City consistent with the Retail Strategy.

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DEVELOPMENT STANDARDS

			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
						FRONT	REAR	SIDES			
USES				NIL	1.0	9m	Nil	Nil	8 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> the side and rear setback shall be 6m where the site adjoins residential zoned land
	Dwelling (Single House, Group, Multi)	AA	As per Residential Planning Codes R40 Density								<p>Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or the like and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.</p> <p>Where reticulated sewerage is unavailable a residential density coding of R12.5 shall apply.</p>
	Fish Shop	P									
	Funeral Parlour	P									
	Health Studio	P							1 per 30 m ² GLA		
	Home Occupation	AA									
	Hotel	AA							1 per bed plus 1 per 2m ² public bar area plus 1 per 3m ² lounge area		
	Laundromat	P									
	Liquor Store	P									
	Lodging House	AA							1 per bedroom for hire plus 2 for dwelling		
	Lunch Bar	P									
	Marina	SA									
	Medical Centre	P							1 per Staff Member plus 4 per Practitioner		
	Motel	AA							1 per unit		
	Night Club	SA							1 per 4 seats		15m side and rear boundary clearance is required where a site adjoins a residential zone

TABLE 2 - COMMERCIAL ZONE

POLICY STATEMENT - The Commercial Zone is primarily intended to provide for retail shopping but also other associated non bulky retail and local office uses that cater for the current and future residents of the City consistent with the Retail Strategy.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
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DEVELOPMENT STANDARDS

			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
						FRONT	REAR	SIDES			
USES				NIL	1.0	9m	Nil	Nil	8 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> the side and rear setback shall be 6m where the site adjoins residential zoned land
	Office	AA							1 per 35m ² GLA		
	Place of Amusement	AA							5 per bowling alley or 2 per billiard/pool table and/or 1 per 15m ² GLA or; 1 per 15m ² GLA Otherwise determined by Council		
	Public Amusement	AA									
	Public Utility	P									
	Reception Centre	P							1 per 4 seats		
	Restaurant	P							1 per 4 seats		
	Service Premises	P									
	Service Station	AA							3 per work bay plus 1 per staff member		Due regard is to be given to guidelines of the Environmental Protection Authority Guidelines for 'Separation Distances between Industrial and Sensitive Land Use' regard separation distances to existing residential development.
	Shop	P									
	Showroom	P	1000m ²						1 per 30m ² GLA		
	Take away Food Outlet	P							1 per 4 seats plus 1 per 1m of queue length area		Stacking bays may be included in the car parking calculation
	Tavern	AA							1 space per 2m ² of gross bar & lounge floor area. Concessions where integrated with multi-use complex		
	Veterinary Clinic	P							4 per practitioner		No overnight accommodation of animals

Amend No 133
GG 16/05/17

TABLE 3 – DELETED BY AMENDMENT NO. 29

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TABLE 4 - SERVICE COMMERCIAL ZONE

POLICY STATEMENT - The intention of Council is to encourage a range of non-retail commercial uses which will have minimum impact on arterial traffic while maintaining a scale of development which is compatible with adjacent land uses. Council shall have regard to such factors as traffic generation, impact on amenity and scale of development when considering applications for planning approval. Where possible, crossovers to the road shall be limited by share arrangements with adjacent development and the integration of parking and service areas.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks Vehicle access to the rear of any building must be available			Minimum Car Parking	Landscaping	Other Requirements
USES		1. In the City Centre Skyline Policy area Minimum Effective Frontage shall be in accordance with that policy. 2. In other areas of the zone Minimum Effective Frontage shall be as indicated below	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. In Other Areas of the Zone: Minimum boundary setbacks shall be as specified below. FRONT REAR SIDES			1 per 30m ² GLA	10% of site	<ul style="list-style-type: none"> Except as otherwise permitted under the City Centre Skyline Policy, development is not to exceed 2 storeys in height unless special approval is granted by Council. No. of Crossovers to be minimised by coupling with adjacent development. Design shall have regard to maintaining or enhancing any adjacent residential amenity. Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of WA. Shade projections are not included in the setback calculations.
		20m		9m	3m	nil			

USES										
Amusement Parlour	SA							5 per bowling alley or; 2 per billiard/pool table and/or 1 per 15m ² GLA or; 1 per 15m ² GLA. Otherwise determined by Council		
Auction Mart	SA							1 per 50m ² display and sales area including both indoor & outdoor		
Arts and Crafts Display	SA									
Bank	AA									
Caretaker's Dwelling	IP					As per R25	As per R25	2 car bays		

TABLE 4 - SERVICE COMMERCIAL ZONE

POLICY STATEMENT - The intention of Council is to encourage a range of non-retail commercial uses which will have minimum impact on arterial traffic while maintaining a scale of development which is compatible with adjacent land uses. Council shall have regard to such factors as traffic generation, impact on amenity and scale of development when considering applications for planning approval. Where possible, crossovers to the road shall be limited by share arrangements with adjacent development and the integration of parking and service areas.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks Vehicle access to the rear of any building must be available			Minimum Car Parking	Landscaping	Other Requirements
USES		1. In the City Centre Skyline Policy area Minimum Effective Frontage shall be in accordance with that policy. 2. In other areas of the zone Minimum Effective Frontage shall be as indicated below	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. In Other Areas of the Zone: Minimum boundary setbacks shall be as specified below. FRONT REAR SIDES			1 per 30m ² GLA	10% of site	<ul style="list-style-type: none"> Except as otherwise permitted under the City Centre Skyline Policy, development is not to exceed 2 storeys in height unless special approval is granted by Council. No. of Crossovers to be minimised by coupling with adjacent development. Design shall have regard to maintaining or enhancing any adjacent residential amenity. Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of WA. Shade projections are not included in the setback calculations.
		20m		9m	3m	nil			

Amend No 12
GG 18/02/03

Amend No 63
GG 13/01/06

	Car Park	P								
	Car Wash	AA								
	Child Care Premises	AA						As determined by Council		
	Civic Use	P						As determined by Council		
	Club Premises	AA						As determined by Council		
	Cottage Industry	AA				6m	1.5m	2 bays for the occupant plus bays in accordance with industry proposal		
	Cultural Use	SA						Determined by Council		
	Educational Establishment	AA						1.5 bays per classroom or as determined by Council		
	Funeral Parlour	P								

TABLE 4 - SERVICE COMMERCIAL ZONE

POLICY STATEMENT - The intention of Council is to encourage a range of non-retail commercial uses which will have minimum impact on arterial traffic while maintaining a scale of development which is compatible with adjacent land uses. Council shall have regard to such factors as traffic generation, impact on amenity and scale of development when considering applications for planning approval. Where possible, crossovers to the road shall be limited by share arrangements with adjacent development and the integration of parking and service areas.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks Vehicle access to the rear of any building must be available			Minimum Car Parking	Landscaping	Other Requirements
USES		1. In the City Centre Skyline Policy area Minimum Effective Frontage shall be in accordance with that policy. 2. In other areas of the zone Minimum Effective Frontage shall be as indicated below	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. In Other Areas of the Zone: Minimum boundary setbacks shall be as specified below. FRONT REAR SIDES			1 per 30m ² GLA	10% of site	<ul style="list-style-type: none"> Except as otherwise permitted under the City Centre Skyline Policy, development is not to exceed 2 storeys in height unless special approval is granted by Council. No. of Crossovers to be minimised by coupling with adjacent development. Design shall have regard to maintaining or enhancing any adjacent residential amenity. Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of WA. Shade projections are not included in the setback calculations.
		20m		9m	3m	nil			

Amend No 12
GG 18/02/03

	Health Studio	P								
	Hire Service (Non Industrial)	P								
	Hire Service (Industrial)	P								
	Industry – Service	AA								
	Laundromat	P								
	Lunch Bar	P								
	Medical Centre	P						4 per practitioner plus 1 per staff member		
	Motor Vehicles and Marine Sales Premises	AA	1500m ²	30m						Vehicular access other than cars shall only be permitted to the site via side road access.

TABLE 4 - SERVICE COMMERCIAL ZONE

POLICY STATEMENT - The intention of Council is to encourage a range of non-retail commercial uses which will have minimum impact on arterial traffic while maintaining a scale of development which is compatible with adjacent land uses. Council shall have regard to such factors as traffic generation, impact on amenity and scale of development when considering applications for planning approval. Where possible, crossovers to the road shall be limited by share arrangements with adjacent development and the integration of parking and service areas.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
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DEVELOPMENT STANDARDS

	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks Vehicle access to the rear of any building must be available			Minimum Car Parking	Landscaping	Other Requirements
USES		1. In the City Centre Skyline Policy area Minimum Effective Frontage shall be in accordance with that policy. 2. In other areas of the zone Minimum Effective Frontage shall be as indicated below	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. In Other Areas of the Zone: Minimum boundary setbacks shall be as specified below. FRONT REAR SIDES			1 per 30m ² GLA	10% of site	<ul style="list-style-type: none"> Except as otherwise permitted under the City Centre Skyline Policy, development is not to exceed 2 storeys in height unless special approval is granted by Council. No. of Crossovers to be minimised by coupling with adjacent development. Design shall have regard to maintaining or enhancing any adjacent residential amenity. Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of WA. Shade projections are not included in the setback calculations.
		20m		9m	3m	nil			

Amend No 12
GG 18/02/03

Motor Vehicle Hire	P								
Motor Vehicle Repair	IP								
Office	SA						1 per 40m ² GLA		
Open Air Display	P						1 per 50m ² display and sales area including both indoor & outdoor		
Plant Nursery	P						1 per 50m ² display and sales area including both indoor & outdoor		
Public Utility	P								Screening of Servicing Utilities may be required
Radio & TV Installation	AA								
Recreation – Private	SA								
Recreation – Public	P								
Restaurant	P						1 per 4 seats		

TABLE 4 - SERVICE COMMERCIAL ZONE

POLICY STATEMENT - The intention of Council is to encourage a range of non-retail commercial uses which will have minimum impact on arterial traffic while maintaining a scale of development which is compatible with adjacent land uses. Council shall have regard to such factors as traffic generation, impact on amenity and scale of development when considering applications for planning approval. Where possible, crossovers to the road shall be limited by share arrangements with adjacent development and the integration of parking and service areas.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks Vehicle access to the rear of any building must be available			Minimum Car Parking	Landscaping	Other Requirements
USES		1. In the City Centre Skyline Policy area Minimum Effective Frontage shall be in accordance with that policy. 2. In other areas of the zone Minimum Effective Frontage shall be as indicated below	1. In the City Centre Skyline Policy area maximum plot ratio shall be in accordance with that policy. 2. In other areas of the zone maximum plot ratio shall be 3.0	1. City Centre Skyline Policy area: Minimum boundary setbacks shall be in accordance with the City Centre Skyline Policy. 2. In Other Areas of the Zone: Minimum boundary setbacks shall be as specified below. FRONT REAR SIDES			1 per 30m ² GLA	10% of site	<ul style="list-style-type: none"> Except as otherwise permitted under the City Centre Skyline Policy, development is not to exceed 2 storeys in height unless special approval is granted by Council. No. of Crossovers to be minimised by coupling with adjacent development. Design shall have regard to maintaining or enhancing any adjacent residential amenity. Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of WA. Shade projections are not included in the setback calculations.
		20m		9m	3m	nil			

Amend No 12
GG 18/02/03

Amend No 133
GG 16/05/17

	Service Station	AA						3 per work bay plus 1 per staff member		Due regard is to be given to guidelines of the Environmental Protection Authority Guidelines for 'Separation Distances between Industrial and Sensitive Land Use' regard separation distances to existing residential development.
	Shop	IP						1 space per 10m ² GLA		Shop Gross Floor Area must not be more than 10% of total GLA.
	Showroom	P	1000m ²							
	Storage Yard	IP								
	Tavern (Less than 200m ² GLA)	SA						1 space per 2m ² of gross bar & lounge floor area. Concessions where integrated with multi-use complex		
	Veterinary Clinic	P						4 per practitioner		No overnight accommodation of animals

TABLE 5 - RESIDENTIAL ZONE

POLICY STATEMENT - The Residential Zone is intended to promote a high quality residential environment by maintaining the quality and character of existing residential areas and providing for a range of residential densities and housing types throughout the City.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
						FRONT	REAR	SIDES			
USES			As per Residential Planning Codes as shown on Scheme Maps								
	USES										
	Additional Accommodation	AA	900m²								
	Aged Persons Home	AA	As per Residential Planning Codes according to density shown on Scheme Maps								
	Aged Persons Village	AA	As per Residential Planning Codes according to density shown on Scheme Maps								
	Bed and Breakfast Accommodation	SA							2 for the permanent occupants plus 1 bay per bedroom available for hire		Permitted to be operated from single houses but only where the development in the opinion of the Council: a) does not adversely affect the amenity of the area; b) provides a tourist facility; c) has been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses and no significant objections have been received during this period; and d) complies wholly with all other Scheme requirements and any policies of Council. e) includes the owner or operator residing within the dwelling.
	Car Park	SA				2m	1m	1m		10% of site	
	Chalet	SA									
	Child Care Premises	SA	1000m²						As determined by Council		As determined by Council
	Civic Use	P							As determined by Council		
	Consulting Rooms	IP	1000m²						2 for the dwelling and 4 per practitioner		
	Corner Shop	SA	1000m²	20m		9m	6m	3m	2 bays for the dwelling and 6 for the shop		Maximum retail floor area of 50m² GLA 30% of front setback landscaped.
	Display Home Centre	AA							Off street parking of 4 bays per display house		

TABLE 5 - RESIDENTIAL ZONE

POLICY STATEMENT - The Residential Zone is intended to promote a high quality residential environment by maintaining the quality and character of existing residential areas and providing for a range of residential densities and housing types throughout the City.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
						FRONT	REAR	SIDES			
USES			As per Residential Planning Codes as shown on Scheme Maps								
	Dwelling (Single House, Group, Multi)	P	As per Residential Planning Codes as shown on Scheme Maps								Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or thelike and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
	Guesthouse	AA									
	Home Occupation	AA									
	Kindergarten	SA	2000m ²			9m		3m	1 per staff member plus 1 set down/pick up bay per 4 students	10% of site	
	Land Sales Office	P							6 parking bays		
	Lodging House	SA							1 per bedroom for hire plus 2 for dwelling		
	Medical Centre	SA							1 per staff member plus 4 per practitioner	10% of site	Location criteria may be specified through Council Policy.
	Nursing Home	SA	5000m ²	30m		9m		3m per storey	1 per staff member plus 1 per 2 beds	10% of site	
	Public Worship - Place of	SA	1000m ²	30m		9m		3m	1 per 2 seats	10% of site	
	Public Utility	P									
	Serviced Apartment	SA									

Family Day
Care Deleted
Amend No 83
GG 14/09/10

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

TABLE 6 - INDUSTRY ZONE

POLICY STATEMENT - To encourage the development of light, service and general industries in the zone to a high standard that will provide for the industrial needs of the City of Mandurah.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	2000m ²	25m	1.0	9M	NIL	NIL	1 SPACE FOR EVERY 50M ² GLA	10% OF SITE AREA	

USES									
Auction Mart	AA							1 per 50m ² display and sales area including both indoor and outdoor	
Caretakers Dwelling	AA					As per R25		2 car bays	
Caretakers House	IP								
Car Park	P								
Civic Use	P							As determined by Council	
Club Premises	AA							As determined by Council	
Drive-in Theatre	SA	2ha							
Fuel Depot	P								
Funeral Parlour	P								
Health Studio	SA							1 per 30m ² GLA	
Hire Service (Industrial)	AA								
Industry – General	P							1 per 50m ² GLA then 1 per 100m ² or part thereof	
Industry – Light	P							1 per 50m ² GLA then 1 per 100m ² or part thereof	
Industry – Service	P								
Lunch Bar	IP								
Motor Vehicle and Marine Sales Premises	AA								

TABLE 6 - INDUSTRY ZONE

POLICY STATEMENT - To encourage the development of light, service and general industries in the zone to a high standard that will provide for the industrial needs of the City of Mandurah.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
						FRONT	REAR	SIDES			
USES			2000m ²	25m	1.0	9M	NIL	NIL	1 SPACE FOR EVERY 50M ² GLA	10% OF SITE AREA	
	Motor Vehicle Hire	AA									
	Motor Vehicle Repair	P									
	Motor Vehicle Wash	P									
	Motor Vehicle Wrecking	P	2000m ²								
	Office	IP							1 per 30m ² GLA		
	Open Air Display	P									
	Place of Amusement	AA							5 per bowling alley or 2 per billiard/pool table and/or 1 per 15m ² GLA or; 1 per 15m ² GLA. Otherwise determined by Council		
	Public Utility	P									
	Public Worship – Place of	SA							1 bay per 3 seats		
	Produce Store	P							1 per 50m ² sales and storage area		
	Radio & TV Installation	P									
	Recreation - Private	SA									
	Retail Sale of Products Produced on Site	AA							As per Commercial Zone		
	Showroom	AA							1 per 30m ² GLA		
	Storage Yard	P									
	Tavern	SA	3000m ²	30m					1 space per 2m ² of gross bar & lounge floor area. Concessions where integrated with multi-use complex		

TABLE 6 - INDUSTRY ZONE

POLICY STATEMENT - To encourage the development of light, service and general industries in the zone to a high standard that will provide for the industrial needs of the City of Mandurah.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	2000m ²	25m	1.0	9M	NIL	NIL	1 SPACE FOR EVERY 50M ² GLA	10% OF SITE AREA	
Transport Depot	P								
Veterinary Clinic	P						1 per staff member plus 4 per practitioner		
Veterinary Hospital	P								
Warehouse	P						1 per 100m ² GLA		

TABLE 7 - RURAL RESIDENTIAL ZONE

POLICY STATEMENT - This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.

P is consistent with the objectives of the Scheme and may be developed after planning approval.
 AA may be developed after Council has granted planning approval. Council may advertise proposal.
 SA may be developed after Council has granted planning approval. Must be advertised.

IP not permitted unless incidental to predominant use.
 X not permitted.

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
				20m	50m	10m			
	Determined in accordance with Clause 4.7.3 or as specified in Appendix No.4	50m		or as per declared building envelope	or as per declared building envelope (150m from the high water mark of Lake Clifton)	or as per declared building envelope			

Amend No 136
GG 6/3/18

USES										
Ancillary Accommodation	IP									
Bed and Breakfast Accommodation	SA							2 for the permanent occupants plus 1 bay per bedroom available for hire		Permitted to be operated from single houses but only where the development in the opinion of the Council: a) does not adversely affect the amenity of the area; b) provides a tourist facility; c) has been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses and no significant objections have been received during this period; and d) complies wholly with all other Scheme requirements and any policies of Council. e) includes the owner or operator residing within the dwelling.
Cabin	SA									
Chalet	SA									
Civic Use	P							As determined by Council		
Corner Shop	SA							Minimum 6 bays		Maximum retail floor area of 50m ² , 30% of front setback landscaped

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

TABLE 7 - RURAL RESIDENTIAL ZONE

POLICY STATEMENT - This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT 20m or as per declared building envelope	REAR 50m or as per declared building envelope (150m from the high water mark of Lake Clifton)	SIDES 10m or as per declared building envelope			
	Determined in accordance with Clause 4.7.3 or as specified in Appendix No.4	50m							
	Dwelling (Single House)	P					2 bays with one under cover		
	Eco-Tourist Facility	AA							
	Hobby Farm	SA							In considering a proposal to develop land for intensive agriculture the Council shall: a) Take account of soil types, slope and groundwater flows and surface water drainage and proximity to the estuary, b) Take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality, and c) Seek advice from the Departments of Agriculture and Environmental Protection and take account of that advice in making its determination or defer the decision pending a formal assessment under part IV of the Environmental Protection Act.
	Home Occupation	AA							

Amend No 136
GG 6/3/18

Family Day
Care Deleted
Amend No 83
GG 14/09/10

Amend No 108
GG 27/01/12

TABLE 7 - RURAL RESIDENTIAL ZONE

POLICY STATEMENT - This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS											
			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
USES			Determined in accordance with Clause 4.7.3 or as specified in Appendix No.4	50m		FRONT 20m or as per declared building envelope	REAR 50m or as per declared building envelope (150m from the high water mark of Lake Clifton)	SIDES 10m or as per declared building envelope			
	Intensive Agriculture	SA									In considering a proposal to develop land for intensive agriculture the Council shall: a)Take account of soil types, slope and groundwater flows and surface water drainage and proximity to the estuary, b)Take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality, and c) Seek advice from the Departments of Agriculture and Environmental Protection and take account of that advice in making its determination or defer the decision pending a formal assessment under part IV of the Environmental Protection Act.
	Multiple Occupancy	SA	2ha				50m	50m	1 per unit		
	Plant Nursery	SA									
	Public Utility	P									
	Public Worship – Place Of	SA							1 bay per 3 seats		
	Recreation - Public	AA									
	Recreation - Private	AA									

TABLE 7 - RURAL RESIDENTIAL ZONE

POLICY STATEMENT - This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
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DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS											
			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
USES			Determined in accordance with Clause 4.7.3 or as specified in Appendix No.4	50m		FRONT	REAR	SIDES			
						20m	50m	10m			
						or as per declared building envelope	or as per declared building envelope (150m from the high water mark of Lake Clifton)	or as per declared building envelope			
	Rural Pursuit	SA									In considering a proposal to develop land for intensive agriculture the Council shall: a)Take account of soil types, slope and groundwater flows and surface water drainage and proximity to the estuary, b)Take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality, and c) Seek advice from the Departments of Agriculture and Environmental Protection and take account of that advice in making its determination or defer the decision pending a formal assessment under part IV of the Environmental Protection Act.
	Veterinary Clinic	SA							1 per staff member plus 4 per practitioner		
	Veterinary Hospital	SA							1 per staff member plus 4 per practitioner		
	Wayside Stall	SA									100m clear visibility along roads in each direction

TABLE 8 - RURAL ZONE

POLICY STATEMENT - This zone is intended to apply to those parts of the municipality which are suitable for agricultural or general rural activity. Council's Rural Strategy has determined which rural areas are suitable for semi-urban and urban development. Prior to rezoning for rural residential and residential development, the land owner will be required to undertake a comprehensive Outline Development Planning process. The character of well-vegetated rural areas in the City should be extensively retained where possible by employing sympathetic urban design.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
				20m	50m	15m			
	Subdivision for small lot rural-residential use is not permitted			(except where lot dimensions preclude this in which the setbacks as specified within the "Rural Residential" zone shall apply) with a 150m setback from the high water mark of Lake Clifton.					Any subdivision or development shall comply with the requirements of the WAPC's Coastal & Lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton) requirements.

USES										
Ancillary Accommodation	AA	900m ²								
Aquaculture	P									
Arts and Crafts Display	SA									
Bed and Breakfast Accommodation	SA							2 for the permanent occupants 1 additional bay per bedroom available for hire		Permitted to be operated from single houses but only where the development in the opinion of the Council: a) does not adversely affect the amenity of the area; b) provides a tourist facility; c) has been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses and no significant objections have been received during this period; and d) complies wholly with all other Scheme requirements and any policies of Council. e) includes the owner or operator residing within the dwelling.
Cabin	SA									
Caravan Park	SA									
Cattery	SA									

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

TABLE 8 - RURAL ZONE

POLICY STATEMENT - This zone is intended to apply to those parts of the municipality which are suitable for agricultural or general rural activity. Council's Rural Strategy has determined which rural areas are suitable for semi-urban and urban development. Prior to rezoning for rural residential and residential development, the land owner will be required to undertake a comprehensive Outline Development Planning process. The character of well-vegetated rural areas in the City should be extensively retained where possible by employing sympathetic urban design.

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AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
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DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
				20m	50m	15m			
	Subdivision for small lot rural-residential use is not permitted			(except where lot dimensions preclude this in which the setbacks as specified within the "Rural Residential" zone shall apply) with a 150m setback from the high water mark of Lake Clifton.					Any subdivision or development shall comply with the requirements of the WAPC's Coastal & Lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton) requirements.
Amend No 108 GG 27/01/12	Chalet	SA							
	Civic Use	P					As determined by Council		
	Dog Kennels	SA							
Family Day Care Deleted Amend No 83 GG 14/09/10	Dwelling (Single House)	P							Limited to one dwelling for lots under 2 hectares and maximum of 2 for larger lots. Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or thelike and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
Amend No 108 GG 27/01/12	Eco-Tourist Facility	AA							
	Hobby Farm	P	2 ha						Stocking Rates subject to approval by Agriculture Western Australia.
	Home Occupation	IP							

TABLE 8 - RURAL ZONE

POLICY STATEMENT - This zone is intended to apply to those parts of the municipality which are suitable for agricultural or general rural activity. Council's Rural Strategy has determined which rural areas are suitable for semi-urban and urban development. Prior to rezoning for rural residential and residential development, the land owner will be required to undertake a comprehensive Outline Development Planning process. The character of well-vegetated rural areas in the City should be extensively retained where possible by employing sympathetic urban design.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
				20m	50m	15m			
	Subdivision for small lot rural-residential use is not permitted			(except where lot dimensions preclude this in which the setbacks as specified within the "Rural Residential" zone shall apply) with a 150m setback from the high water mark of Lake Clifton.					Any subdivision or development shall comply with the requirements of the WAPC's Coastal & Lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton) requirements.
Intensive Agriculture	AA								In considering a proposal to develop land for intensive agriculture the Council shall: a) Take account of soil types, slope and groundwater flows and surface water drainage and proximity to the estuary, b) Take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality, and c) Seek advice from the Departments of Agriculture and Environmental Protection and take account of that advice in making its determination or defer the decision pending a formal assessment under part IV of the Environmental Protection Act.
Plant Nursery	AA						1/50m ² of public area		
Produce Store	AA						1/50m ² sales and storage area		
Public Utility	P								
Public Worship – Place Of	SA						1 per 3 seats		
Recreation – Private	SA								
Recreation – Private	AA								

TABLE 8 - RURAL ZONE

POLICY STATEMENT - This zone is intended to apply to those parts of the municipality which are suitable for agricultural or general rural activity. Council's Rural Strategy has determined which rural areas are suitable for semi-urban and urban development. Prior to rezoning for rural residential and residential development, the land owner will be required to undertake a comprehensive Outline Development Planning process. The character of well-vegetated rural areas in the City should be extensively retained where possible by employing sympathetic urban design.

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DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
				20m	50m	15m			
	Subdivision for small lot rural-residential use is not permitted			(except where lot dimensions preclude this in which the setbacks as specified within the "Rural Residential" zone shall apply) with a 150m setback from the high water mark of Lake Clifton.					Any subdivision or development shall comply with the requirements of the WAPC's Coastal & Lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton) requirements.
Rural Pursuit	P								In considering a proposal to develop land for intensive agriculture the Council shall: a) Take account of soil types, slope and groundwater flows and surface water drainage and proximity to the estuary, b) Take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality, and c) Seek advice from the Departments of Agriculture and Environmental Protection and take account of that advice in making its determination or defer the decision pending a formal assessment under part IV of the Environmental Protection Act.
Wayside Stall	AA	40m							100m clear visibility along roads in each direction
Veterinary Clinic	SA						1 per staff member plus 4 per practitioner		
Veterinary Hospital	SA						1 per staff member plus 4 per practitioner		
Zoological Gardens	SA	2 ha					As determined by Council		An application shall be subject to the provision of a detailed management plan to the satisfaction of Council and Agriculture Western Australia.

TABLE 9 – DELETED BY AMENDMENT NO. 43

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TABLE 10 - TOURIST ZONE

POLICY STATEMENT - The intention of this zone is to encourage the development of tourist facilities in the District to promote and take advantage of the tourism and recreational assets of the Region. Where possible, Council will encourage the development of short term accommodation in preference to permanent residential development within the Zone.

P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
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DEVELOPMENT STANDARDS

USES			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
						FRONT	REAR	SIDES			
					1.5	9m	1.5m per storey	1.5m per storey	As determined by Council	15% of Site Area	
USES											
	Aged Persons Home	SA	As per Residential Planning Codes according to density shown on Scheme Maps.								
	Aged Persons Village	SA		30m					1.25 per unit		
	Arts and Crafts Display	SA									
Amend No 108 GG 27/01/12	Bed and Breakfast Accommodation	P							2 for permanent occupants plus 1 bay per bedroom for hire		Encouraged to be operated from Single Houses but only where the development in the opinion of Council: a) does not adversely affect the amenity of the area; b) provides a tourist facility; and c) complies with all other Scheme requirements and any relevant policy of Council. d) The owner or operator shall reside within the dwelling.
Amend No 108 GG 27/01/12	Cabin	P									
	Car Park	AA				2m	1m	1m	N/A		
	Caravan Park	P	4000m ²								
	Caretaker's Dwelling	AA	As per R25						2 car bays		
	Caretaker's House	IP									
Amend No 108 GG 27/01/12	Chalet	P									
Amend No 63 GG 13/01/06	Child Care Premises	AA							As determined by Council		
	Civic Use	P									
	Club Premises	AA									
	Cultural Use	P									

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DEVELOPMENT STANDARDS

			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					1.5	FRONT	REAR	SIDES	As determined by Council	15% of Site Area	
USES						9m	1.5m per storey	1.5m per storey			
	Dwelling (Single House, Group, Multi)	AA	As per Residential Planning codes R40 Density or as otherwise shown on Scheme Maps								Dwellings will only be permitted for permanent occupation where it can be demonstrated that the proposal will contribute to the overall amenity of the area. Notwithstanding the preceding comments, no permanent accommodation will be permitted on those lots with frontage onto Mandurah Terrace. Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or the like and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
	Eco-Tourist Facility	P									
	Educational Establishment	AA							1.5 bays per classroom or as determined by Council		
	Guesthouse	P									
	Hire Service (Non Industrial)	IP									
	Home Occupation	IP									
	Hotel	SA							1 per bed plus 1 per 2m ² public bar area plus 1 per 3m ² lounge area		
	Laundromat	AA									Permitted only where associated with a tourist complex
	Liquor Store	IP									
	Lodging House	P									
	Lunch Bar	P									

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

TABLE 10 - TOURIST ZONE

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AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					1.5	FRONT	REAR	SIDES	As determined by Council	15% of Site Area	
USES						9m	1.5m per storey	1.5m per storey			
	Marina	AA									
	Marine Filling Station	SA									
	Motel	P							1 per unit		
	Nightclub	SA							1 per 4 people the building is designed to accommodate		
	Office	IP							1 per 40m ² GLA		
	Park Home Park	P	4000m ²						1 per home unit		
	Private Hotel	P									
	Public Amusement	SA							5 per bowling alley or 2 per billiard/pool table and/or 1 per 15m ² GLA or; 1 per 15m ² GLA. Otherwise determined by Council		
	Public Utility	P									
	Recreation - Public	P									
	Recreation - Private	AA									
	Reception Centre	P							1 per 4 seats		
	Residential Building	SA							1 per bed		
	Restaurant	P							1 per 4 seats		
	Serviced Apartment	AA									
	Service Premise	IP									
	Service Station	IP							3 per work bay plus 1 per employee		Permitted only where associated with a tourist complex.

Amend No 108
GG 27/01/12

TABLE 10 - TOURIST ZONE

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P	is consistent with the objectives of the Scheme and may be developed after planning approval.	IP	not permitted unless incidental to predominant use.
AA	may be developed after Council has granted planning approval. Council may advertise proposal.	X	not permitted.
SA	may be developed after Council has granted planning approval. Must be advertised.		

DEVELOPMENT STANDARDS

			Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					1.5	FRONT	REAR	SIDES	As determined by Council	15% of Site Area	
USES						9m	1.5m per storey	1.5m per storey			
	Shop	IP							1 per 20m ² GLA		Permitted only where associated with a tourist complex.
	Takeaway Food Outlet	P							1 per 4 seats plus 1 per 1m of queue length area		Stacking bays may be included in the car parking calculation
	Tavern	SA							1 per 2m ² public bar area plus 1 per 3m ² lounge area		
	Tourism Development	P									
	Tourist Resort										

Amend No 108
GG 27/01/12

Amend No 108
GG 27/01/12

TABLE 11 – DELETED BY AMENDMENT NO. 43

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TABLE 12 – DELETED BY AMENDMENT NO. 43

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5.1 RESIDENTIAL PLANNING CODES

- 5.1.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to Statement of Planning Policy No. 1, together with any amendments thereto.
- 5.1.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- 5.1.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.
- 5.1.4 The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Codes density number superimposed on the particular areas shown on the Scheme maps as being contained within the solid black line borders or where such an area abuts another area having a Residential Planning Code density, as being contained within the centre-line of those borders.

5.2 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES**5.2.1 Lots fronting Waterways**

The minimum lot area for the purpose of all residential developments shall be calculated on the effective lot area only.

5.2.2 City Centre Skyline Policy

Council may vary the prescribed standards of the Residential Planning Codes for development within the City Centre Skyline Policy area where such variation is required to give effect to that Policy.

Amend No 12
GG 18/02/03

5.3 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

- 5.3.1 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:
- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;

- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

5.3.2 Prior to considering any variation to a development standard(s) the Council shall advertise its intention to consider doing so in accordance with Clause 7.3.3 of the Scheme.

5.3.3 Council shall formulate policies that guide variations under this clause. Where variations are not covered by policy the variation shall be advertised.

5.4 HOME OCCUPATIONS

The following shall apply to Home Occupations:

- (a) A person shall not carry on a Home Occupation unless:
 - i) a permit in respect of the home occupation has been issued by the Council in accordance with the provisions of Council's adopted Policy on such uses; and
 - ii) they are the occupiers of the dwelling-house in which the Home Occupation is carried on.
- (b) An application for a permit to carry on a Home Occupation shall be made in accordance with the provisions of clause 7.2.
- (c) A permit to carry on a home occupation -
 - i) is valid until the 31st day of December next after the date of issue thereof but may be renewed upon application in writing to the Council and where the application is made within 90 days prior to the 31st day of December the permit may be extended through to the 31st day of December in the following year;
 - ii) is personal to the person to whom it is granted;
 - iii) is not capable of being transferred or assigned to any other person; and
 - iv) does not run with the land in respect of which it was granted.
- (d) In granting a permit to carry on a home occupation the Council may impose any condition it thinks fit and a person shall not commit a breach of or fail to comply with a condition so imposed.
- (e) A person to whom a permit to carry on a home occupation has been granted shall not carry on that home occupation at any premises other than those specified in the permit.
- (f) If in the opinion of the Council a home occupation is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood or if any condition imposed by the Council is not complied with the Council may revoke a permit granted by it in respect of the home occupation.

5.5 GENERAL BUILDING AND DEVELOPMENT STANDARDS**5.5.1 Specific Application to City**

Subject to the provisions of this Scheme, no person shall develop any land or use any building for any purpose within the City unless such development or building is in accordance with the provisions of the Scheme and the requirements and standards set out in this Text.

5.5.2 Requirements Not Readily Determined by Text

Where in the circumstances of a particular case a requirement or standard cannot readily be determined from a consideration of this Text and there is no applicable requirement or standard in the Building Code of Australia or the Building Regulations 1989, the Local Government (Buildings) Order 1989, the Town Planning (Buildings) Uniform General By-Laws 1989 or any other by-law or local law, such requirement or standard shall be determined by the Council. In making such a determination the Council shall have regard to any study or policy relevant to the area or the development in question and may have regard to any other matter relevant to amenity and orderly and proper planning.

5.5.3 Traffic Entrances

That Council may refuse to permit more than one vehicular entrance or exit to or from any lot, or may require the landowner to provide reciprocal access or shared use of crossovers to adjoining landowner(s), and may require that entrances and exits be placed in positions nominated by Council if it considers such provisions necessary or desirable to reduce traffic hazards, or otherwise to assist in planning for vehicular traffic.

5.5.4 Connection to Reticulated Sewerage System

The Council may refuse to permit the erection of any grouped or multiple dwelling unit in any zone unless it can immediately be connected to a reticulated sewerage system.

5.5.5 Land Subject to Flood Risk, Damage, Hazard or Erosion by Water

Council shall not approve development on land that is subject to flood risk, damage, hazard or erosion by water unless the owner is prepared to indemnify Council against any claim for damages and to charge the land with the indemnity. Development shall not be permitted even with such indemnification where the development would cause problems relating to flood management, environmental degradation or erosion, or the land is flood prone.

5.6 GENERAL OFF-STREET PARKING REQUIREMENTS**5.6.1 Application of Clause**

This clause shall apply to all developments within the City with the exception of developments to which the Residential Planning Codes apply.

5.6.2 Consideration of Applications Requiring Off-Street Parking

In considering any application for Development Approval to which this clause applies, the Council shall ensure that the standards and requirements set out in the ensuing subclauses of this clause are complied with and where there is any variation from those standards and requirements, subject to subclause 5.5.2, the Council shall either refuse to approve the development or shall impose conditions on its approval requiring compliance with the standards and requirements.

5.6.3 Parking Spaces to be Off-Street

For the purposes of this clause and subject to the provisions of subclause 5.9 parking spaces required by the Scheme to be provided in relation to any development shall be off-street and subject further to the provisions of subclause 5.6.5 shall be provided on the land on which the development is proposed.

5.6.4 General Requirements for Off-Street Parking

The following general requirements shall apply when off-street parking is required:

- a) no building or land the subject of an application for Development Approval shall be occupied until all required parking and loading facilities have been provided to the satisfaction of the Council;
- b) when the use of any land or building is changed to a use which under the Scheme requires a greater number of parking spaces, additional parking spaces shall, unless otherwise approved by the Council, be provided to meet the new requirements;
- c) when a development on any land is enlarged, additional parking spaces to meet the requirements of this clause shall be provided in respect of the enlarged portion only;
- d) any off-street parking or loading facility which is permitted but not required by this Scheme, shall comply with the standards herein governing the location, design, improvement and operation of such facilities;
- e) all permitted or required parking and loading facilities shall be provided on the same site as the building or use served, except where Council considers off-site location to be appropriate due to varying physical and economic conditions;
- f) parking facilities shall not be used for the storage of:
 - i) vehicles for sale;
 - ii) recreational vehicles; or
 - iii) commercial vehicles, trucks or trailers (unless the parking facilities used to store such commercial vehicles trucks or trailers are in excess of the minimum requirement);

nor shall parking facilities be used for the repair of vehicles;

- g) if the Scheme does not specify the number of parking spaces required in respect of any particular use, then the number of parking spaces to be provided shall be fixed by the Council having regard to other relevant uses, if any:
- h) where land is set aside as an off-street parking area no buildings or structures shall be erected, placed or allowed to remain on such land unless they are solely to accommodate parked vehicles. If part of a parking area is not immediately required for parking the Council may approve its use temporarily for open storage, lawns and gardens or trade display provided that such use does not contravene any other provision of this Scheme.
- i) All parking spaces and all necessary accessways shall, unless the Council agrees otherwise and except as hereinafter provided, be paved.
- j) Where the dimensions of an open car parking area exceed 20m in length or width, one parking space in every twenty shall be used for garden and planting of native plants and trees to provide visual relief and so long as the garden and planting areas are maintained in good order those parking spaces shall be included in calculations as car parking and not as landscaping.
- k) Where the owner demonstrates to the satisfaction of the Council that there is not the demand for the number of parking spaces specified in the Zoning Tables, the Council may permit the owner to provide landscaping in the lieu of parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping; but the Council may from time to time require the additional parking spaces be provided at the expense of the owner.
- l) When considering an Application for Development Approval the Council shall have regard to and may impose conditions in respect of the location and design of the required car parking spaces, the planting of native trees and shrubs and pedestrian spaces on the lot; and in particular, but without limiting the generality of the foregoing, the Council shall take into account and may impose conditions concerning:
 - i) the proportion of parking spaces to be roofed or covered;
 - ii) the proportion of parking spaces to be below natural ground level;
 - iii) the means of access to each parking space and the adequacy of any vehicular manoeuvring area;
 - iv) the location of parking spaces on the lot and their effect on the amenity of adjoining properties, including the potential effect if those spaces should later be roofed or covered;
 - v) the extent to which parking spaces are located within required setback areas.

5.6.5 Joint Use of Parking Facilities

- 5.6.5.1 Parking facilities may be provided jointly by two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements hereinafter set out in this subclause.
- 5.6.5.2 If there is a deficiency in the number of parking spaces provided to serve any building or use, the Council may permit the parking spaces for that building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of parking spaces provided that the peak hours of operation of the buildings or uses sharing are different and do not substantially overlap.
- 5.6.5.3 The Council may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this subclause when, in the opinion of the Council, such arrangements are deemed necessary to improve design or amenity.
- 5.6.5.4 The following requirements shall be complied with by any person seeking to take advantage of the provisions of this subclause;
- a) evidence shall be provided sufficient to satisfy the Council that no substantial conflict will exist in the peak hours or operation of the buildings or uses for which the joint use of parking spaces or the reciprocal access and circulation arrangements is proposed;
 - b) the number of parking spaces which may be credited from one building or use to another building or use shall not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the first building or use during its off-peak hours of operation; and
 - c) the Council may require an agreement to be prepared by a solicitor at the expense of the person seeking to take advantage of the provisions of this subclause, detailing the relevant issues of the joint usage, and executed by all parties concerned. Any such agreement shall be capable of operating as an easement, an easement in gross and/or a restrictive covenant against any land providing parking spaces, reciprocal access or circulation arrangements and shall ensure that where the easement or restriction is made expressly in favour of an adjacent landowner other than the City, that the restraint cannot be removed without the consent of the Council upon the Council being satisfied that the joint use of parking facilities is no longer required.

5.7 DESIGN REQUIREMENTS FOR OFF-STREET PARKING

The design requirements for off-street parking areas will be in accordance with Council policy.

5.8 UNITS OF MEASUREMENT

The units of measurement for calculating the number of required parking spaces shall be interpreted as follows:

- a) 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 at the building or use shall be used in the computation;
- b) when the unit of measurement is based on Gross Floor Area the definition for Gross Floor Area contained in Appendix 1 to this Scheme shall apply for determining the required number of car spaces; and
- c) when the unit of measurement is based on Gross Leasable Area the definition for Gross Leasable Area contained in Appendix 1 to this Scheme shall apply for determining the required number of car spaces.

5.9 CASH IN LIEU OF PROVIDING PARKING SPACES

The Council may agree with an applicant for Development Approval to accept a cash payment in lieu of the provision of paved car parking spaces, but subject to compliance with the provisions of Council's policy.

5.10 LANDSCAPING

The landscaping requirement shown in the Zoning Tables or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use and, at the discretion of the Council, it may include bush land, swimming pools and areas under covered ways but recreation buildings, amenity buildings, garbage collection and handling spaces and other open storage areas shall not be included. These provisions shall be read in conjunction with Council's Policy relevant to this subject.

5.11 SECONDARY STREET SETBACKS

Amend No 12
GG 18/02/03

5.11.1 Except within the City Centre Skyline Policy area, where development is proposed on a lot which has more than one street frontage, the Council shall decide which street (if any) is the street frontage for the purpose of the Zoning Tables and the other provisions of the Scheme.

5.11.2 The setbacks from street property lines for secondary streets shall be as follows:

Residential Zone
As per 'R' Codes;

Industrial and Commercial Zones
All buildings - 50% of primary street setback.

For all other zones the setbacks from secondary streets shall be as determined by Council.

5.12 ACCESS FOR LOADING AND UNLOADING OF VEHICLES

- 5.12.1 Unless the Council otherwise approves and subject to any conditions it imposes a person shall not use any land or building within any non-residential zone for any purpose unless there is provided a paved accessway for vehicles from a street to the land or building so that loading and unloading can take place off the street and vehicles may return to the street in forward gear.
- 5.12.2 An accessway provided under this clause shall be not less than 4.5m in width, but if the size of the lot makes the provision of an accessway of that width impracticable or unreasonable the Council may permit an accessway of a narrower width but in no case less than 3m in width.
- 5.12.3 A paved area for loading and unloading shall be not less than 3.5m in width by 7m with a minimum height clearance of 3.5m shall also be provided.

5.13 BUILDING MATERIALS

A person shall not in any non-residential zone erect or use a building or part of a building:

- a) unless the building is externally clad in new building materials being brick, concrete masonry or other material approved by the Council or in the opinion of Council the proposed materials would not adversely impact on the amenity or streetscape of the area, or the provisions of this clause shall not apply to those buildings referred to in clause 6.1 of the Scheme where Council is of the opinion that the provisions of this clause should be waived.

5.14 SCREENING OF STORAGE AREAS

A person shall not in any non-residential zone use land for open storage purposes (excluding Open Air Display as defined in Appendix D to the Town Planning Regulations 1967) unless it is screened from public view by a fence, wall or trees or shrubs the location and height of which has been approved by the Council.

5.15 DEVELOPMENT ABUTTING MANDURAH TERRACE AND PINJARRA ROAD

In considering applications for development abutting Mandurah Terrace and Pinjarra Road Council may require access other than from Mandurah Terrace or Pinjarra Road or require the shared use of driveways, crossovers and car parking. Council shall have regard to the recommendations of the City of Mandurah Parking and Traffic Study and may attach conditions relating to reciprocal rights of access, maintenance and easement responsibilities.

5.16 USE OF BUILDING SETBACK FROM STREET

5.16.1 A person shall not use the land between the street alignment and a setback distance prescribed by the Scheme except for one or more of the following:

- a) an access drive-way;
- b) a parking area;
- c) loading and unloading of vehicles;
- d) a trade display, but not within 3m of the street alignment;
- e) garden or other landscaping.

5.16.2 In a Residential Zone the Council may agree to the use of the land between the street alignment and the building setback for a swimming pool or in special circumstances a car port if the Council is satisfied that-

- a) the streetscape will not be adversely affected; and
- b) a traffic hazard will not result.

Amend No 32
GG 25/05/04

5.17 COMMERCIAL VEHICLES

5.17.1 Unless otherwise stated in the Scheme, no licensed or unlicensed commercial vehicle on any land zoned Residential, Urban Development, Canal, Rural Residential or City Centre Development, where the predominant land use is residential, is to be parked or allow to remain stationary for more than two hours consecutively, unless

- a) it is housed in a domestic garage or domestic outbuilding or,
- b) the vehicle is being used in connection with building, construction works or any other use approved by Council for that land;
- c) Council has issued a planning approval permitting the parking of such a vehicle.

5.17.2 In assessing an application for planning approval for the parking of a commercial vehicle under Clause 5.17.1, Council shall take into account the objectives of the particular zone and shall assess such applications according to the following provisions:

- a) the number of dwellings contained on the lot where the vehicle is proposed to be parked;
- b) the proposed on-site parking location;
- c) the potential impacts on neighbouring residents with respect to noise, emissions, visual appearance or any other nuisance;

- d) the frequency and times of arrival and departure, with such a vehicle not to be taken from or brought to the lot between the hours of 10:00pm and 6:30am;

5.17.3 An approval granted by Council under Clause 7.6.1(a):

- a) is granted to the person to whom it is issued;
- b) relates to a specific vehicle;
- c) is not capable of being transferred or assigned to any other person;
- d) does not run with the land in respect of which it is granted.

5.17.4 If a vehicle has been parked with the approval of Council and if in the opinion of Council, such vehicle is causing nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it. After such rescission, no person shall upon the land, subject of a resolution for rescission, park a commercial vehicles unless approval to do so is subsequently granted by Council.

5.17.5 A person shall not, on land zoned Residential, Urban Development, Canal, Rural Residential or City Centre Development, where the predominant land use is residential, repair or service a licensed or unlicensed commercial vehicle unless the vehicle in question is owned by the resident of the subject property and repairs and servicing are carried out within a garage or domestic outbuilding and the commercial vehicle can not be seen from any public street during the carrying out of the repairs or service.

5.18 BATTLE-AXE LOTS

In the application of the Zoning and Development Tables to battle-axe lots the following standards apply:-

- (a) the access shall be excluded in calculating the area of the lot;
- (b) the requirements of plot ratio and site coverage and other site requirements shall be applied to the area as calculated in accordance with paragraph (a) hereof;
- (c) the setback requirements of the Table shall be applied according to the direction in which the dwelling-house faces or in such other direction as is agreed between the Council and the owner;
- (d) the development of in excess of two group housing on a battle-axe lot is not permitted

6.1 HERITAGE - PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

(SEE PART 3 CLAUSE 7 – 13; and CLAUSE 63(3) OF DEEMED PROVISIONS)

6.1.1 Purpose and Intent

~~6.1.1.1 The purpose and intent of the heritage provisions are:~~

- ~~(a) — to facilitate the conservation of places of heritage value;~~
- ~~(b) — to ensure as far as possible that development occurs with due regard to heritage values respecting all ethnic groups.~~

6.1.2 Heritage List

~~6.1.2.1 The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.~~

~~6.1.2.2 For the purposes of this Clause, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended), or such parts thereof as described in the Municipal Inventory.~~

~~6.1.2.3 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.~~

6.1.3 Designation of Heritage Precincts

~~6.1.3.1 The Council may designate an area of land to be a heritage precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.~~

~~6.1.3.2 The Council shall adopt for each heritage precinct a policy statement which shall comprise:~~

- ~~(a) — a map showing the boundaries of the precinct;~~
- ~~(b) — a list of places of heritage significance;~~
- ~~(c) — objectives and guidelines for the conservation of the precinct.~~

~~6.1.3.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.~~

~~6.1.3.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows:~~

- ~~(a) the Council shall notify in writing each owner of land affected by the proposal;~~
- ~~(b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;~~
- ~~(c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to immediately above;~~
- ~~(d) the Council shall carry out such other consultations as it thinks fit;~~
- ~~(e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;~~
- ~~(f) the Council shall forward notice of its decision to the Heritage Council of WA., Western Australian Planning Commission and the landowner affected by the proposal.~~

~~6.1.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 6.1.3.4 above.~~

6.1.4 Applications for Planning Approval

- 6.1.4.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.
- 6.1.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.
- 6.1.4.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.
- 6.1.4.4 ~~For the purposes of sub-clause 7.1.1 of the Scheme the term 'development' shall have the meaning as set out in the *Town Planning and Development Act* (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.~~

6.1.5 Formalities of Application

~~6.1.5.1 In addition to the application formalities prescribed in sub-clause 6.1.4 and any formalities or requirements associated with applications for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval, where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application:~~

- ~~(a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;~~
- ~~(b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;~~
- ~~(c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and~~
- ~~(d) any other information which the Council indicates that it considers relevant.~~

6.1.6 Variations to Scheme Provisions

6.1.6.1 Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 7.3; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

6.1.6.2 In granting variations under sub-clause 6.1.6.1 the Council may enter into a heritage agreement under Part 4 of the *Heritage of Western Australia Act 1990* with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

6.2 CONTROL OF ADVERTISEMENTS**6.2.1 Power to Control Advertisements**

6.2.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting By-Laws.

6.2.1.2 Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 7.2 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.

6.2.2 Existing Advertisements

6.2.2.1 Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme:

hereinafter in this Clause referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.

6.2.3 Consideration of Applications

6.2.3.1 Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which maybe affected.

6.2.3.2 Within the City Centre Skyline Policy area the Council shall have particular regard for the compatibility of advertisements with the colours encouraged by that policy.

Amend No 12
GG 18/02/03

6.2.4 Exemptions from the Requirement to Obtain Planning Approval

6.2.4.1 Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 6.2.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Appendix 9 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions

listed in Schedule 1 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 6.1 of the Scheme.

6.2.5 Discontinuance

- 6.2.5.1 Notwithstanding the Scheme objectives and sub-clause 6.2.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

~~6.2.6 Derelict or Poorly Maintained Signs~~

- ~~6.2.6.1 Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:~~

- ~~(a) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or~~
- ~~(b) remove the advertisement.~~

~~6.2.7 Notices~~

- ~~6.2.7.1 'The advertiser' shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.~~

- ~~6.2.7.2 Any notice served in exceptional circumstances pursuant to sub-clause 6.2.5 or 6.2.6 shall be served upon the advertiser and shall specify:~~

- ~~(a) the advertisement(s) the subject of the notice;~~
- ~~(b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;~~
- ~~(c) the period, being not less than 60 days, within which the action specified shall be completed by the advertiser.~~

- ~~6.2.7.3 Any person upon whom a notice is served pursuant to this Clause may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.~~

6.2.8 Scheme to Prevail

- 6.2.8.1 Where the provisions of this Clause are found to be at variance with the provisions of the Council's Signs, Hoardings and Bill Posting By-Laws, the provisions of the Scheme shall prevail.

6.2.9 Enforcement and Penalties

- 6.2.9.1 The offences and penalties specified in Clause 9.2 of the Scheme apply to the advertiser in this Clause.

6.3 DISTRICT STRUCTURE PLAN

Notwithstanding the general objectives and the specific provisions of this Scheme, Council shall in determining applications for Development Approval have regard to the achievement of the District Structure Plan which is a non-statutory plan that interprets the requirements of any adopted regional plans in a manner to reflect the long term development strategy adopted by Council for the Municipality to have effect far beyond the potential life of this Scheme.

6.4 PEEL-HARVEY CATCHMENT

Amend No 75
GG 15/01/08

- 6.4.1 For the purposes of this Scheme the Peel-Harvey Catchment means the Peel Harvey Coastal Plain Catchment as set out in Western Australian Planning Commission State Planning Policy 2.1, together with any amendments thereto, and as delineated in the Scheme Maps.
- 6.4.2 Council shall be guided by the objectives and policy statements contained in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992 and the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended, a copy of which shall be kept and made available for public inspection at the offices of the Council.
- 6.4.3 Development of any kind in the Peel-Harvey Catchment should relate to land capability and suitability and specific management practices (such as effluent treatment, red mud amendment, revegetation, and stocking rates). Council shall have regard to the following provisions when dealing with any subdivision or other development in the Peel-Harvey Catchment.
- a) Except in accordance with this clause, land should not be rezoned for urban purposes (which does not include rural residential) unless certification is received from the Water Corporation that arrangements have been made so that connection to an adequate sewerage service, or alternative system satisfactory to the Department of Environmental Protection and Health Department, will be available to all lots in the subdivision.
 - b) Proponents shall ensure that proposed changes to land zonings take account of land capability/suitability criteria with regard to the net effect that such changes are likely to have on the nutrient load discharging from that catchment into the Peel-Harvey Estuarine System.
 - c) Land use for intensive agriculture, which is likely to drain towards the Peel-Harvey Estuarine System shall be managed to reduce or eliminate nutrient export from the land.
 - d) The retention and rehabilitation of existing remnant vegetation is to be encouraged. A catchment target of 50% of land area established to deep rooted perennial plants, preferably local indigenous species but including high water using and suitable exotic species, shall be attempted. Remnant vegetation shall be retained along watercourses, or the margins shall be replanted to higher water-using vegetation, to maintain the stability of banks and exert some control on sediment and nutrient movement.
 - e) Subdivision proposals shall make provision for a drainage system which maximises the consumption and retention of drainage on site. Biological wetland filters, or other means of drainage, water retention or treatment approved by the Department of Environmental Protection, will need to be incorporated into the drainage design possibly by amendment of the soils in drainage basins or by the provision of wetland filters with nutrient retentive soil amendments in accordance with drainage management to the satisfaction of the Western Australian Planning Commission and the Department of Environmental Protection. Conservation reserves are not appropriate as biological wetland filters. Development near conservation reserves may require special constraints to protect and preserve them.

- f) Open space recreation areas should be carefully designed to retain native vegetation and water and planted with low water demand vegetation to minimise the need to apply fertiliser and water. The treatment of open space soils with nutrient retentive soil amendment should be undertaken where phosphorus retention is low and the necessity for this soil amendment should be identified in nutrient management plans prepared by developers. Drainage should be designed to retain nutrients on site in most years; direct drainage off-site will not be permitted unless to the satisfaction of Council.
 - g) The Western Australian Planning Commission may consider, upon the advice of the Water and Rivers Commission, the Health Department and the Department of Environmental Protection, small-scale subdivisional developments with alternative wastewater treatment and effluent disposal systems for evaluative purposes. The onus of proof will rest with the subdivider to provide sufficient technical and engineering evidence that alternative systems or site modifications remove any adverse effects on public health, water resources or the environment whilst not detrimentally impacting on the character of the area.
 - h) Approvals will be required from the Water and Rivers Commission with regard to water supply from bores, wells, rivers in proclaimed water management areas and WRC drains and for connection of private and local authority drains to WRC drains. The limited availability of water may constrain some types of development.
- 6.4.4 For the purposes of the definition of development under the Act 'Intensive Agriculture' shall be deemed to be a material change of use requiring approval of the Council.

6.5 TREE AND BUSHLAND PRESERVATION**6.5.1 Objectives**

The objectives of the tree and bushland preservation provisions are:

- (a) To preserve the landscape attributes within the District and protect significant and sensitive areas from the negative effects of clearing of the natural vegetation;
- (b) To enhance the amenity, convenience and natural beauty of various parts of the District by facilitating:
 - (i) reduction of soil salinity;
 - (ii) prevention of erosion;
 - (iii) provision of habitats for native fauna;
 - (iv) provision for aesthetic pleasure; and
 - (v) retention of the landscape quality.
- (c) To encourage regular planting programs making use of species indigenous to the area to:
 - (i) establish and retain a continuation of tree cover;
 - (ii) re-establish native shrubs and groundcovers;
 - (iii) rehabilitate degraded areas such as old limestone and sand quarries;
 - (iv) rehabilitate areas of saline and/or waterlogged land;
 - (v) re-establish corridors of native vegetation along water courses; and
 - (vi) revegetate river/stream catchment areas; and
- (d) To actively support co-operative programs with community groups, and local, state and federal government bodies.
- (e) To provide for visual screening of buildings and ancillary development; and
- (f) To protect areas of land management importance including areas of actual or potential land degradation.

6.5.2 Prescribed Requirements for Tree and Bushland Preservation

6.5.2.1 The ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, (whether by injecting anything or otherwise) or wilful destruction of any bushland or tree(s) which is of a height greater than 3 metres and has a branch spread greater than 3 metres in diameter is prohibited in any of the following circumstances, unless the Planning Approval of Council has first been obtained:

- (a) Within 120 metres of the high water mark of a watercourse or the boundary of riparian vegetation for non-tidal affected wetlands, damplands and/or sumplands;

- (b) On land with a slope in excess of 10 per cent;
- (c) On land that is zoned Residential with a density coding of R2, R2.5 or R5;
- (d) All other zoned land with a lot area greater than 4000 square metres;
- (e) On land that is designated as a Tree Preservation Area on an Outline Development Plan; or
- (f) Where the tree or bushland is registered or nominated for registration on the City's 'Significant Tree Register'.

6.5.2.2 Notwithstanding the provisions in 6.5.2.1, the Council may, by notice served upon the owner of the land, require the preservation of a particular tree or species of tree or group of trees, and thereafter no landowner shall cut down, remove or otherwise destroy any tree the subject of such notice until Council rescinds or withdraws the notice.

6.5.3 Exemptions from Planning Approval

Notwithstanding the requirements contained in Clause 6.5.2.1, provided the tree or bushland is not affected by the circumstances outlined in Clauses 6.5.2.1 (e) or 6.5.2.1 (f), Council's Planning Approval is not required to ring-bark, cut down, top, lop, remove, prune, transplant, fill or excavate around, injure (whether by injecting anything or otherwise) or wilfully destroy any bushland or tree(s) which is of a height greater than 3 metres and has a branch spread greater than 3 metres in diameter in the following circumstances:

- (a) If the tree(s) or bushland is within:
 - (i) a building envelope or building footprint area as depicted on an approved Outline Development Plan, Development Guide Plan, Subdivision Guide Plan, Precinct Plan or Detailed Area Plan;
 - (ii) the perimeter line of a proposed building for which a building licence has been issued;
 - (iii) three metres of the wall of a building, as measured from the centre of the trunk to the footings of a building;
 - (iv) where required for the purposes of bushfire prevention and control as identified within a Outline Development Plan, Structure Plan or Local Planning Policy adopted under the Scheme including firebreak as required by any relevant legislation;
 - (v) a one metre wide corridor for the purpose of erecting or maintaining a boundary fence;
 - (vi) the area required for the construction of an effluent disposal system approved by Council; or

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GG 14/07/15

- (vii) a lot having an area of 400 square metres or less.
- (b) If the tree is dead or constitutes an immediate threat to life or property.
- (c) Pruning of dead branches and branches directly overhanging the roof of a building.
- (d) Where approval for removal of tree or bushland has been granted by the Council associated with development and/or subdivisional works (including infrastructure provision).
- (e) Pruning of branches to achieve necessary clearances from power lines in accordance with Western Power regulations.
- (f) Trees grown for commercial purposes.
- (g) Any tree within a State Forest.
- (h) Any tree or bushland within any rural zoned area the subject of an approved rural pursuit, subject to its compliance with the *Soil Conservation Act*, *WAPC State Planning Policy No. 2.1 - The Peel-Harvey Coastal Plain Catchment* and *EPA Bulletin No 864 'Final Criteria of Environmental Acceptability for Land Use Proposals Within the Catchment of Lake Clifton'*.
- (i) Trees being removed or disturbed as part of a verge/native tree planting program carried out with Council's approval.

6.5.4 Criteria for Assessing Applications

In considering and making a determination on any application for the removal of any tree or bushland, Council shall take into consideration and may impose conditions relating to the following:

- (a) Position of tree or bushland in relation to proposed development/building;
- (b) Demonstrated need for the removal of the tree or vegetation to facilitate the development or horticultural use of the land;
- (c) Significance of tree or bushland in terms of physical state, rarity, variety and community value;
- (d) Risk of personal injury and/or damage to buildings, structures or services, potential fire hazard;
- (e) Structural soundness of the tree(s);
- (f) Extent of tree or bushland planting on the property;
- (g) Whether the tree or bushland forms a part of or is a remnant of indigenous vegetation;
- (h) Whether the tree is registered or nominated for registration on the City's Significant Tree Register;

- (i) Whether the property where the tree is located is on the Heritage List;
- (j) Where pruning or removal of tree/s or bushland including disturbance to the root zone (as defined by the dripline) is likely to occur;
- (k) Judicious crown thinning (involving removal of up to a maximum of 25% of the tree canopy while retaining the natural height, form and character of the tree) to facilitate sunlight reception by solar panels;
- (l) Pruning or removal of any tree(s) or bushland providing habitat for fauna protected under the Wildlife Conservation Act 1950 shall be considered and may require the professional preparation of a Species Impact Statement if there is likely to be significant effect.

6.5.5 Tree and Vegetation Corridors

The Council may require tree and vegetation corridors to be retained along Old Coast Road and Fremantle Road and such other roads as determined by Council, in the preparation of Outline Development Plans and Subdivision Guide Plans and in exercising its discretion under the Scheme unless the Council considers that a departure is warranted in specific circumstances.

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GG 15/01/08

- 6.5.6 A person upon whom a notice is served under Clause 6.5.2.2 may apply under Part 14 of the Planning and Development Act 2005 for a review of the decision to serve the notice.

6.6 LAKE CLIFTON GROUNDWATER CATCHMENT

All development and subdivision on land within the Lake Clifton Groundwater Catchment shall conform to the Environmental Protection Authority "Criteria of environmental acceptability for land use proposals within the catchment of Lake Clifton" and shall have regard to the provisions of the Western Australian Planning Commission's "Coastal and Lakelands Planning Strategy."

Amend No 78
GG 10/10/06

6.7 ENVIRONMENTAL CONDITIONS

- 6.7.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Appendix 10 of the Scheme.
- 6.7.2 Where appropriate, the environmental conditions are to be indicated on the Scheme Map by the symbol 'EC' to indicate that Environmental Conditions apply to the land.
- 6.7.3 The Council is to:
 - (a) maintain a register of all relevant statements published under sections 48F and 48G of the Environmental Protection Act 1986; and
 - (b) make the statements available for public inspection at the offices of the Council.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act 1986

Amend No 104
GG 29/1/10

~~6.8 OPERATION OF SPECIAL CONTROL AREAS~~

~~6.8.1 The following special control areas are shown on the scheme map:~~

- ~~a) Development contribution areas are shown on the Scheme Map as DCA with a number and included in Appendix 11.~~

~~6.8.2 With respect to a special control area shown on the Scheme map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.~~

Amend No 104
GG 29/1/10

~~6.9 DEVELOPMENT CONTRIBUTION AREAS~~

~~6.9.1 Interpretation~~

~~In clause 6.9, unless the context otherwise requires:~~

~~'Administrative Costs' means such costs as are reasonably incurred for the preparation and implementation of the development contribution plan.~~

~~'Cost Apportionment Schedule' means a schedule prepared and distributed in accordance with clause 6.9.10.~~

~~'Cost Contribution' means the contribution to the cost of infrastructure and administrative costs.~~

~~'Infrastructure' means services and facilities which, in accordance with the Commission's policy, it is reasonable for owners to contribute towards.~~

~~'Owner' means an owner of land that is located within a development contribution area.~~

~~6.9.2 Purpose~~

~~The purpose of having development contribution areas is to:~~

- ~~(a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;~~
- ~~(b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and~~
- ~~(c) coordinate the timely provision of infrastructure.~~

~~6.9.3 Development Contribution Plan Required~~

~~A development contribution plan is required to be prepared for each development contribution area.~~

6.9.4—Development Contribution Plan Part of Scheme

~~The development contribution plan does not have effect until it has been incorporated in Appendix 11 of the Scheme.~~

6.9.5—Subdivision and Development

~~6.9.5.1 Where a development contribution plan is in effect, Council is not to:~~

- ~~(a) consider or recommend subdivision; or~~
- ~~(b) consider or approve development of land within a development contribution area until:
 - ~~(i) a development contribution plan is in effect; or~~
 - ~~(ii) the owner who has applied for subdivision or development approval has made arrangements in accordance with clause 6.9.14 for the payment of the owner's cost contribution.~~~~

~~6.9.5.2 Where a development contribution plan is not in effect, the Council may support subdivision or approve development where the owner has made other arrangements satisfactory to the Council with respect to the owner's contribution towards the provision of infrastructure and administrative costs in the development contribution area.~~

6.9.6—Guiding Principles for Development Contribution Plans

~~The development contribution plan for any development contribution area is to be prepared in accordance with the following principles:~~

~~(a) Need and the nexus~~

~~The need for the infrastructure included in the development contribution plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).~~

~~(b) Transparency~~

~~Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.~~

~~(c) Equity~~

~~Development contributions should be levied from all developments in a development contribution area, based on their relative contribution to need.~~

~~(d) Certainty~~

~~All development contributions should be clearly identified and methods of accounting for escalation agreed on at the commencement of a development.~~

~~(e) Efficiency~~

~~Development contributions should be justified on the whole-of-life capital cost basis consistent with maintaining financial discipline on service providers by precluding over-recovery of costs.~~

~~(f) Consistency~~

~~Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.~~

~~(g) Right of consultation and review~~

~~Developers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the contributions are not reasonable.~~

~~(h) Accountability~~

~~There must be accountability in the manner in which development contributions are determined and expended.~~

6.9.7 Content of Development Contribution Plans~~6.9.7.1 The development contribution plan is to specify:~~

- ~~(a) the development contribution area to which the development contribution plan applies;~~
- ~~(b) the infrastructure and administrative costs to be funded through the development contribution plan;~~
- ~~(c) the method of determining the cost contribution of each owner; and~~
- ~~(d) the priority and timing for the provision of infrastructure.~~

6.9.8 Period of Development Contribution Plan

~~A development contribution plan may specify the period during which it is to operate.~~

6.9.9 Land Excluded

~~In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:~~

- ~~(a) roads designated under the Peel Region Scheme as Primary Regional Roads and Other Regional Roads;~~

- ~~(b) existing public open space;~~
 - ~~(c) government primary and secondary schools; and~~
 - ~~(d) such other land as is set out in the development contribution plan,~~
- ~~is to be excluded.~~

~~6.9.10 Cost Apportionment Schedule~~

- ~~6.9.10.1 Within 90 days of the gazettal date of the development contribution plan, the Council is to make available a Cost Apportionment Schedule to all owners in the development contribution area.~~
- ~~6.9.10.2 The Cost Apportionment Schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area.~~
- ~~6.9.10.3 The Cost Apportionment Schedule does not form part of the Scheme.~~

~~6.9.11 Cost Contributions Based on Estimates~~

- ~~6.9.11.1 The value of infrastructure and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Council.~~
- ~~6.9.11.2 Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Council:~~
 - ~~(a) in the case of land to be acquired, in accordance with clause 6.9.12;~~
 - ~~(b) in all other cases, in accordance with the best and latest information available to the Council; or~~
 - ~~(c) until the expenditure on the relevant item of infrastructure or administrative costs has occurred.~~
- ~~6.9.11.3 The Council is to have such estimated costs independently certified by an appropriate qualified person and must provide such independent certification to an owner where requested to do so.~~
- ~~6.9.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the Council:~~
 - ~~(a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and~~
 - ~~(b) may accept a cost contribution, based on estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.~~

~~6.9.11.5 Where an owner's cost contribution is adjusted under clause 6.9.11.4, the Council, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.~~

6.9.12 Valuation

~~6.9.12.1 Clause 6.9.12 applies in order to determine the value of land to be acquired for the purpose of providing infrastructure.~~

~~6.9.12.2 In clause 6.9.12:~~

~~'Value' means fair net expectation value which is to be calculated by:~~

- ~~(a) determining the highest and best use of the land in its englobe state, either on its own or with other land ripe for subdivision; and~~
- ~~(b) adding the margin for profit foregone had the land been able to be subdivided in its optimum form including allowances for all usual costs and expenses attributed to that land required to carry out such an exercise, but not including an allowance for risk as might otherwise have been made.~~

~~'Profit' is to be 10 per cent calculated by the difference between:~~

- ~~(a) the gross realisation of the lots or part lots yielded from the subject land less the advertising and legal expenses so required to sell the lots; and~~
- ~~(b) the amount of (a) divided by 1.1.~~

~~'Valuer' means a licensed valuer agreed by the Council and the owner, or where the Council and the owner are unable to reach agreement, a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.~~

~~6.9.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the Council requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.~~

~~6.9.12.4 If the valuer does not change the value of the land to a figure acceptable to the owner, the value is to be determined:~~

- ~~(a) by any method agreed between the Council and the owner; or~~
- ~~(b) if the Council and the owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985.~~

6.9.13 Liability for Cost Contributions

~~6.9.13.1 An owner is required to make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.9.~~

~~6.9.13.2 An owner's liability to pay the owner's cost contribution to the Council arises on the earlier of:~~

~~(a) the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the owner's land within the development contribution area;~~

~~(b) the commencement of any development or commencing any new or extended use on the owner's land within the development contribution area;~~

~~(c) the time of applying to the Council or Commission for approval of any development or new or extended use, on the owner's land within the development contribution area; or~~

~~(d) at the expiry of the development contribution plan in accordance with clause 6.9.8.~~

~~6.9.13.3 Notwithstanding clause 6.9.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided since the gazettal of the development contribution plan.~~

~~6.9.14 Payment of Cost Contribution~~

~~6.9.14.1 The owner, with the agreement of the Council, is to pay the owner's cost contribution by:~~

~~(a) cheque or cash;~~

~~(b) transferring to the Council or a public authority land in satisfaction of the cost contribution;~~

~~(c) some other method acceptable to the Council; or~~

~~(d) any combination of these methods.~~

~~6.9.14.2 The owner, with the agreement of the Council, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the Council.~~

~~6.9.14.3 Payment by an owner of the cost contribution, including a cost contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the development contribution plan.~~

~~6.9.15 Charge on land~~

~~6.9.15.1 The amount of any cost contribution for which an owner is liable under clause 6.9.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the Council may lodge a caveat, at the owner's expense, against the owner's title to that land.~~

~~6.9.15.2 The Council, at the owner's expense and subject to such other conditions as the Council thinks fit, is to withdraw a caveat lodged under clause 6.9.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.~~

~~6.9.15.3 If the cost contribution is paid in full, and if requested to do so by the owner, the Council, at the expense of the owner, is to withdraw any caveat lodged under clause 6.9.15.~~

6.9.16 Administration of Funds

~~6.9.16.1 The Council is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the cost of infrastructure and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.~~

~~6.9.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.9.16.1 is to be applied in the development contribution area to which the reserve account relates.~~

~~6.9.16.3 The Council is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.~~

6.9.17 Shortfall or Excess in Cost Contributions

~~6.9.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the Council may:~~

~~(a) make good the shortfall;~~

~~(b) enter into agreements with owners to fund the shortfall; or~~

~~(c) raise loans or borrow from a financial institution,~~

~~but nothing in clause 6.9.17.1 restricts the right or power of the Council to impose a differential rate to a specified development contribution area in that regard.~~

~~6.9.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the~~

~~Council is to apply the excess funds for the provision of additional facilities or improvements in that development contribution area.~~

~~6.9.18 Powers of the Council~~

~~The Council in implementing the development contribution plan has the power to:~~

- ~~(a) acquire any land or buildings within the scheme area under the provisions of the Planning and Development Act 2005; and~~
- ~~(b) deal with or dispose of any land which it has acquired under the provisions of the Planning and Development Act 2005 in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.~~

~~6.9.19 Arbitration~~

~~Subject to clause 6.9.12.4 any dispute between an owner and the Council in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.~~

7.1 REQUIREMENT FOR PLANNING APPROVAL**(SEE PART 7 CLAUSES 60 – 77 OF DEEMED PROVISIONS)**

~~7.1.1 In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.~~

7.1.2 The planning approval of the Council is not required for the following development of land:

(to be read as Additional Requirements to Clause 61 of Deemed Provisions as Schedule A of Scheme Text: Supplemental Provisions to the Deemed Provisions).

~~(a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;~~

~~(i) for the purpose for which the land is reserved under the Scheme; or~~

~~(ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.~~

(b) The erection on a lot of a single dwelling, including any extension, ancillary outbuildings and swimming pools, where a single dwelling is a permitted ("P") use in the zone in which that lot is situated, except where the proposal:

~~(i) necessitates the exercise of a discretion by the Council under the scheme to vary the Residential Planning Codes; or~~

~~(ii)~~ (i) involves development within a flood prone area.

(c) The erection on a lot of two group dwellings which are single storey where such dwellings are a permitted "P" use in the zone in which that lot is situated, except where the proposal:

~~(i) necessitates the exercise of a discretion by the Council under the scheme to vary the Residential Planning Codes; or~~

~~(ii)~~ (i) involves development within a flood prone area.

~~(d) The erection of a boundary fence except where the proposed fence does not comply with Council Policy.~~

~~(e) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.~~

~~(f) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the~~

~~building or which do not materially affect the external appearance of the building.~~

~~(g) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services~~

~~(h)~~(g) The undertaking of a 'Home Office', as defined in Council's adopted Home Occupation policy.

~~(i)~~(h) The undertaking of a 'Family Day Care' business.

~~(i)~~(i) The erection of telecommunications infrastructure in the following circumstances:

- (i) on land zoned City Centre Development and Precinct Development unless otherwise described within the applicable Precinct Plan adopted under the Scheme as requiring planning approval for telecommunications infrastructure;
- (ii) on land zoned Service Commercial and Industry;
- (iii) on land zoned Commercial, subject to the designation of the site as a Strategic Centre, District Centre or Neighbourhood Centre within the Council's Activity Centres Planning Strategy;
- (iv) on any other land where expressly described in an Outline Development Plan adopted under the Scheme;

where the proposed development is consistent with the following criteria:

- (i) the structure has a maximum height of 30 metres;
- (ii) the guiding principles for the location, siting and design of the structure is in accordance with the relevant State Planning Policy associated with telecommunications infrastructure; and
- (iii) the proponent has notified the local community of the proposed structure consistent with the Council's requirements.

~~(k) A change of use on land zoned City Centre Development and Mandurah Ocean Marina Development, where a land use is described as being permitted within the applicable Precinct Plan or Outline Development Plan adopted under the Scheme within that zone.~~

7.1.3 Without limiting the generality of the expression "development" for the purposes of the Scheme the Council's Development Approval is required in writing in respect of the following:

~~(a) an increase in the number of dwelling units on a lot;~~

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GG 14/07/15

Amend No 75
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~~(b) the deposit of refuse or waste materials on land;~~

~~(e)~~(a) any of the circumstances outlined under clause 6.5.2.1 of the Scheme or where the excavation, filling of land or other earthworks would change the natural contours of the land by more than 600mm;

~~(d) Any works to be undertaken on a place listed on a Heritage List, including demolition.~~

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~~(e)~~(b) The parking of a Commercial Vehicle on any land zoned Residential, Urban Development, Canal, Rural Residential or City Centre Development, where the predominant land use is residential.

~~(f)~~(c) The undertaking of a 'Home Business' as defined in Council's adopted Home Occupation policy.

7.2 APPLICATION FOR PLANNING APPROVAL

~~7.2.1 Every application for planning approval shall be made in the form prescribed by Council. The application form shall be signed by the owner of land and shall be accompanied by such plans and other information as is required by the Scheme.~~

~~7.2.2 Unless Council waives any particular requirement every application for planning approval shall be accompanied by:~~

~~(a) a plan or plans to a scale of not less than 1:200 showing;~~

~~(i) street names, Lot number(s), north point and the dimensions of the site;~~

~~(ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;~~

~~(iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;~~

~~(iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;~~

~~(v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;~~

~~(vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and~~

~~(vii) the nature and extent of any open space and landscaping proposed for the site.~~

- ~~(b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and~~
- ~~(c) any other plan or information that the Council may reasonably require to enable the application to be determined which may require a contour plan.~~

7.3 ADVERTISING OF APPLICATIONS

- ~~7.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 7.3.3.~~
- ~~7.3.2 Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 7.3.3.~~
- ~~7.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:
 - ~~(a) Notice of the proposed development to be served on the owners and occupiers likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.~~
 - ~~(b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.~~
 - ~~(c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.~~~~
- ~~7.3.4 The notice referred to in sub-clause 7.3.3 (a) and (b) shall be in the form as determined by Council with such modifications as circumstances require.~~
- ~~7.3.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.~~

7.4 CONSULTATIONS WITH OTHER AUTHORITIES

- ~~7.4.1 In determining any application for planning approval the Council may consult with any other statutory, public or planning authority and with any other party it considers appropriate.~~
- ~~7.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.~~

7.5 — MATTERS TO BE CONSIDERED BY COUNCIL

~~7.5.1 The Council in considering an application for planning approval shall have due regard to the following:~~

- ~~(a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;~~
- ~~(b) any relevant proposed new town planning scheme of the Council or amendment or proposed Region Scheme amendment insofar as they can be regarded as seriously entertained planning proposals;~~
- ~~(c) any approved Statement of Planning Policy of the Commission;~~
- ~~(d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;~~
- ~~(e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;~~
- ~~(f) the preservation of any object or place of heritage significance;~~
- ~~(g) the requirements of orderly and proper planning;~~
- ~~(h) any relevant submissions or objectives received on the application.~~
- ~~(i) any impact that a development may have on the environment (whether or not the subject of an environmental impact statement) and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;~~
- ~~(j) any effect that a development may have on the landscape or scenic quality of the locality;~~
- ~~(k) any effect that a development may have on any wilderness area in the locality;~~
- ~~(l) whether there is likely to be a significant effect on the environment of endangered fauna or flora;~~
- ~~(m) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development;~~
- ~~(n) the size and shape of the land to which that development application relates, the siting of any building or works thereon and the area to be occupied by that development;~~
- ~~(o) whether the land to which that development application relates is unsuitable for that development by reason of its being, or being likely to be, subject to flooding, tidal inundation, subsidence, slip or bush fire or to any other risk;~~
- ~~(p) the relationship of that development to development on adjoining land or on other land in the locality;~~
- ~~(q) whether the proposed means of entrance to and exit from that development and the land to which that development application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;~~
- ~~(r) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;~~
- ~~(s) whether public transport services are necessary and, if so, whether they are available and adequate for that development;~~
- ~~(t) whether utility services are available and adequate for that development;~~
- ~~(u) whether adequate provision has been made for the landscaping of the land to which that development application relates and whether any trees or other vegetation on the land should be preserved;~~

- ~~(v) whether that development is likely to cause soil erosion;~~
- ~~(w) any representations made by a public authority in relation to that development application, or to the development of the area, and the rights and powers of that public authority;~~
- ~~(x) the existing and likely future amenity of the neighbourhood;~~
- ~~(y) the public interest; and~~
- ~~(z) any other planning considerations which the Council considers relevant.~~

~~7.6 DETERMINATION OF APPLICATIONS~~

~~7.6.1 In determining an application for planning approval the Council may:~~

- ~~(a) grant its approval with or without conditions;~~
- ~~(b) refuse to grant its approval.~~

~~7.6.2 The Council shall convey its decision to the applicant.~~

~~7.6.3 Where the Council grants planning approval, that approval:~~

- ~~(a) continues in force for two years, or such other period as specified in the approval, after the date on which the application is approved; and~~
- ~~(b) lapses if the development has not substantially commenced before the expiration of that period.~~

~~7.6.4 Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the development is permitted.~~

~~7.7 DEEMED REFUSAL~~

~~7.7.1 Subject to subclause 7.7.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.~~

~~7.7.2 An application for planning approval which is subject of a notice under subclause 7.3.3 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed between the applicant and the Council.~~

~~7.7.3 Notwithstanding that an application for planning approval may be deemed to have been refused under subclauses 7.7.1 and 7.7.2, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 day period specified in those clauses, and that decision shall be regarded as being valid.~~

~~7.7.4 An application for Development Approval shall, for the purpose of computing time limits, be deemed not to have been received by the Council until such time as all requirements of the Council as to formalities have been complied with or have been waived by the Council.~~

7.8 — COMPLIANCE WITH CONDITIONS

~~If the Council, or the Minister or the Town Planning Appeal Tribunal on appeal from a decision of the Council, grants its approval of any development subject to conditions, no person shall use any land or building affected by the conditions or suffer or permit them to be used, or otherwise commence or carry out or suffer or permit the commencement or carrying out of any development on land otherwise than in accordance with the conditions.~~

7.9 — APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

~~7.9.1 Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access or landscaping.~~

~~7.9.2 The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.~~

~~7.9.3 Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval.~~

7.10 — APPROVAL OF EXISTING DEVELOPMENTS

~~7.10.1 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.~~

~~7.10.2 The application to the Council for approval under sub-clause 6.10.1 shall be made on the form prescribed in Appendix 4.~~

~~7.10.3 A development which was not permissible under this Scheme at the time it was commenced or carried out may be approved if at the time of approval under this clause it is permissible.~~

~~7.11 OUTLINE DEVELOPMENT PLANS~~~~7.11 (PART 4 CLAUSE 14-29 OF DEEMED PROVISIONS)~~Amend No 43
GG-5/2/10~~7.12 7.11.1 SUBMISSION OF AN OUTLINE DEVELOPMENT PLAN~~

~~7.11.1.1 An Outline Development Plan shall be prepared by a proponent or Council. Where prepared by a proponent, the proposed Outline Development Plan shall be submitted to Council in quadruplicate or such other quantity specified by the Council and shall comprise a background report, as detailed in Clause 7.11.1.2 and those details required in the content of an Outline Development Plan, as detailed in Clause 7.11.2.~~

~~7.11.1.2 A background report shall accompany the proposed Outline Development Plan, addressing the following:~~

- ~~(a) a copy of the Certificates of Title for each lot included within the proposed Outline Development Plan;~~
- ~~(b) the environmental features of the area, including landforms, topography, significant wetlands and hydrology, landscape, a detailed study into flora and fauna, soils, conservation, wildlife corridors and heritage values;~~
- ~~(c) a recent aerial photograph of the site, accompanied with a transparent overlay of the proposed Outline Development Plan;~~
- ~~(d) the history of the subject and surrounding area, including an assessment of Aboriginal Heritage, land use, roads and public transport, and infrastructure services;~~
- ~~(e) the regional and district planning context for the area including any regional structure plans and relevant strategies of the Commission and Council, which includes Council's Scheme and District Structure Plan, Outline Development Plans, strategies and policies;~~
- ~~(f) a site analysis plan demonstrating the opportunities for and constraints to the development of the proposed Outline Development Plan area;~~
- ~~(g) an indication as to how the proposed Outline Development Plan is to be integrated into the surrounding area;~~
- ~~(h) the approximate timeframe and staging of subdivision and development, including estimates of lot yield, dwellings, population and employment opportunities;~~
- ~~(i) a transport and traffic report, detailing traffic volumes, the proposed road hierarchy, pedestrian and cycle networks, and possible public transport routes;~~

- ~~(j) a schedule of public open space, which may include an indication of the nature of the design of these spaces;~~
- ~~(k) details relating to the proposed earthworks required for the subdivision and development of the area on existing and proposed contour plans, the impacts and control of dust, land clearing and water and ground pollution during and after construction;~~
- ~~(l) an assessment of the impact on water catchment areas, where applicable, including soil erosion effects such as sedimentation, tree decline, soil acidity and salinity, declining soil structure and fertility, turbidity and pollution;~~
- ~~(m) a summary of any preliminary consultation that has occurred with relevant public authorities and adjacent land owners.~~
- ~~(n) a demonstration as to how the proposed Outline Development Plan addresses the principles of ecologically sustainable development in terms of the provision of social infrastructure, sustainable long term employment opportunities, integration with the natural and cultural environment and energy efficient design principles.~~

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7.11.2 Content of an Outline Development Plan

~~7.11.2.1 An Outline Development Plan is to contain such detail as, in the opinion of Council, is required to satisfy the planning requirements for the area, which shall include the following, as appropriate for the area and the proposed Outline Development Plan.~~

~~The plan shall be to a scale of not less than 1:2500 clearly illustrating the intent of the proposed Outline Development Plan and include the following details:~~

- ~~(a) the boundary of the proposed Outline Development Plan being clearly demarcated;~~
- ~~(b) proposed major land uses, including residential areas and an applicable residential density (R-Code), retail and commercial uses, mixed use, industrial, service commercial, tourist use, school sites, civic and community uses and any other special characteristics as proposed;~~
- ~~(c) the natural features of the area to be retained;~~
- ~~(d) the location and provision of public open space;~~
- ~~(e) the proposed transportation infrastructure, including the road network and hierarchy, road reserve widths, traffic management measures, the provision of public car parking embayments, and a shared path network;~~

- ~~(f) an indicative lot pattern and the location, orientation and design of major buildings or designation of building envelopes;~~
- ~~(g) details as appropriate, relating to, but not limited to:~~
 - ~~(i) the provision for major servicing infrastructure, including drainage, which shall generally be designed in accordance with the principles of water sensitive urban design, sewerage, water supply and other key infrastructure services;~~
 - ~~(ii) design guidelines, which enhance, elaborate or expand on the details required for the development of the area;~~
 - ~~(iii) an indication as to the location of Detailed Area Plans;~~
 - ~~(iv) designated tree preservation areas or Significant Trees, as provided under Clause 6.5 of the Scheme;~~
 - ~~(v) boat launching facilities, jetties and other water related infrastructure;~~
 - ~~(vi) developer contributions towards the implementation of the Outline Development Plan or community infrastructure;~~
 - ~~(vii) details relating to management plans where relevant, which may include foreshore reserves, drainage management, nutrient management, fire management strategy and the timing for the development and implementation of such management plans;~~
 - ~~(viii) any special development controls.~~

~~7.11.2.2 Notwithstanding the requirements in the preceding subclauses, Council may request that a proposed Outline Development Plan provide such other additional information as it considers appropriate for the orderly and proper planning of the area.~~

~~7.11.2.3 Council, may as a condition of adopting a proposed Outline Development Plan, require further details in relation to the Outline Development Plan in the future, if Council considers that it will be necessary to provide additional details as the development of the Outline Development Plan progresses.~~

7.11.3 Adoption Procedure

~~7.11.3.1 The Outline Development Plan should be prepared after discussion and consultation with the Council, the Western Australian Planning Commission, other relevant government agencies and the community. The Outline Development Plan shall be submitted to the Council in quadruplicate or such other quantity specified by the Council. The Council in the exercise of its discretion may do any of the following:~~

- ~~(a) determine that the Outline Development Plan is satisfactory, send a copy to the Western Australian Planning Commission, and advertise it under the following provisions;~~
- ~~(b) determine that the Outline Development Plan should not be advertised until specified matters have been included in it or have otherwise been attended to by the proponent; or~~
- ~~(c) determine that the Outline Development Plan should not be agreed to for stated reasons.~~

~~7.11.3.2 If within sixty (60) days of receiving an Outline Development Plan for agreement which accords with Clause 7.11.1 the Council has not made one of the determinations referred in the preceding paragraphs, the applicant may deem that the Council has determined that the Outline Development Plan should not be agreed to.~~

~~7.11.3.3 Where the Council in its opinion is not able to make a decision within the terms of either paragraph a), b) or c) of the preceding sub-clause within the sixty (60) day period referred to in the preceding sub-clause by reason of the need to obtain more facts or information the sixty (60) period may be extended for such further time as agreed in writing between the applicant and the Council.~~

~~7.11.3.4 Where an Outline Development Plan have been prepared and/or received by the Council, the Council may give notice of the Outline Development Plan to any Government Authority, Agency or Department it considers should be consulted and the Council shall consider any response received within the specified time from such Authority, Agency or Department.~~

~~7.11.3.5 The Council shall require the landowner(s) who has prepared an Outline Development Plan to give notice or may itself at the expense of the landowner(s) give notice of the proposed Plan by any one or more of the following means:~~

- ~~(a) written notice to such owners of land and other interested parties as the Council stipulates;~~
- ~~(b) placing of such signs on the land and in such positions as the Council requires;~~
- ~~(c) advertising for two consecutive weeks in a newspaper circulating in the District as the Council requires; and~~
- ~~(d) such other means of notification as the Council specifies.~~

~~7.11.3.6 The form and contents of any such notice, sign or advertisement shall be as stipulated by the Council, and in any event the notice, sign or advertisement shall notify the existence of the Plan and land included in the Plan, and shall invite submissions to the Council regarding any aspect of the Plan of interest or concern to affected land owners.~~

- ~~7.11.3.7 Any notice, sign or advertisement referred to in clause 7.11.3.2 shall specify a time within which submissions will be received, but that time shall not be less than 28 days from the date of Council's first notification nor less than 21 days from the date of the last notification.~~
- ~~7.11.3.8 The Council shall consider any submission received within the specified time, and any response received in time from any interested authority, and may consider any other submissions received prior to Council's final consideration of the Outline Development Plan.~~
- ~~7.11.3.9 The Council may, in regard to an Outline Development Plan for which notification has been given, resolve:~~
- ~~a) to reject it; or~~
 - ~~b) to approve it without modifications; or~~
 - ~~c) to approve it subject to certain modifications; and~~
 - ~~d) in the case of an approval to stipulate conditions which the Council would impose on any development or would seek to have imposed on any subdivision in accordance with the Plan.~~
- ~~7.11.3.9A If the Council does not make a decision under any of paragraphs (a), (b) or (c) of Clause 7.11.3.10 within 90 days from the latest closing date for submissions under clause 7.11.3.7, then the applicant may deem the Council to have rejected the Outline Development Plan, or may agree with the Council to extend the 90 day period for deemed rejection, and any deemed rejection thereafter shall be taken to have occurred on the last agreed date for the Council to make a determination.~~
- ~~7.11.3.10 Where the Council resolves to adopt an Outline Development Plan for land with potential for subdivision it shall as soon as practicable send to the Commission:~~
- ~~a) a copy of the Plan including any modifications;~~
 - ~~b) details of any conditions;~~
 - ~~c) a precis of any submissions or responses received together with the Council's decision in respect thereof;~~
- ~~and the Council shall request the Western Australian Planning Commission to approve the Plan and to apply the conditions in the approval of any subdivision within the area covered by the Plan.~~
- ~~7.11.3.11 The Council may approve any development or recommend to the Western Australian Planning Commission approval of any subdivision which does not comply with any aspect of the approved Outline Development Plan if the Council considers that the proposed departure or alteration will not prejudice the progressive development of the area subject of the Plan and is not considered to be a substantial alteration to the approved Outline Development Plan.~~
- ~~7.11.3.12 An Outline Development Plan may be modified by such means as the Council deems appropriate, provided that any modification, which, in the opinion of the Council and the Western Australian Planning~~

~~Commission, is substantial, shall be dealt with by procedures similar to those for the approval of the Plan.~~

~~7.11.3.13 The Outline Development Plan together with any modifications when adopted by the Council and approved by the Western Australian Planning Commission shall be kept available at the office of the Council for inspection by any interested person to the same extent as the documents forming part of this Scheme.~~

~~7.11.3.14 If within the period referred to in clause 7.11.3.3, the Council has not made a decision, then at the option of the applicant, the Outline Development Plan may be deemed refused for the purpose of giving a right of appeal.~~

~~7.11.3.15 If an applicant is dissatisfied by a requirement, or any decision or determination of the Council, the applicant may within 14 days of the imposition of the requirement or the making of the decision or determination request a reconsideration. Such request shall be in writing delivered to the Council within the 14 day period.~~

~~7.11.3.16 The Council having been requested to reconsider under the preceding sub-clause shall endeavour to deal with the matter at the earliest possible opportunity after the request. A decision or determination made, or a requirement imposed, after reconsideration, shall be the decision, determination or requirement of the Council for all intents and purposes, if it is made or imposed within 35 days of the request, but otherwise the original decision, determination or requirement of the Council shall be the operative one for all purpose.~~

~~7.11.3.17 Any applicant aggrieved by a decision of the Council or the Western Australian Planning Commission in regard to the approval or amendment of an Outline Development Plan or the imposition of a condition or requirement on the Outline Development Plan shall have a right of appeal pursuant to the provisions of Part V of the Act.~~

7.11.4 Exemptions to Outline Development Plan

~~Notwithstanding the requirements of this Scheme as to the contents of an Outline Development Plan, the Council may, with the agreement of the Western Australian Planning Commission, accept partial compliance with all or any of those requirements, in the case of any proposed subdivision.~~

8.1 NON-CONFORMING USE RIGHTS

- 8.1.1 Except as otherwise provided in this part, no provision of the Scheme shall prevent:
- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
 - (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current.

8.2 EXTENSION OF NON-CONFORMING USE

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

8.3 CHANGE OF NON-CONFORMING USE

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

8.4 DISCONTINUANCE OF NON-CONFORMING USE

- 8.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
- 8.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

8.5 DESTRUCTION OF BUILDINGS

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

9.1 — POWERS OF THE COUNCIL (SEE CLAUSE 78-79 OF DEEMED PROVISIONS)

9.1.1 — ~~The Council in implementing the Scheme has the power to:~~

- ~~(a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;~~
- ~~(b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Act; and~~
- ~~(c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.~~

9.1.2 — ~~An employee of the Council authorised by the Council may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.~~

9.2 — DELEGATION OF FUNCTIONS (SEE CLAUSE 81 – 84 OF DEEMED PROVISIONS)

9.2.1 — ~~The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.~~

9.2.2 — ~~The CEO may delegate to any employee of the Council the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 9.2.1~~

9.2.3 — ~~The exercise of the power of delegation under clause 9.2.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.~~

9.2.4 — ~~Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.~~

9.3 — PERSON MUST COMPLY WITH PROVISIONS OF SCHEME

A person must not:

- ~~(a) contravene or fail to comply with the provisions of the Scheme;~~
- ~~(b) use any land or commence or continue to carry out any development within the Scheme area —~~
 - ~~(i) otherwise than in accordance with the Scheme;~~

- ~~(ii) unless all approvals required by the Scheme have been granted and issued;~~
- ~~(iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and~~
- ~~(iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the Council under the Scheme with respect to that building or that use.~~

~~Note: Section 218 of the Act provides that a person who:~~

- ~~(a) contravenes the provisions of a planning scheme;~~
 - ~~(b) commences, continues or carries out any development in any part of a region the subject of a region planning scheme or any part of an area the subject of a local planning scheme otherwise than in accordance with the provisions of the planning scheme; or~~
 - ~~(c) commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under this Act or the scheme with respect to the development, or otherwise fails to comply with any such condition;~~
- ~~commits an offence.~~

~~Section 223 of the Act provides that unless otherwise provided, a person who commits an offence under the Act is liable to a penalty of \$50 000 and, in the case of a continuing offence, a further fine of \$5 000 for each day during which the offence continues.~~

9.4 — COMPENSATION

~~9.4.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 173 of the Act:~~

- ~~(a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the Town Planning Regulations 1967; or~~
- ~~(b) where the land has been reserved for a public purpose and:~~
 - ~~(i) an application made under the Scheme for approval to carry out development on the land is refused; or~~
 - ~~(ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,~~

~~not later than 6 months after the application is refused or the permission granted.~~

~~9.4.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 9.4.1.~~

9.5 — PURCHASE OR TAKING OF LAND

~~9.5.1 — If, where compensation for injurious affection is claimed under the Act, the Council elects to purchase or take the land compulsorily the Council is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.~~

~~9.5.2 — The Council may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.~~

Note: Section 187 of the Act empowers the Council to purchase or compulsorily acquire land comprised in a scheme.

9.6 — LOCAL PLANNING POLICIES (SEE CLAUSE 3 – 6 OF DEEMED PROVISIONS)**9.6.1 — Local Planning Policies**

~~The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply:~~

- ~~(a) — generally or for a particular class or classes of matters; and~~
 - ~~(b) — throughout the Scheme area or in one or more parts of the Scheme area,~~
- ~~and may amend or add to or rescind the Policy.~~

9.6.2 — Relationship of Local Planning Policies to Scheme

~~9.6.2.1 — If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.~~

~~9.6.2.2 — A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.~~

Note: Local Planning Policies are guidelines used to assist Council in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5.

9.6.3 — Procedure for making or amending a Local Planning Policy

~~9.6.3.1 — If Council resolves to prepare a Local Planning Policy, the Council:~~

- ~~(a) — is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:~~
 - ~~(i) — where the draft Policy may be inspected;~~

~~(ii) the subject and nature of the draft Policy; and~~

~~(iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;~~

~~(b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the Council considers appropriate.~~

~~9.6.3.2 After the expiry of the period within which submissions may be made, the Council is to:~~

~~(a) review the proposed Policy in the light of any submissions made; and~~

~~(b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.~~

~~9.6.3.3 If the Council resolves to adopt the Policy, the Council is to:~~

~~(a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and~~

~~(b) if, in the opinion of the Council, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.~~

~~9.6.3.4 A Policy has effect on publication of a notice under clause 9.6.3.3(a).~~

~~9.6.3.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Council.~~

~~9.6.3.6 Clauses 9.6.3.1 to 9.6.3.5, with any necessary changes, apply to the amendment of a Local Planning Policy.~~

~~9.6.4 Revocation of Local Planning Policy~~

~~A Local Planning Policy may be revoked by:~~

~~(a) the adoption by Council of a new Policy under clause 9.6.3 that is expressed to supersede the existing Local Planning Policy; or~~

~~(b) publication of a notice of revocation by Council once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area~~

~~9.7 RIGHTS OF APPEAL~~

~~An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal under Part 14 of the Act.~~

9.8 EXTINGUISHMENT OR VARIATION OF RESTRICTIVE COVENANTS

- 9.8.1 Subject to clause 9.8.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under the Scheme.
- 9.8.2 Where clause 9.8.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 9.8.1, have been prohibited unless the application has been dealt with as an 'SA' use and has complied with all of the advertising requirements of clause 7.3.

abattoir:	means any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
absolute majority:	has the meaning as given to it in the <i>Local Government Act 1995</i> .
act:	means the Town Planning and Development Act 1928 (as amended).
additional accommodation:	commonly known as a “granny flat” and means accommodation ancillary to the main dwelling house on a lot and must be occupied by a relative of the occupiers of the principal dwelling unit.
advertisement:	means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.
aged persons’ home:	means a residential building or group of buildings provided by a religious or charitable organisation, Government authority or other body approved by the Council for the accommodation of aged persons and design and used solely for that purpose.
aged persons’ village:	means a building or group of buildings consisting of either: <ul style="list-style-type: none"> (a) an aged persons' home; or (b) an aged persons' home and aged persons' dwelling units and which includes buildings or parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.
amenity building:	means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment of leisure, but not used or intended for use for the work of the industry or business.
amusement machine:	means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.
amusement parlour:	means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.
appendix:	means an appendix to the Scheme.

aquaculture:	means any fish farming operation for which a fish farm licence issued pursuant of the provisions of Part V of the <i>Fisheries Act 1905</i> (as amended) and the Fisheries Regulations 1938 (as amended) is required.
arts and crafts display:	means any land or buildings used to display and sell works of art or craft.
auction mart:	means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.
authorised officer:	means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.
battle-axe lot:	means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
<div>Amend No 108 GG 27/01/12</div> bed and breakfast accommodation:	means short stay accommodation for not more than four (4) adults or one family in an establishment containing a maximum of two (2) guest bedrooms and two (2) guest bathrooms, located under the main roof of the dwelling.
betting agency:	means a building operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended).
builder's storage yard:	means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
Building Code of Australia:	means the Building Code of Australia 1988 (as amended).
building envelope:	means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.
building line:	means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.
<div>Amend No 75 GG 15/01/08</div> bushland:	means land that contains remnant vegetation or is of a similar structure and includes plant species found in natural bushland, including trees.
<div>Amend No 108 GG 27/01/12</div> cabin:	means an individual self-contained unit similar to chalet but may lack ensuite facilities and may comprise only one room and is designed for short stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.

canteen:	means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75 m ² including any storage and food preparation areas.
caravan:	means a vehicle as defined under the <i>Road Traffic Act 1974</i> (as amended) maintained in condition suitable for license under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.
caravan park:	has the same meaning as in the <i>Caravan Parks & Camping Grounds Act 1995</i> .
caretaker's dwelling:	means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
car park:	means any land or buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
cattery:	means any premises where 3 or more cats are kept, boarded, trained or bred.
<small>Amend No 108 GG 27/01/12</small> chalet:	means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.
<small>Amend No 83 GG 14/09/10</small> child care premises:	has the same meaning as the <i>Child Care Services Act 2007</i> .
cinema/theatre:	means any land or building where the public may view a motion picture or theatrical production.
civic building:	means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for administrative or other like purpose.
civic use:	means land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
club premises:	means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the <i>Liquor Licensing Act 1988</i> (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

commercial vehicle:	means a vehicle whether licensed or not and which is used or designed for use for business, trade, commercial purposes or in conjunction with a business, trade or profession and without limiting any of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them, and any bus or earthmoving machine, whether self-propelled or not. The term shall not include a vehicle designed as a passenger car or trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1 ½ tonnes.
Commission:	means the Western Planning Commission constituted under the State Planning Commission Act 1985 (as amended).
community purpose:	means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.
conservation:	means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will: <ul style="list-style-type: none"> (a) enable the cultural heritage significance of that place or precinct to be retained; and (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting;
consulting room:	means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
convenience store:	means premises – <ul style="list-style-type: none"> (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 300m² net lettable area
corner shop:	means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100m ² , attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.

Amend No 133
GG 16/05/17

Council: ~~means the executive body of the City of Mandurah.~~

crematorium: means a place where corpses are cremated.

cultural heritage significance: ~~means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.~~

cultural use: means any use aimed at the improvement or refinement of people by entertainment and/or education and includes a cinema or theatre.

development: shall have the same meaning given to it in and for the purposes of the Act but shall also include:

"in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building".

display home centre: means a group of two or more dwellings which are intended to be open for public inspection.

District: means the Municipal District of the City of Mandurah.

dog kennels: means any land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

drive-in theatre: means any land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

dry cleaning premises: means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.

dwelling (single house, grouped dwelling, multiple dwelling): shall have the same meanings as defined in the Residential Planning Codes.

Amend No 108
GG 27/01/12

eco-tourist facility:

means a form of tourist accommodation that is designed, constructed, operated and of a scale in an ecologically sustainable way so as not to destroy the natural resources and qualities that attract tourists to the location. The development should utilise sustainable power, have a low energy demand through incorporation of passive solar design, provide for low water consumption, ecologically sensitive waste processing and disposal with no pollutant impact.

educational establishment: means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.

effective lot area: means that part of the lot which is capable of development and excludes any portion of the lot which is located within a battleaxe access leg, canal or artificial waterway.

facade: means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.

Amend No 83
GG 14/09/10

family day care:

means premises used to provide a 'family day care service' within the meaning of the *Child Care Services Act 2007*.

fish shop: means a building where wet fish and similar foods are displayed and offered for sale.

floor area: shall have the same meaning given to it in and for the purposes of the *Building Code of Australia 1988* (as amended).

fuel depot: means any land or building used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

funeral parlour: means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

gazettal date: means the date on which notice of the Minister's approval on this Scheme is published in the Government Gazette.

gross floor area (GFA): shall have the same meaning as Floor Area in the *Building Code of Australia*.

gross leasable area (GLA): means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

Amend No 108
GG 27/01/12

gueshouse

means integrated premises for short-stay guests comprising serviced accommodation units and on-site tourism facilities such as reception, centralised dining, and management, and where occupation by any person is limited to a maximum of three months in any 12-month period.

health studio:	means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.
height:	<p>when used in relation to a building that is used for:</p> <p>(a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or</p> <p>(b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.</p>
heritage precinct:	means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.
heritage list:	means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the <i>Heritage of Western Australia Act 1990</i> (as amended), or such parts thereof as described in the Heritage List.
hobby farm:	means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.
home occupation:	means an occupation carried out in a dwelling, in an approved outbuilding or on land around a dwelling, by an occupier of the dwelling
hospital:	means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.
hospital special purposes:	means a building used or designed for use wholly or principally for the purpose of a hospital or sanitarium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.
hotel:	means any land or buildings the subject of a hotel licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> providing accommodation for the public, and may include a betting agency operated in accordance with the <i>Totalisator Agency Betting Board Act 1960</i> , but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.

Amend No 32
GG 25/05/04

industry:

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

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

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

- (i) the carrying out of agriculture;
- (ii) on-site work on buildings or land; and
- (iii) in the case of edible goods the preparation of food for retail sale from the premises.

industry - cottage:

means a business, professional service, trade or light industry producing arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and which, in the opinion of Council:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible within 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 m²;
- (e) does not display a sign exceeding 0.2 m² in area.

industry - extractive:

means an industry which involves:

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those

materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;

- (b) the production of salt by the evaporation of salt water.

industry - general: means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

industry - hazardous: means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

industry - light: means an industry;

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

industry - noxious: means an industry which is subject to licensing as "Prescribed Premises" under the *Environmental Protection Act 1986* (as amended).

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

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

intensive agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (d) the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots;
- (e) dairy milking sheds;
- (f) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;
- (g) aquaculture.

kindergarten: means any land or buildings used as a school for young children.

land: shall have the same meaning given to the term in and for the purposes of the Act.

land sales office: means a temporary building used solely for the purpose of land and/or development transactions associated with the site upon which the building is situated.

laundromat: means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.

liquor store: means any land or buildings the subject of a Store Licence granted under the provisions of the *Liquor Licensing Act 1988* (as amended).

lodging house: means a building or structure permanent or otherwise in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper thereof, for hire or reward; but does not include -

- (a) premises licensed under the *Liquor Act 1970*;
- (b) a motel;
- (c) premises used as a boarding school approved under the *Education Act 1928*; or
- (d) any building containing flats.

lot:	shall have the same meaning given to the term in and for the purposes of the Act, and "allotment" has the same meaning.
lunch bar:	means a building or part of a building used for the sale of take-away sandwiches and similar foodstuffs between the hours of 7am. and 5pm. within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a take-away food outlet;
marina:	means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and storerooms used in connection therewith.
marine filling station:	means any land or buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.
market:	means any land or buildings used for a fair, a farmer's or producer's market or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
medical centre:	means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling)
minister:	means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning.
motel:	means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel but in which special provision is made for the accommodation of patrons with motor vehicles and to which a licence under the <i>Liquor Licensing Act 1988</i> has been granted.
motor vehicles and marine sales premises:	means any land or buildings used for the display and sale of new or second hand motor-cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of goods sold from the site.
motor vehicle hire:	means any land or buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.
motor vehicle repair:	means premises used for or in connection with –

(a) electrical and mechanical repairs, or overhauls, to vehicles; or

(b) repairs to tyres,

but does not include premises used for recapping or retreading tyres, panel beating, spray painting or chassis reshaping.

motor vehicle wash: means any land or buildings where vehicles are washed and cleaned by or primarily by mechanical means.

motor vehicle wrecking: means any land or buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

multiple occupancy: means a group of dwellings on one lot which are occupied either permanently or over a short term at a site density higher than that normally associated with traditional rural residential living. Farming is not necessarily intended to be the main source of income. The type of housing may vary from dispersed or clustered groups of self contained, single family dwellings to expanded houses comprising separate dwelling units which share common facilities such as a bathroom or kitchen.

museum: means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.

net lettable area (nla): means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas;

- (a) all stairs, toilets, cleaners 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 such facilities are not for the exclusive use of occupiers of the floor or building.

night club: means any land or buildings used for entertainment and/or eating facilities and to which a licence under the provisions of the *Liquor Licensing Act 1988* has been granted.

non-conforming use: means any use of land or building which, was lawful immediately prior to the coming into operation of this Scheme, but is not in conformity with the provisions of this Scheme.

nursing home:	means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms.
office:	means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.
open air display:	means the use of land as a site for the display and/or sale of goods and equipment.
owner:	<p>in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:</p> <p>(a) is entitled to the land for an estate in fee simple in possession; or</p> <p>(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or</p> <p>(c) is a lessor or licensee from the Crown; or</p> <p>(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.</p>
park home:	has the same meaning as in the <i>Caravan Parks & Camping Grounds Regulations 1997</i> .
park home park:	has the same meaning as in the <i>Caravan Parks & Camping Grounds Regulations 1997</i> .
place:	<p>means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:</p> <p>(a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;</p> <p>(b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and</p> <p>(c) as much of the land beneath the place as is required for the purposes of its conservation.</p>

plant nursery:	means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.
plot ratio:	Plot Ratio means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries, and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included. For residential dwellings the term shall have the same meaning given to it in the Residential Planning Codes.
potable water:	means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water' published by the World Health Organisation.
poultry farm:	means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the <i>Health Act 1911-1990</i> (as amended).
prison:	shall have the same meaning given to it in and for the purposes of the <i>Prisons Act 1981</i> (as amended).
private hotel:	means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the <i>Liquor Licensing Act 1988</i> (as amended).
produce store:	means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.
public amusement:	means any land or buildings used for the amusement or entertainment of the public, with or without charge.
public authority:	shall have the same meaning given to it in and for the purposes of the Act.
public mall:	means any public street or right-of-way designed especially for pedestrians who shall have right-of-way, and vehicle access shall be restricted to service vehicles at times specified by the Council.
public utility:	means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
public worship - place of:	means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.

radio and TV installation:	means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
reception centre:	means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.
recreation private:	means land or buildings used for parks, gardens, playgrounds, sports arenas, or other facilities for recreation which are not usually open to the public without charge.
recreation public:	means land or buildings used for a public park, public gardens, foreshore reserve, playground or other facilities for recreation which are usually open to the public without charge.
reformatory:	means land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.
reserve:	means any land reserved for a public purpose.
residential building:	has the same meaning as defined in the Residential Planning Codes.
residential planning codes:	means the Residential Planning Codes, in Appendix 2 to the State Planning Commission Statement of Planning Policy No.1.
restaurant:	means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.
restricted premises:	<p>means any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:</p> <ul style="list-style-type: none"> (a) publications that are classified as restricted publications pursuant to the <i>Indecent Publications and Articles Act 1902</i> (as amended); 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.
retail:	means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet.
roadhouse:	means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.

rural pursuit:

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

- (a) rearing or agistment of animals for a commercial return.
- (b) the stabling, agistment or training of horses or riders for a commercial return;
- (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- (d) the sale of produce grown solely on the lot;
- (e) bee-keeping;

but does not include intensive agriculture. The stocking rates shall be determined in consultation with Agriculture Western Australia.

salvage yard:

means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

sawmill:

means any land or buildings where logs or large pieces of timber are sawn but does not include a joinery works.

Amend No 108
GG 27/01/12

serviced apartment:

has the same meaning as defined in the Residential Design Codes, and where occupation by any person is limited to a maximum of three months in any 12-month period.

service premises:

means a shop from which services are provided to the public and includes a hairdresser's salon, a dry cleaning agency, an art, craft or photographers studio used for exhibition or instruction, a travel agency, a ticket agency and a Totalisator Agency Board betting shop.

Amend No 133
GG 16/05/17

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; or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

shop:

means any building wherein goods are kept, exposed or offered for retail sale, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

Amend No 108
GG 27/01/12

short stay accommodation: means where occupation by any person is limited to a maximum of three months in any 12-month period.

showroom: means any building or part of a building used or intended for use for the purpose of displaying or offering for wholesale or retail sale, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature.

sign: means a notice, message or display by means of a freestanding or fixed sign or hoarding.

special facility: means a facility established for purposes in section 46(5) of the *Liquor Licensing Act 1988* or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Special Purpose Licence within the meaning of the Liquor Licensing Act.

stable: means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

storage yard: means any land used for the storage of goods.

structure plan: means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such future subdivision and development.

take-away food outlet: means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises.

tavern: means any land or buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Licensing Act 1988*.

Amend No 125
GG 14/07/15

telecommunications infrastructure:

means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure used, or for use, in or in connection with a telecommunications network.

Amend No 108
GG 27/01/12

tourism development:

means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12-month period and excludes those uses more specifically defined elsewhere.

Amend No 108
GG 27/01/12

tourist resort:

means integrated, purpose-built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where

occupation by any person is limited to a maximum of three months in any 12-month period.

trade display: means any land and/or buildings used for the display of trade goods and equipment for the purposes of advertisement.

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

Amend No 75
GG 15/01/08

tree: means a long-lived woody perennial plant greater than 3 metres in height or 3 metres in canopy width with one or relatively few stems

veterinary clinic: means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.

veterinary hospital: means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.

warehouse: means a building wherein goods are stored and may be offered for wholesale sale.

waste transfer station: means a facility for reducing waste by catering for the separation of the discrete components of the waste stream for re-use, recycling and reprocessing, with unused materials being transferred to a waste disposal facility.

Amend No 75
GG 15/01/08

watercourse: means a river and/or its tributaries, estuary, inlet, lake (natural or artificial), wetland (natural or artificial), dampland, sumpland, including the coast but excluding artificial waterways

waterway: shall have the same meaning given to it in and for the purposes of the Act.

waterways manager: is the agency responsible for the management, monitoring and maintenance works within the boundaries of the water bodies of the canals and entrance channel. This includes maintaining the canals and entrance channel seabeds to an adequate depth for navigation, maintaining canal banks and revetment wall stability ensuring an acceptable water quality standard exists.

wayside stall: means a stall located adjacent to a street in which only fruit, vegetables and artifacts grown, produced or made on the land upon which it is located are sold or offered for sale.

wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee,

registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the *Sales Tax Assessment Act No 1 1930* (as amended).

wine house:

means any land or buildings the subject of a Wine House Licence granted under the provisions of the *Liquor Licensing Act 1988* (as amended).

zone:

~~means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include reserved land.~~

zoological gardens:

means any land or buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

APPENDIX 2

ADDITIONAL USES

NO	LAND PARTICULARS	BASE ZONE	ADDITIONAL USES	DEVELOPMENT STANDARDS/ CONDITIONS
1.	Lot 1 Cnr Mandurah Bypass Fremantle Road and Gordon Road, Mandurah	Service Commercial	Tourist Markets, Service Station, Car Wash	Any development shall comply with Council's Service Commercial Design Guidelines and landscaping requirements. Any application for a Service Station will be considered as an AP use and will be required to be supported by an assessment demonstrating the need for the facility. A Cinema or a Tavern will not be permitted
2.	Lot 831 Baroy Street, Falcon	Residential	Retail Nursery	The retail nursery use being permitted over 563m ² of the lot fronting Baroy Street
3.	Lot 85 Corner Rafferty Road and Reserve Drive, Mandurah	Industrial	Service Station	None
4.	Lots 158 and 3056 Corner of Gordon Road and Mandurah Terrace, Mandurah	Service Commercial	Residential R40, Tourist Markets, Retail Floorspace of 800 square metres, Service Station, Car Wash	Any development shall comply with Council's Service Commercial Design Guidelines and landscaping requirements. Any application for a Service Station will be considered as an AP use and will be required to be supported by an assessment demonstrating the need for the facility. A Cinema or a Tavern will not be permitted
7.	Lot 3 corner Rees Place and Old Coast Road, Wannanup	Residential	Art Gallery, Restaurant, Tea Rooms, Art & Craft Display & Sales, and activities and production associated with Art and Craft Studio.	Proposed Development to be serviced by reticulated sewerage if available or an "approved" alternative on-site effluent disposal system designed for long term usage with phosphorus retaining ability as recommended by the EPA and to the satisfaction of the Health Department of WA and the Local Authority
8.	Lot 50 Fremantle Road, Parklands	Urban Development	Service Station and Convenience Store	Nil
10.	Lots 20, 28, 32 & 33 Pinjarra Road, Greenfields	Urban Development	Park Home Park	No access will be permitted from the Park Home Park directly onto Pinjarra Road. Any Park Home Park will be required to be connected to reticulated sewerage and water.

No 5 deleted by Amend No 105 GG 26/03/10

No 6 deleted by Amend No 59 GG 18/08/09

No 9 deleted by Amend No 24 GG 24/05/02

No 9A deleted by Amend No 108 GG 27/01/12

APPENDIX 2

ADDITIONAL USES

NO	LAND PARTICULARS	BASE ZONE	ADDITIONAL USES	DEVELOPMENT STANDARDS/ CONDITIONS
11.	Centennial Park Estate Pt Lot 41 Fremantle Road	Urban Development	Residential & associated development and Service Commercial	<p>Development within the Centennial Park Estate shall be in accordance with the uses as shown on the approved Centennial Park Outline Plan and Technical Guidelines. Commercial centres shall be provided for in the general location as indicated on the Outline Development Plan as adopted by Council. The exact location and area to be included in the centres shall be subject to detailed design and shall be included in any Outline Development Plan. The Centennial Park Outline Development Plan and Technical Guidelines shall show the following commercial centres:</p> <ul style="list-style-type: none"> • 1 District Shopping centre of 19,500m² of net lettable retail floorspace. • Local shopping centres with a combined total of 3,000m² net lettable retail floorspace.
13.	Lot 564 Murdoch Drive, Greenfields	Residential	Office	As per Commercial zone
15.	204 Pinjarra Road, Greenfields	Residential	Office Multiple Dwellings	<ol style="list-style-type: none"> 1. The additional uses of office and multiple dwellings shall be deemed to be "AA" uses for the purpose of the Scheme. 2. Notwithstanding the above, the use of the land for Multiple Dwellings shall only be permitted subject to the Multiple Dwellings forming part of a mixed use development proposal in conjunction with the Office use. 3. Any 'Office' component on the site shall be in accordance with the development standards as per the Commercial Zone. 4. Multiple Dwellings as a component of a mixed use development must be in accordance with the 'R40' development standards and Part 7.2 of the Residential Design Codes.

No 12 deleted by
Amend No 59
GG 18/08/09

Amend No 47
GG 21/11/03

No 14 deleted by
Amend No 108
GG 29/01/08

Amend No 89
GG 30/06/09

APPENDIX 2

ADDITIONAL USES

NO	LAND PARTICULARS	BASE ZONE	ADDITIONAL USES	DEVELOPMENT STANDARDS/ CONDITIONS
16.	Lots 88 and 89 Leisure Way, Halls Head	Residential (R30)	Shop Office Medical Centre Child Care Premises	<div>1. Development shall be designed to front onto and be orientated to Old Coast Road.</div> <div>2. All development within 40.0m of the lot boundary with Old Coast Road shall have a minimum height of 9.0m (two storeys).</div> <div>3. Multiple Dwellings shall be permitted at a Residential Density Code of R80.</div>
17.	Lot 1 Pinjarra Road, Coodanup	Service Commercial	<div>Produce Market</div> <div>The definition of 'Produce Market' is:</div> <div><i>'means premises used for the storage and sale (by wholesale and/or retail) of domestic fresh produce, including the predominant lines of fruit, fresh and processed vegetables, and which include the incidental sale of other items such as flowers, bread, meat, smallgoods, dairy products, bulk food goods, continental foods and fish.'</i></div>	<div>1. A maximum of 5000m² GLA is permitted for the additional use.</div>
18.	Lot 20 Old Coast Road, Bouvard	Rural	Convenience Store	Nil
18.	Lot 1175, No 2835 Old Coast Road, Herron	Rural Residential	Dog Kennels	<div>1. An Acoustic Assessment shall be prepared and submitted by the applicant with the submission of a development application, and shall assess noise impacts associated with the development. Any noise mitigation measures are to be implemented as a condition of development approval.</div> <div>2. A minimum lot size of 5 hectares applies.</div>

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
1.	Lots 58 - 65 inclusive, Tindale Road	Industry - Cottage	(a) Maximum GFA of 60m ² for service industry (b) As for Home Occupation Permits
2.	Lots 25 Alderley Place & Pinjarra Road, Coodanup	Place of Public Assembly and Church. Administrative Offices. Pre-primary School, Primary School, 2 Residences.	None
4.	Lot 1-13 (inclusive) Tims Thicket Road, Taurus Rise and Jandu Way, Dawesville	As per Rural Residential Zone Table	Subdivision may be permitted to a density of R5.
5.	Lot 306 Halls Head Parade, Halls Head	As per Residential Zone Shop Restaurant	1. Any non-residential floor space is permitted to a maximum of 290 square metres GLA. 2. The R-coding of the site is R80. 3. Building height for both grouped and multiple dwellings, apart from the existing 4 storey building, shall be determined in accordance with Table 3, Category C of the Residential Design Codes
6.	Portion of Lot 1921 and Lot 1339 Old Coast Road, Falcon	As per "Commercial" zone except for the following uses which are not permitted – Service Station, Car Wash, Auction Mart, Amusement Parlour, Club Premises, Funeral Parlour, Health Studio, Marina, Night Club/Cabaret, Place of Amusement, Public Amusement, Reception Centre, Showroom, Tavern, Veterinary Clinic, and Take-Away Food Outlet.	1. The net lettable retail floor space of the site shall not 1000 square metres. 2. Generally development standards shall be assessed as per the Commercial zone provisions in Table 2. 3. Council will not grant planning approval to any development on the subject site unless it is satisfied that consideration has been given to the following – <ul style="list-style-type: none">• design and siting of buildings;• colours and materials used;• buildings address street frontages (including Old Coast Road);• location and siting of land uses;• height, bulk and character;• provision of pedestrian and vehicular access (both internally and externally);• appropriately address traffic management;• noise attenuation measures;• regard being given to the interface with nearby residential buildings in the area.
8.	Lot 4 Tankerton Way, Coodanup	As per Residential Zone at a residential density of R20.	1. Council shall consider all land use and development proposals on Lot 4 Tankerton Way, Coodanup in accordance with an overall Development Guide Plan approved by Council (after a public advertising process in as per Clause 7.3 of the Scheme) prior to the issue of a development approval addressing the following

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
			<p>matters:</p> <ul style="list-style-type: none"> • Overall site layout; • Retention of vegetation on the site; • Description of proposed land uses; • Maximum building height; • Solar design principles; • Vehicle ingress and egress to the site; • On-site and street car parking arrangements; • Landscaping and aesthetics; • Traffic management; • Security surveillance within the site; • Integration of the development with the adjoining residential land; • Servicing requirements including water, sewerage, power, gas, etc.; • Pedestrian access and walkways; • Built form interface with existing residential land uses; • In the event of a grouped dwelling development an area of not less than 1,000m² is to be provided as an area of communal open space. This area is to be developed in such a manner that the following elements are included: <ul style="list-style-type: none"> - Existing vegetation is retained. - Stormwater is directed into and treated in a water sensitive design manner. <p>2. All development shall be in accordance with the approved Development Guide Plan.</p> <p>3. All residential development shall reflect a density coding of R20.</p> <p>4. Council will not grant planning approval to any development of the subject site unless it is satisfied that:</p> <ul style="list-style-type: none"> • The design and siting of any new buildings and the materials used will not create an adverse impact on the visual amenity of the area; • Colours, materials, height, bulk and character of the development are to contribute in a positive manner to the amenity of the area.
<div>Amend No 41 GG 13/10/05</div>	<p>9. Pt Murray Location 1339, Old Coast Road (corner King Drive and Duke Street), Falcon</p> <p>and Pt Murray Location 1921, Old Coast Road, Falcon</p>	Dwelling	<p>1. Prior to consideration of any application for development or subdivision, the landowner shall prepare an Outline Development Plan to guide future development and subdivision of the site in accordance with Clause 7.11.3. Specifically the Outline Development Plan should incorporate the following principles and have regard to:</p> <ul style="list-style-type: none"> • Provision of transitory residential density coding over the site; • The higher density coding being located in the vicinity of the 'commercial node'; • The establishment of vehicular and pedestrian links between the existing development to the

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
			<p>north, south and west;</p> <ul style="list-style-type: none"> • Larger lots being located adjacent to Old Coast Road, the existing low density lots and Pleasant Grove Circle; • Consideration of the future subdivision potential of Lots 250 and 251 Pleasant Grove Circle to ensure an appropriate interface; • Existing vegetation on site. <p>2. A Wildlife Management Plan to be prepared and implemented by the applicant as a condition of subdivision approval.</p>
Amend No 37 GG 21/11/03	9A. Pt Lot 1002 Seawind Drive Silver Sands	As per the Residential Zone (R10)	<p>1. All development and subdivision in areas A and B shown on the Development Guide Plan approved by Council, or any approved variations thereto, shall be in accordance with the approved Development Guide Plan.</p>
	9B. Pt Lot 1002 Seawind Drive Silver Sands	As per the Residential Zone (R40)	<p>2. Subject to the agreement of the landowner, Council may approve variations to the Development Guide Plan. Where such variations are considered significant by Council, the modified plan shall be advertised in accordance with Clause 7.3 of the Scheme.</p> <p>3. Development of all lots requires planning approval. Plans submitted for approval are to include details of any proposed retaining walls, cut and fill for the site and fencing.</p> <p>4. No building shall exceed two storeys or a maximum of 8.5 metres above the established ground levels immediately after subdivision.</p> <p>5. Fencing shall maximise the opportunity for passive surveillance of the public open space and foreshore areas, where the extent of solid fencing shall be minimised, whilst respecting the need for privacy on individual lots.</p> <p>6. Where minimum setbacks are designated on the Development Guide Plan, no building as defined in the Residential Design Codes 2002, or swimming pools, are to be located within the setback area. The foreshore setback for the Residential R10 and R40 shall be a minimum of 15.0 metres. All other setbacks shall be as prescribed by the Residential Design Codes.</p> <p>7. Development shall provide an appropriate interface to the street and adjacent public open space and foreshore areas. This interface includes colours, materials and character of development, which shall be in keeping with the amenity of the area.</p> <p>8. A Memorial on the Title will be a requirement for all lots created as part of the subdivision of the subject lot, which notifies prospective landowners of the coastal erosion and foreshore management</p>

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
			processes affecting the coastal reserve abutting their land.
			9. A Foreshore Management Plan will be required to be prepared and implemented as a condition of subdivision approval addressing matters such as access, provision of a foreshore footpath, protection of vegetation and dunes, signposting and fencing, and the ongoing maintenance of the reserve.
Amend No 38 GG 21/02/03	10. Part of Lot 195 Oaklands Avenue and Part of Lot 1 Marsh Place, Halls Head	Residential (R40)	<p>1. Development shall be generally in accordance a Development Guide Plan approved by Council or any approved variations thereto.</p> <p>2. Council may, at its discretion, approve variations to the Development Guide Plan. Where such variations are considered significant, the modified plan shall be advertised in accordance with Clause 7.3 of the Scheme.</p> <p>3. An 18 to 20 metre landscaped buffer shall be ceded to the City of Mandurah following subdivision of the site and shall remain a Local Recreation Reserve.</p> <p>4. Prior to consideration of any development and subdivision, a detailed vegetation survey of the site shall be undertaken to the satisfaction of the City of Mandurah to determine what trees and vegetation can be retained on the site. This survey may necessitate the adjustment of the location of dwellings and vehicle accessways in order to preserve significant vegetation identified on the site.</p> <p>5. Should an aged persons development be considered for the site, a density bonus of no greater than 15% above the Residential Planning Code of R40 shall be considered appropriate for the site, subject to compliance with Council's specified policy.</p> <p>6. All development within the site shall be subject to a planning approval. Applications shall be required to address the following:</p> <ul style="list-style-type: none"> a) Solar Design Principles Orientation of dwellings to the north-east or south to take advantage of solar access or views across the golf course. b) Setbacks All development shall be setback at least 25 metres from Oaklands Avenue frontage. c) Building Height <ul style="list-style-type: none"> • No dwelling shall have a roof line above the 22 metre AHD contour; • Buildings may be placed on terraces to accommodate the 22 metre AHD height limit;

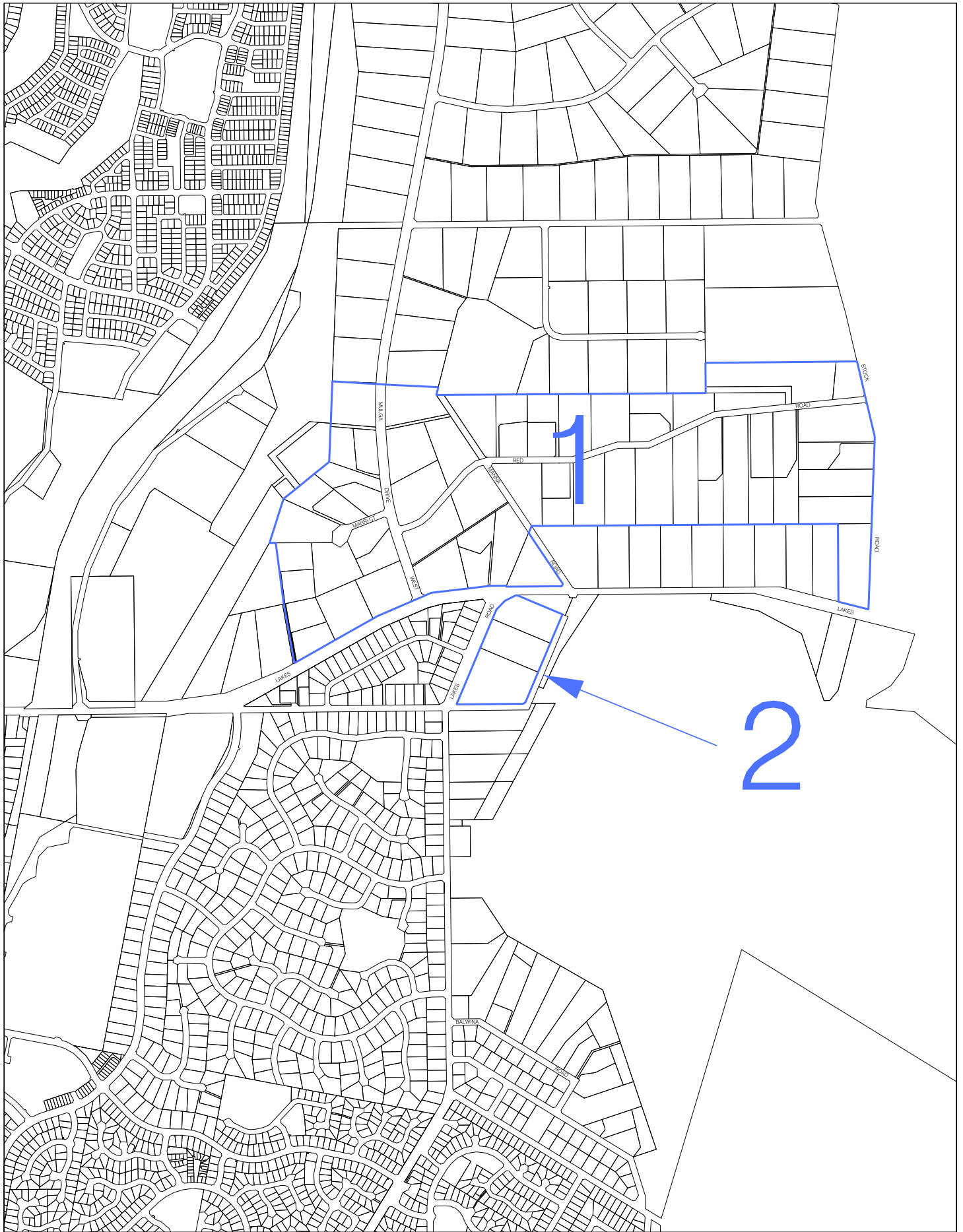
NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
			<ul style="list-style-type: none"> No protuberances shall be permitted above the ridgeline. <p>d) Site Terracing and Development The site perimeter shall be demarcated with retaining walls to differentiate the private domain from the public domain.</p> <p>e) Fencing Fencing on all boundaries of the site shall be no greater than 1 metre in height.</p> <p>f) A landscaping plan shall be provided with all planning applications on the site and shall incorporate the identified trees and vegetation to be retained.</p> <p>g) Colours, materials, and character of buildings shall be in keeping with the amenity of the Halls Head area.</p> <p>h) Site access shall be in accordance with the Development Guide Plan.</p> <p>7. Approval shall be sought from the Department of Indigenous Affairs prior to the development of the site.</p>
Amend No 110 GG 26/05/15	11 Lot 1, No 145 Southern Estuary Road, Herron	As per Rural Residential	<p>1. Minimum lot area of 5 hectares, with no requirement for a Subdivision Guide Plan;</p> <p>2. All development shall be located within building envelopes as approved by Council. Building envelopes must be located a minimum of 50 metres from the Conservation Category wetland;</p> <p>3. Alternative on-site effluent disposal systems capable of nutrient retention shall be used. Effluent disposal systems are required to be located in building envelopes and outside of wetland buffers;</p> <p>4. A Fire Management Plan is required to be prepared and implemented as a condition of subdivision approval; and</p> <p>5. A foreshore Management Plan, including the revegetation of the 50 metre Conservation Category wetland buffer, is required to be prepared and implemented as a condition of a subdivision approval.</p> <p>6. Land to be ceded to widen foreshore reserve shall be addressed as part of the subdivision application in accordance with WAPC policy.</p>
Amend No 129 GG 23/06/15	12 Lot 90 Leisure Way, Halls Head	As Per Residential (R30)	<p>1. For the purposes of subdivision and development, clause 4.9.4(b) of the Scheme shall apply to all land adjacent to Mandurah Road, with the landscape buffer area having a minimum width of 10.0m.</p>

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
			<ol style="list-style-type: none"> All development within 40.0m of the lot boundary with Old Coast Road and Mandurah Road shall have a minimum height of 9.0m (two storeys). Multiple Dwellings shall be permitted at a Residential Density Code of R80. Where Multiple Dwellings are proposed at a density of R80, a minimum total open space of the site as outlined in Column 3 of Table 4 of the Residential Design Codes shall be 45 per cent.
<div>Amend No 134 GG 16/05/17</div>	13 Lot 506 Apollo Place Halls Head	Single House (only permitted within the heritage buildings and any new lot to the south-west of the Single Men's Quarters); Grouped/Multiple Dwellings (subject to Point 5 under 'Development Standards/Conditions') Shop Office Guesthouse Café/Restaurant Serviced Apartments Tourism Development Arts and Craft Display Bed and Breakfast Reception Centre Small Bar Wine House	<ol style="list-style-type: none"> Council requires the preparation of a Local Development Plan (LDP), as per Clause 47 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> prior to subdivision or the issue of a development approval, to address the following matters: <ul style="list-style-type: none"> Setbacks Built form Orientation Materials Retaining walls Vehicular Access Fencing Separation to significant trees Use of heritage buildings Public Access Car parking Ancillary residential structures and private open space enclosure Adaptive re-use strategy The LDP shall be prepared in accordance with the <i>development</i> control principles of State Planning Policy 3.5 – Historic Heritage Conservation. A minimum distance of 6 metres is required between the heritage buildings and any new development boundaries, at the closest point, unless otherwise varied through the Local Development Plan. Council shall consider all development applications in accordance with the approved LDP. All residential development shall reflect a density coding of R40. For the purposes of subdivision, the grouped/multiple dwelling parcel to the north of the heritage buildings shall have a minimum lot size of 2800m². The grouped/multiple dwelling parcel to the south of the heritage buildings shall have a minimum lot size of 1600m². As required by Clause 61 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>, all development on the site shall require development approval due to the site being on the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>.

NO	LAND PARTICULARS	RESTRICTED USE	CONDITIONS
1.	Lots 1, 27, 28, 31, 32 and part of Lot 800 Pinjarra Road and Lot 26 Wanjeep Street, Coodanup	<p>The following uses not permitted ('X' use):</p> <ul style="list-style-type: none"> • Car Wash • Hire Service (Industrial) • Hire Service (Non-Industrial) • Motor Vehicle, Boat or Caravan Sales • Motor Vehicle Repair • Motor Vehicle Hire • Plant Nursery • Service Station • Storage Yard 	<p>1. <u>Building Design & Site Layout</u></p> <ol style="list-style-type: none"> A minimum 300m² (GLA) of floor space shall apply for each tenancy. The layout and location of accessways, parking, loading bays and service areas are to be designed to permit vehicles to enter the street in a forward gear. Service and loading areas are to be screened from street view and residential land uses. Where proposed buildings front Pinjarra Road, such buildings shall be of high quality and elevations are to include articulation through variety of materials, height, setbacks and awnings covering pedestrian walkways around the building. Walls with no articulation and no variety of materials will not be accepted. Wherever possible buildings are to address public spaces, through the provision of windows and control of signage on windows to provide for surveillance and security. The blanking out of windows with signage is not acceptable. Landscaping is to be of a high quality though the use of trees within parking areas, the street verge and around buildings, complimented by extensive low rise native landscaping. Expansive areas of lawn will not be accepted within the site and street verge as a suitable form of landscaping. Variety of paving being provided adjacent to the building and within the car parking area to demarcate pedestrian crossings and driveway access, ensuring that the extent of bitumen is reduced. Car parking areas are to be designed to wrap around the site and/or buildings, to form internal access ways. Car parking areas are to be articulated using high quality landscaping, tree plantings, variety of pavements, pedestrian refuge islands and access ways. The extent and amount of signage shall be controlled and minimised and shall have regard to the following: <ul style="list-style-type: none"> - An area on the building's facade shall be designed to incorporate the appropriate signage for individual tenancies, in a manner that does not detract from the building's design; - The painting of the building in a tenant's corporate colours is considered a form of signage and should not detract from the building's design; and, - Use of pylon and free-standing A-frame signs is not supported, due to the site's

Amend No 135
GG 2/2/18

NO	LAND PARTICULARS	RESTRICTED USE	CONDITIONS
			exposure to Pinjarra Road.
			2. <u>Residential development abutting 'Service Commercial'</u>
			a) Proposed residential development abutting 'Service Commercial' is subject to an Acoustic Report being prepared and adopted, with recommendations of the Report being implemented at the Subdivision and/or Development Approval stage.
			3. <u>Vehicular access from Pinjarra Road</u>
			a) All existing interim access points for Lots 28, 31, 32 & 800 are to be decommissioned when a future reciprocal right of carriageway easement in gross and new access 'left in/left out' point is created to provide a consolidated single access/egress point onto Pinjarra Road for these lots. No further intensification of existing development will be supported using interim access points.
			4. <u>Barragup House (Lot 31)</u>
			a) Prior to subdivision and/or development within Lot 31, 'Barragup House' is to be identified and retained in accordance with an appropriate Landscape and Tree Management Plan (LTMP), which shall be approved by the City of Mandurah. The LTMP shall also ensure the retention and protection of any significant trees within Lot 31.



Appendix 4

Sheet 1 of 2

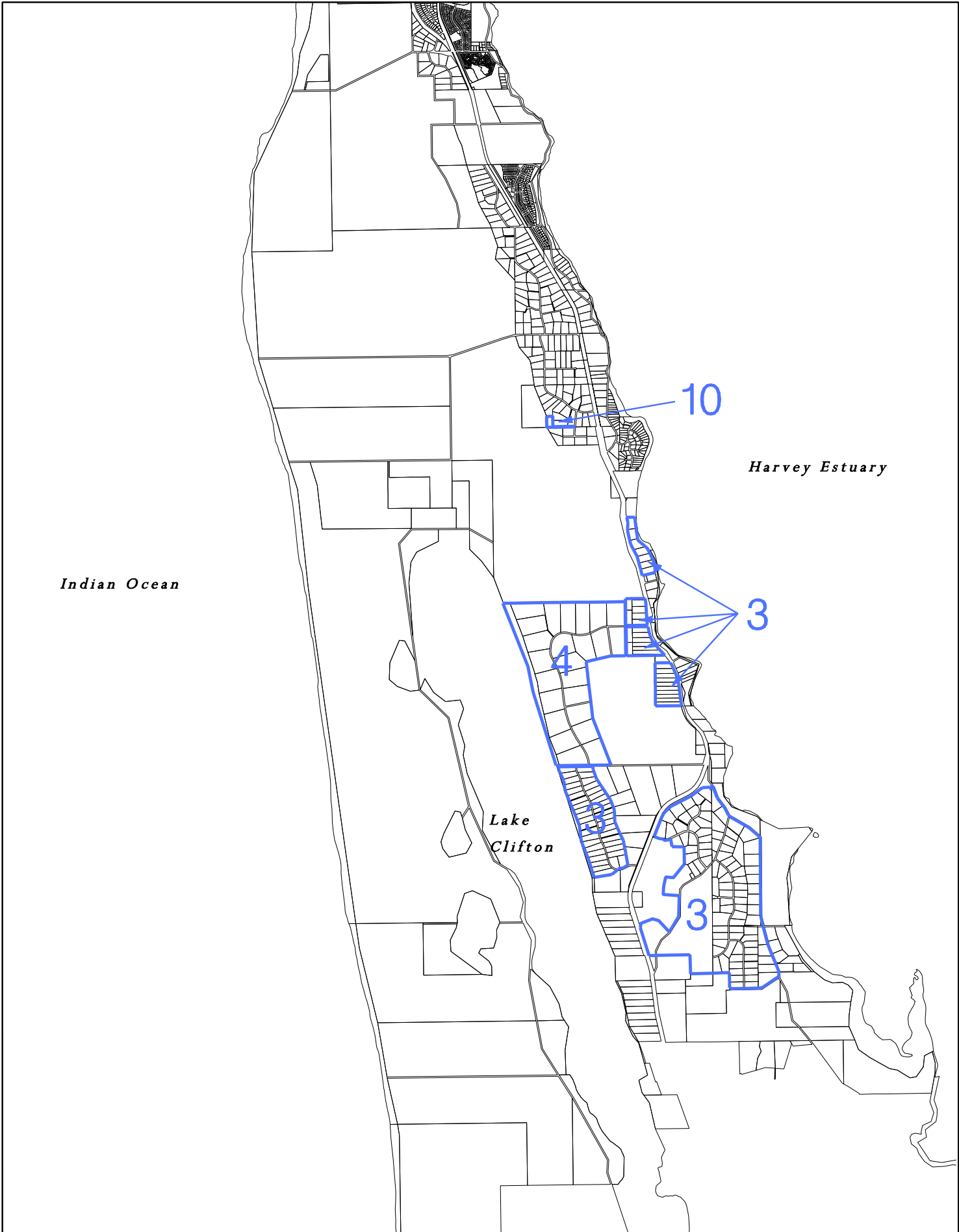
No. Rural Residential Boundary
and Area Number

0 300 600

Town
Planning
Scheme No.3



Rural Residential Areas



APPENDIX 4 SPECIAL REQUIREMENTS - RURAL RESIDENTIAL

In addition to the provisions of Clause 4.7 of the Scheme, the following specific Area provisions will also apply to the Rural Residential zoned Areas specified below and defined in the preceding plan forming part of Appendix 4.

Amend No 136
GG 6/3/18

Area 1 and 2

1. Due to the proximity of Lake Goegrup and the potential for ecological disturbance of the wetland, Council may refuse any development that will have a negative impact on the ecology of the Lake.
2. Subdivision lot sizes in Areas 1 and 2 shall be no less than 1 hectare, subject to a connection to reticulated water being provided, the assessment of land capability, bushfire hazard, biodiversity conservation and constraints.
3. All applications for subdivision in Area 2 shall be accompanied by a geotechnical report to demonstrate the suitability of onsite effluent disposal.

Area 3

1. Council shall require all undeveloped Rural Residential lots which abut Lake Clifton and have already been created as 2 to 4 hectare lots to be developed so as to:
 - a) require the maximum possible setback from that boundary of the lot that fronts or abuts Lake Clifton to be achieved to bring development on these lots generally in line with the requirements of Area 4.
 - b) Prohibit Intensive Agriculture on this land.
 - c) Groundwater metered bores or wells will be permitted subject to first obtaining a Groundwater Well Licence for the Water and Rivers Commission and any extraction will be limited by that authority.

The domestic water allocation for those properties within the Lake Clifton catchment area may be limited to 1500 kilolitres per lot per annum.

In the event that the Environmental Protection Authority (EPA) determines that the Lake Clifton environment has been or may be damaged by the use of groundwater bores, that Authority will call upon the Water and Rivers Commission to withdraw the bore licences until such time as it is determined by the EPA that continued use of bores in accordance with any conditions that may be imposed by the EPA, will not result in any damage to the environment

Area 4

1. Sub-division standards shall not be less than 10 hectares. Lot sizes shall, nevertheless be dependent upon the assessment of land capability and environmental constraints.
2. Notwithstanding the provisions of clause 4.7.4.1C Building Envelope of 4000m² is to be established on each lot as shown on the subdivision plan which is to be surveyed and fenced with a rural standard fence to the specification and satisfaction of the Council. Fences are to be maintained in a stock-proof condition by the landholder to the satisfaction of Council. Notwithstanding the provisions of the preceding clauses, Council may permit variation of a setback or the location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the zone or amenity of the area generally. Where Council has agreed to the repositioning of a building envelope, the surrounding fence shall be erected and maintained in that new position.
3. Council may permit up to an additional 1000 square metres either attached to or detached from the primary envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective of the zone or amenity of the area generally.

APPENDIX 4 SPECIAL REQUIREMENTS - RURAL RESIDENTIAL

4. Groundwater metered bores or wells will be permitted subject to first obtaining a Groundwater Well Licence from the Water and Rivers Commission and any extraction will be limited by that authority.

The domestic water allocation for those properties within the Lake Clifton catchment area may be limited to 1500 kilolitres per lot per annum.

In the event that the Environmental Protection Authority (EPA) determines that the Lake Clifton environment has been or may be damaged by the use of groundwater bores, that Authority will call upon the Water and Rivers Commission to withdraw the bore licences until such time as it is determined by the EPA that continued use of bores in accordance with any conditions that may be imposed by the EPA, will not result in any damage to the environment.

5. Where common boundary fences are to be constructed, they shall be the subject of a development application which should demonstrate that they will be of a type so as to permit fire fighting personnel reasonable access and will permit kangaroos and other native animals to roam freely. A simple post and singular rail fence is recommended.
6. A 1.2 metre high "ring lock" rural fence or other approved fencing meeting the requirements of CALM and Council will be constructed as a condition of subdivision across the full length of the proposed foreshore reserve abutting Lake Clifton and serve as a rear boundary fence for those lots fronting the reserve. No gated access from private property to the foreshore reserve will be permitted.
7. As the land adjoins the Yalgorup National Park the Council shall impose conditions on development to ensure that domestic or farm animals do not stray into the Park, such as a requirement that adequate fences be erected.

Amend No 71
GG 21/07/06

Area 10

No 4 (Murray Location 1962)
Fenton Place, Bouvard

1. Subdivisional lot sizes shall be no less than 1.8 hectares.
2. A maximum allowable building envelope area of 1000 square metres only.

~~Town Planning Scheme No 3~~

APPLICATION FOR PLANNING APPROVAL

Property Details

~~Lot No: Street No: Street Name:~~

~~Suburb:~~

~~Certificate of Title: Plan/Diagram: Vol: Folio:~~

~~If the title is encumbered (eg, easements, restrictive covenants), a copy of the title for the property must be provided:~~

Owner Details

~~Name:~~

~~Address:~~

~~Postcode:~~

~~Phone:~~

~~Fax:~~

~~Signature(s):~~

~~Date:~~

~~The signature of the landowner(s) is required for Planning Approval. This application will not proceed without that signature.~~

Applicant Details ~~(only complete this section if different from owner)~~

~~Name:~~

~~Address:~~

~~Postcode:~~

~~Phone:~~

~~Fax:~~

~~Contact Name:~~

~~Signature:~~

Proposal Details

~~Description of Proposed Development/Use:~~

~~Approx Cost of Development:~~

~~Est. Time of Completion:~~

~~Existing Development/Land Use:~~

~~THIS FORM IS TO BE SUBMITTED IN DUPLICATE, TOGETHER WITH THREE (3) COPIES OF PLANS, COMPRISING THE INFORMATION SPECIFIED IN THE PARTICULARS REQUIRED WITH APPLICATION AS SHOWN BELOW.~~

~~THIS FORM MUST BE COMPLETED IN FULL.~~

~~THIS IS NOT AN APPLICATION FOR A BUILDING LICENCE.~~

Particulars Required With Application

~~Where an application involves the erection or alteration of a building or a change in levels of a site, the plans accompanying an application for planning consent shall, unless specifically exempted by the Council:-~~

- ~~(a) Indicate the position and describe the existing buildings and improvements on the site and indicate those which are to be removed.~~
- ~~(b) Indicate the position and describe the buildings and improvements proposed to be constructed, their appearance, height and proposed uses in relation to existing and proposed contours.~~
- ~~(c) Indicate the position, type and height of all existing trees on the site and indicate those to be retained and those to be removed.~~
- ~~(d) Indicate the areas to be landscaped and the location and type of shrubs, trees and other treatments proposed.~~
- ~~(e) Indicate site contours and details of any proposed alterations to the natural contour to the area.~~
- ~~(f) Indicate car parking areas, their layout and access way dimensions and the position of existing and proposed crossovers.~~
- ~~(g) Indicate site dimensions and be to metric scale.~~

CITY OF MANDURAH

TOWN PLANNING SCHEME NO 3

It is ~~HEREBY NOTIFIED~~ for public information and comment that the Council has received an application to develop land for the purpose described hereunder:

LAND DESCRIPTION

LOT NO..... STREET

PROPOSAL

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before the day of

.....
CHIEF EXECUTIVE OFFICER DATE

~~1. ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL~~~~(to be completed in addition to Application for Planning Approval)~~~~Name of Advertiser (if different from owner):~~~~.....~~~~2. Address in full:~~~~.....~~~~.....~~~~3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:~~~~.....~~~~.....~~~~.....~~~~4. Details of Proposed Sign:~~~~Height Width Depth.....~~~~Colours to be used~~~~Height above ground level - (to top of advertisement):~~~~..... - (to underside):~~~~Materials to be used:~~~~Illuminated: Yes/No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:~~~~.....~~~~5. State period of time for which advertisement is required:~~~~.....~~~~6. Details of signs, if any, to be removed if this application is approved:~~~~.....~~~~.....~~~~.....~~~~NB. This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6. above,~~~~Signature of Advertiser(s):~~~~(if different from land owners)~~~~Date:~~

~~TOWN PLANNING SCHEME NO 3~~

Application No:		Made on:	
------------------------	--	-----------------	--

Applicant:**Name of Owner:****Address of Owner:****Description of proposed
development:***EITHER*~~Planning consent is hereby GRANTED over land situated at and described as:~~~~In accordance with the submitted plans subject to compliance with the following conditions:~~~~This approval is valid for a period of:~~*OR*~~Planning consent is hereby REFUSED over land situated at and described as:~~~~For the following reasons:~~

NOTE: If development is not completed or the use has not commenced within the specified period, this Planning Consent must be either extended or renewed. This is not a building licence for which a separate application is necessary.

.....
MANAGER _____ DATE
DEVELOPMENT SERVICES

~~TOWN PLANNING SCHEME NO 3~~

Application No:		Made on:	
------------------------	--	-----------------	--

Applicant:**Address:**~~As occupier of the premises described as:~~~~Is the holder of a permit to carry on upon these premises the Home Occupation of:~~~~Employing not more than~~ persons of whom ~~are to be members~~
~~of the occupier's family.~~~~This permit remains valid until the 31st day of December next, or until the date stated on the approval after the date of issue thereof, unless previously revoked.~~

~~MANAGER~~ ~~DATE~~
~~DEVELOPMENT SERVICES~~

APPENDIX 9

EXEMPTED ADVERTISEMENTS PURSUANT TO SUB-CLAUSE 6.2.4

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting By-laws	Not applicable
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of two free-standing advertisements signs not exceeding 5m in height above ground level	Total area of any such advertisements shall not exceed 15m Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Showroom, race courses, major racing tracks sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets	Not Applicable

APPENDIX 9

EXEMPTED ADVERTISEMENTS PURSUANT TO SUB-CLAUSE 6.2.4

Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not Applicable
	(b) Advertisement signs (illuminated and non-illuminated) required for the management and control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and	Not Applicable
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulations or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisement within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	Not Applicable
All classes of building other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows)		
i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work	2m ²
ii) Multiple Dwellings, Shops, Commercial and Industrial Projects	One sign as for (i) above	5m ²
iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above	10m ²
	One additional sign showing the name of the project builder	5m ²

APPENDIX 9

EXEMPTED ADVERTISEMENTS PURSUANT TO SUB-CLAUSE 6.2.4

Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose	2m ²
<hr/>		
Property Transactions		
Advertisement signs displayed for duration of the period over which property transactions are offered and negotiated as follows		
a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the signs is or the signs displayed	Each sign shall not exceed an area of 2m ²
b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above	Each sign shall not exceed an area of 5m ²
c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha	One sign as for (a) above	Each sign shall not exceed an area of 10m ²
d) Land	Advertising signs and displays for the duration of the land sale	Each sign shall not exceed an area of 10m ²
<hr/>		
Display Homes		
Advertisement signs displayed for the period over which homes are on display for public inspection		
i)	One sign for each dwelling on display	2m ²
ii)	In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m ²
<hr/>		

Amend No 78
GG 21/11/06

Amend No 75
GG 15/01/08

LOCALITY	SPECIAL PROVISIONS
<p>1. Pt Lot 440 Wanjeep Street, Coodanup</p>	<ul style="list-style-type: none"> • The subdivision and development of the subject land shall generally be in accordance with the approved Outline Development Plan. • The development shall be fully serviced, including the provision of a reticulated potable water supply and sewerage system. • The developer shall prepare Environmental Management Plans to meet the following objectives: <ul style="list-style-type: none"> - To maintain and enhance the integrity, functions and values of the environment; - To maintain and enhance the quality of surface water and groundwater so that existing and potential uses, including ecosystem maintenance, are protected; - To ensure the provisions of the State of Planning Policy No 2.1: The Peel-Harvey Coastal Plain Catchment and the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 are observed and accommodated. <p>The Environmental Management Plans shall be required to be prepared, approved and implemented to the satisfaction of the Council in accordance with advice from other regulatory authorities as described below:</p> <p>1. Urban Water Management Plan</p> <p>Prior to ground disturbing activities, an Urban Water Management Plan over the whole of the subject land shall be prepared and approved to the specification and satisfaction of the Council, in accordance with the requirements of the Environmental Protection Authority and advice from the Department of Water to ensure that the rate, quantity and quality of water leaving Pt Lot 440 will not adversely impact on the Serpentine River tributary system, or Peel-Harvey Estuary, or wetlands in the vicinity of the subject land,</p> <p>The Urban Water Management Plan shall incorporate:</p> <ul style="list-style-type: none"> (i) A baseline sampling program to determine existing quality of groundwater beneath Pt Lot 440; (ii) A review of water quality data for the Serpentine River tributary system in the vicinity of the subject land; (iii) A derivation of agreed performance targets for the urban stormwater and drainage treatment system(s); (iv) Mechanisms to minimise (and rehabilitate) any erosion during and after the urban development phase; (v) Mechanisms to protect the water regime of the Serpentine River tributary system, including water quality and water level, and to ensure that there will be no direct discharge of urban drainage to the Serpentine River tributary system from the subject land; (vi) A monitoring and reporting program for nutrient concentrations in surface water infiltrations and groundwater discharges from the subject land, and the immediately adjacent Serpentine River tributary system, before and during construction and 'post-development', including a Sampling and Analysis Plan to specify the overall sampling collection, storage, analytical specification and reporting methodology; (vii) 'Water Sensitive Urban Design' best management practices to achieve removal of pollutants and nutrients from surface water and groundwater discharges from the subject land';

LOCALITY	SPECIAL PROVISIONS
	<p>(viii) 'Water Sensitive Urban Design' best management practices to maximise stormwater detention, treatment and infiltration on site;</p> <p>(ix) An examination of options for improving water quality in the Serpentine River tributary system with respect to groundwater discharges from the subject land;</p> <p>(x) Contingency measures to be implemented in the event that pollution and nutrient removal and stormwater detention are not achieving agreed performance targets; and</p> <p>(xi) Identification of responsibilities and timeframes for implementing the approved Urban Water Management Plan.</p> <p>2. Nutrient and Irrigation and Fill Management Plan</p> <p>Prior to ground disturbing activities, a Nutrient and Irrigation and Fill Management Plan over the development area of Pt Lot 440 shall be required to be prepared and approved to the specification and satisfaction of the Council, in accordance with advice from the Department of Environment and Conservation, to ensure that the rate, quantity and frequency of nutrient and water application to open space areas within the development area of the subject land will not adversely impact on the Serpentine River tributary system, Peel-Harvey Estuary, wetlands in the vicinity of the subject land, or the 'Core Conservation Reserve' (as it is described in the Outline Development Plan). In the event that fill is required, a geotechnical report is to be provided which clarifies that the proposed fill source and fill requirements achieve an equal or improved Phosphorous Retention Index of the native soils on site.</p> <p>The Nutrient and Irrigation Management and Fill Plan shall incorporate:</p> <p>(i) The establishment and execution of a water quality sampling program;</p> <p>(ii) Identification of areas of open space within the subject land requiring irrigation and fertiliser application;</p> <p>(iii) Details of the physical attributes of soils within the identified open space areas and a determination as to whether fill and/or soil amendment is required to optimise nutrient retention;</p> <p>(iv) Determination of the overall characteristics of landscape treatments proposed within the identified open space areas;</p> <p>(v) A schedule of tailored fertiliser application and irrigation to protect the receiving environment based on the outcomes of (i) to (iii) above;</p> <p>(vi) Determination of predicted requirement(s) for groundwater to be used for irrigation and / or ornamental purposes at the completion of the development, and predicted impacts on the landscaped and / or native vegetation on the subject land as a result of the drawdown of that required groundwater ;</p> <p>(vii) An auditing and reporting program for fertiliser and water application to the subject land, including a Sampling and Analysis Plan to specify the overall sampling collection, storage, analytical specification and reporting methodology;</p> <p>(viii) Contingency measures to be implemented in the event that pollution and nutrient removal are not achieving agreed performance targets as a result of management of open space areas; and</p> <p>(ix) Identification of responsibilities and timeframes for implementing the approved Nutrient and Irrigation and Fill Management Plan.</p>

LOCALITY	SPECIAL PROVISIONS
	<p>3. 'Artificial Water Body' Management Plan</p> <p>The artificial water body shall not be directly connected to the Serpentine River tributary system.</p> <p>Prior to ground disturbing activities, an 'Artificial Water Body' Management Plan for the artificial water body shall be required to be prepared and approved to the specification and satisfaction of the Council, in accordance with the requirements of the Environmental Protection Authority and advice from the Department of Environment and Conservation, to ensure that water quantity and quality, and the management and maintenance of that artificial water body, is at sustainable/appropriate levels.</p> <p>The 'Artificial Water Body' Management Plan shall incorporate:</p> <ul style="list-style-type: none"> (i) A description of the dimensions, features, purpose and function of the artificial water body; (ii) A description of the function of the artificial water body during significant storm events, including details about the management of overland flow from that water body to the Serpentine River tributary system; (iii) Details regarding the volumetric capacity of the artificial water body and the proposed means for maintaining water levels; (iv) Details of predicted source water, including roof harvesting and associated catchment requirements - as well as groundwater availability, replenishment capacity and sustainability; (v) Details of water quality maintenance proposals (such as algal management) including circulation through connection to, and routine use within, the irrigation system for open space areas within the development area of the subject land; (vi) Details regarding construction (to a fully functional capability) of the artificial water body and the preservation and protection of the surrounding environment (particularly the Serpentine River tributary system) during this process; (vii) A detailed 'Management and Maintenance Schedule' for the artificial water body, covering a period of 5 years and commencing from time of its practical completion. This Schedule shall include a monitoring and reporting program and contain details in respect to 'whole of life' costings for the management and maintenance of the artificial water body, the establishment and ongoing operation of a 'strata reserve fund' to meet those total costings, and the transfer in perpetuity (after 5 years) of management and maintenance responsibility to the Council; (viii) Contingency measures to be implemented in the event that pollution and nutrient concentrations exceed agreed performance targets; and (ix) Identification of responsibilities and timeframes for implementing the 'Artificial Water Body' Management Plan. <p>4. Vegetation Retention Management Plan</p> <p>Prior to ground disturbing activities, a Vegetation Retention Management Plan over the whole of the subject land shall be required to be prepared and approved to the specification and satisfaction of the Council, in accordance with the requirements of the Environmental Protection Authority and advice from the Department of Environment and Conservation, to ensure that the desirable retention and/or rehabilitation of significant site vegetation is maximised, protected and appropriately managed during construction works and into the future.</p> <p>The Vegetation Retention Management Plan shall incorporate:</p>

LOCALITY	SPECIAL PROVISIONS
	<ul style="list-style-type: none"> (i) The identification, detailed description and protection of existing significant vegetation, including 'landmark' (eg Christmas Trees) and habitat trees, 'tree retention areas' and flora within Pt Lot 440; (ii) Identification and delineation of the 'Core Conservation Reserve' (as it is described in the Outline Development Plan) to be ceded to the Crown under s20A of the Town Planning and Development Act 1928; (iii) Identification of the reservation mechanism and vesting for the described 'Core Conservation Reserve'; (iv) A detailed description of the intended management methodology for the described 'Core Conservation Reserve', including revegetation/rehabilitation, controlling 'edge effects', weed control, fire prevention and control, public access, signage, fauna movement, habitat protection and sustainability targets; (v) An auditing and reporting program on the described 'Core Conservation Reserve', including a Sampling and Analysis Plan to specify the overall sampling collection, storage, analytical specification and reporting methodology; (vi) Contingency measures to be implemented in the event that the 'Core Conservation Reserve' is not achieving agreed sustainability targets; and (vii) Identification of responsibilities and timeframes for implementing the Vegetation Retention Management Plan. <p>5. Vegetation Management Plan</p> <p>Prior to ground disturbing activities, a Vegetation Management Plan shall be required to be prepared and approved to the specification and satisfaction of the Council, in accordance with the requirements of the Environmental Protection Authority and advice from the Department of Environment and Conservation for those significant trees (and understoreys) and tree retention areas, identified in the 'Vegetation Retention Plan'.</p> <p>The Vegetation Management Plan shall be prepared by an independent, qualified arboriculturalist and shall incorporate:</p> <ul style="list-style-type: none"> (i) A detailed description of the intended management of the identified significant trees (including understorey) and tree retention areas outside the 'Core Conservation Reserve' area (as it is described in the Outline Development Plan), including for weed control, public access management, fire prevention and control, hydrology and water requirements and public safety. (ii) An assessment of each tree's health, growth habitat, structure, stability and pruning requirements; (iii) A tree re-generation plan and predicted survival and sustainability criteria; (iv) A 'bonded works', auditing and reporting program for the identified significant trees (including understorey) and tree retention areas; (v) Contingency measures to be implemented in the event that the tree retention areas are not achieving agreed survival and sustainability targets; and (vi) Identification of responsibilities and timeframes for implementing the Tree Management Plan.

LOCALITY	SPECIAL PROVISIONS
	<p>6. Flora Relocation Management Plan</p> <p>Prior to ground disturbing activities, a Flora Relocation Management Plan shall be required to be prepared and approved to the specification and satisfaction of the Council for identified flora that cannot be sustainably retained in situ, due to the requirements of the built form development of Pt Lot 440.</p> <p>The Flora Relocation Management Plan shall incorporate:</p> <ul style="list-style-type: none"> (i) The identification of flora species that can be successfully relocated; (ii) A detailed analysis of the required relocation process for each species, including timing, relocation methods, and immediate and ongoing care requirements; (iii) The intended destination of such flora specimens and the practicalities of relocation in terms of long-term survival; (iv) Dieback management; (v) A 'Monitoring and Reporting Schedule' of identified and relocated flora, including a Sampling and Analysis Plan to specify the overall sampling collection, storage, analytical specification and reporting methodology; (vi) Details of seed collection and replanting opportunities; and (vii) Identification of responsibilities for implementing the Flora Relocation Management Plan. <p>7. Foreshore and 'Core Conservation Reserve' Management Plan</p> <p>Prior to ground disturbing activities, a Foreshore and 'Core Conservation Reserve' Management Plan over the Serpentine River tributary system foreshore adjacent to Pt Lot 440 and described 'Core Conservation Area' shall be required to be prepared and approved to the specification and satisfaction of the Council, in accordance with the requirements of the Environmental Protection Authority and advice from the Western Australian Planning Commission and the Department of Environment and Conservation, to ensure that the foreshore and 'Core Conservation Reserve' areas are protected and managed in an appropriate and sustainable manner.</p> <p>The Foreshore and 'Core Conservation Reserve' Management Plan shall incorporate an appropriate buffer/setback to built development, to ensure the preservation, protection and ongoing sustainability of the foreshore reserve and its riverine functions, and include sections dealing with the following matters:</p> <ul style="list-style-type: none"> (i) 'Existing Environment', including landforms and soils, vegetation and flora (including vegetation communities, vegetation condition and introduced species); (ii) 'Management Aims, Objectives and Actions'; (iii) 'Link to Community Involvement'; (iv) 'Restoration Plan'; (v) 'Implementation Schedule'; (vi) 'Audit Program'. An independent and qualified auditor will be required to provide a report on the practical completion of the Foreshore and 'Core Conservation Reserve' Management Plan and monitor the rehabilitation of the foreshore reserve, over a three (3) year maintenance period, on a bi-annual basis. A minimum performance 'success' rate is to be included in respect to the rehabilitation aspects of the Foreshore and 'Core Conservation Reserve' Management Plan to enable determination of the success of that rehabilitation and/or identification of any ongoing commitments.

LOCALITY	SPECIAL PROVISIONS
	<p>8. Acid Sulfate Soils Management Plan</p> <p>Prior to ground disturbing activities, an Acid Sulfate Soils Management Plan shall be prepared and approved to the specification and satisfaction of the Council (in accordance with 'Policy No 9: Acid Sulfate Soils') and advice from the Department of Environment and Conservation for development areas within Pt Lot 440, to identify 'actual' and 'potential' acid sulfate soils and to determine appropriate management strategies for these (or if those soils must remain undisturbed).</p> <p>The Acid Sulfate Soils Management Plan shall incorporate:</p> <ul style="list-style-type: none"> (i) A description of the geology and soils of the subject land; (ii) Consideration of 'avoidance principles'; (iii) A targeted 'Preliminary Site Assessment' (PSA) and investigation to determine whether or not acid sulfate soils are present in the proposed development area, in accordance with Department of Environment and Conservation guidelines; (iv) A detailed comparison of the outcomes of the PSA with the proposed development area and, if considered necessary by the Council or the Department of Environment and Conservation, modifications being made to the Outline Development Plan accordingly; (v) A description of the preliminary areas of proposed ground disturbing activity on Pt Lot 440 greater than 3 metres in depth, recognising that the risk of disturbing acid sulfate soils is not limited to over 3 metres in depth; (vi) Detailed designs for any ground disturbing activities, and associated dewatering, of over 3 metres in depth to avoid areas within the targeted PSA identified as containing 'actual' or 'potential' acid sulfate soils (any activities requiring dewatering must first obtain approval and a licence from the DoE); (vii) A specific methodology to address design, management and/or treatment options for any disturbed areas where 'actual' or 'potential' acid sulfate soils are encountered during construction; (viii) Monitoring and reporting procedures during construction; (ix) A separate management plan is to be prepared and approved in the event that dewatering works are necessary in order to ensure that there is no direct discharge of dewatering effluent into the river; (x) Contingency measures to be implemented in the event that acid sulfate soil management is determined by the Council or Department of Environment and Conservation to be unsatisfactory; and (xi) Identification of responsibilities for implementing the Acid Sulfate Soil Management Plan. <p>9. Mosquito Management Plan</p> <p>Prior to ground disturbing activities, a Mosquito Management Plan shall be required to be prepared and approved to the specification and satisfaction of the Council, in accordance with advice from the Department of Health and the Department of Environment and Conservation, to identify mosquito nuisance and public health risks and determine necessary management strategies.</p> <p>The Mosquito Management Plan shall incorporate:</p> <ul style="list-style-type: none"> (i) A full operational description of local and regional mosquito control programs, including annual costs, run by the Council; (ii) The identification and detailed description of known mosquito breeding sites and habitats on, and in the near vicinity of Pt Lot 440; (iii) A detailed analysis and description of methods to reduce and manage

LOCALITY	SPECIAL PROVISIONS
	<p>identified mosquito breeding sites and habitats potentially affecting the quality of life / public health of future residents on the subject land;</p> <ul style="list-style-type: none"> (iv) Details of the built form response to mosquito nuisance and health risk; (v) Details of partnering arrangements agreed between the Council and the developer for mosquito monitoring and control (including a 'Reporting Schedule' which incorporates a Sampling and Analysis Plan to specify the overall sampling collection, storage, analytical specification and reporting methodology) - such details to include description of strata reserve funding to ensure appropriate ongoing contributions; (vi) Details of a public health education program for future residents of Pt Lot 440; (vii) Contingency measures to be implemented in the event that monitoring indicates that mosquito management is determined by the Council to be unsatisfactory; and (viii) Identification of responsibilities for implementing the Mosquito Management Plan. <p>10. Wildlife Management Plan</p> <p>Prior to ground disturbing activities, a Wildlife Management Plan shall be required to be prepared and approved to the specification and satisfaction of the Council in accordance with advice from the Department of Environment and Conservation, to ensure the proper management, protection or relocation of fauna species within the development area, the 'Core Conservation Reserve' (as it is described in the Outline Development Plan) and adjoining foreshore reserve of Pt Lot 440.</p> <p>Ground disturbing activities shall be limited or ceased during key breeding and nesting times (as identified in the approved Wildlife Management Plan).</p> <p>The Wildlife Management Plan shall incorporate:</p> <ul style="list-style-type: none"> (i) A description of existing fauna species including frogs, reptiles, avifauna, mammals and significant invertebrates; (ii) A description of fauna habitat location(s), including those to be retained within the development area of Pt Lot 440; (iii) A description of the constraints and/or threats to the long term sustainability of habitat and management proposals to minimise/mitigate these constraints/threats; (iv) Details of the commitment to the long-term protection of the two (2) habitat trees for nesting raptors identified on the Outline Development Plan (including the provision of adequate buffers from development and how lighting and any other activities likely to disturb or disrupt the breeding cycle of these species will be managed); (v) A description of breeding, incubation and fledgling periods of key avifauna and other fauna species, along with details of construction management programs and methods to minimise disturbance; (vi) Details of a fauna relocation program, including an 'Implementation Schedule' containing proposed timing and responsibilities; (vii) Details of any community education and awareness program(s); (viii) Details of any desirable exclusion of domestic cats from the development, given the significant remnant vegetation, native fauna habitats and environmental values to remain OR what education/information program will be undertaken to advise prospective residents of their responsibilities to ensure the proper control and management of their cats to prevent adverse impacts on the local environment; and (ix) Identification of responsibilities for implementing the Wildlife Management Plan.

Amend No 104
GG 29/1/10

AREA NO	DESCRIPTION OF LAND	INFRASTRUCTURE TO WHICH COST SHARING ARRANGEMENTS RELATE	COST SHARING ARRANGEMENTS
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Schedule 2 — Deemed provisions for local planning schemes

[r. 10(4)]

Part 1 — Preliminary

1. Terms used

In this Scheme —

Act means the *Planning and Development Act 2005*;

advertisement means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- (a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
- (b) any airborne device anchored to any land or building used for the display of advertising; and
- (c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

amenity means all those factors which combine to form the character of an area and include the present and likely future amenity;

Building Code means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

built heritage conservation means conservation as defined in the *Heritage of Western Australia Act 1990* section 3(1);

cultural heritage significance has meaning given in the *Heritage of Western Australia Act 1990* section 3(1);

development contribution plan means a development contribution plan, prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 7, that applies to land in the Scheme area;

local government means the local government responsible for this Scheme;

local government CEO means the chief executive officer of the local government;

local planning strategy means the local planning strategy for this Scheme prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3, as amended from time to time;

owner, in relation to land, means —

- (a) if the land is freehold land —
 - (i) a person whose name is registered as a proprietor of the land; and
 - (ii) the State, if registered as a proprietor of the land; and
 - (iii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land; and
 - (iv) a person who is the holder of a freehold interest in land vested in an executor or administrator under the *Administration Act 1903* section 8;

and

- (b) if the land is Crown land —
 - (i) the State; and
 - (ii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land;

premises means land, buildings or part of land or a building;

R-Codes means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time;

region planning scheme means a region planning scheme that applies in respect of part or all of the Scheme area;

reserve means land reserved under this Scheme for a public purpose;

Scheme area means the area to which this Scheme applies;

special control area means an area identified under this Scheme as an area subject to special controls set out in this Scheme;

substantially commenced means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed;

works, in relation to land, means —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; and
- (b) the carrying out on the land of any excavation or other works; and
- (c) in the case of a place to which a Conservation Order made under the *Heritage of Western Australia Act 1990* section 59 applies, any act or thing that —
 - (i) is likely to damage the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration to the fabric of any building;

zone means a portion of the Scheme area identified on the Scheme Map as a zone for the purpose of indicating the controls imposed by this Scheme on the use of, or the carrying out of works on, land, but does not include a reserve or special control area.

Part 2 — Local planning framework

Division 1 — Local planning strategy

2. Local planning strategy

Where a local planning strategy for the Scheme area has been prepared by the local government in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3 the local planning strategy sets out the long-term planning directions for the Scheme area.

Division 2 — Local planning policies

3. Local planning policies

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

- (2) A local planning policy —
 - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
 - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- (4) The local government may amend or repeal a local planning policy.
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
 - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
 - (i) the subject and nature of the proposed policy; and
 - (ii) the objectives of the proposed policy; and
 - (iii) where the proposed policy may be inspected; and
 - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;
 - (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
 - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

- (3) After the expiry of the period within which submissions may be made, the local government must —
 - (a) review the proposed policy in the light of any submissions made; and
 - (b) resolve to —
 - (i) proceed with the policy without modification; or
 - (ii) proceed with the policy with modification; or
 - (iii) not to proceed with the policy.
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
- (5) A policy has effect on publication of a notice under subclause (4).
- (6) The local government —
 - (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of each of those local planning policies on the website of the local government.

5. Procedure for amending local planning policy

- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
- (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

6. Revocation of local planning policy

A local planning policy may be revoked —

- (a) by a subsequent local planning policy that —
 - (i) is prepared in accordance with this Part; and

- (ii) expressly revokes the local planning policy;
- or
- (b) by a notice of revocation —
 - (i) prepared by the local government; and
 - (ii) published in a newspaper circulating in the Scheme area.

Part 3 — Heritage protection

7. Terms used

In this Part —

heritage area means an area designated as a heritage area under clause 9;

heritage list means a heritage list established under clause 8(1);

place has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

Note:

The purpose of this Part is to provide for the identification of places and areas of heritage value so that development in the Scheme can, as far as possible, be consistent with the conservation of heritage values.

8. Heritage list

- (1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.
- (2) The heritage list —
 - (a) must set out a description of each place and the reason for its entry in the heritage list; 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 place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government —
- (a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the 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 place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.
- (4) If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to —
- (a) the Heritage Council of Western Australia; and
 - (b) each owner and occupier of the place.

9. Designation of heritage areas

- (1) If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area to which this Scheme applies, the local government may, by resolution, designate that area as a heritage area.
- (2) If the local government designates an area as a heritage area the local government must adopt for the area a local planning policy that sets out the following —
- (a) a map showing the boundaries of the heritage area;
 - (b) a statement about the heritage significance of the area;
 - (c) a record of places of heritage significance in the heritage area.

- (3) The local government must not designate an area as a heritage area unless the local government —
- (a) notifies in writing each owner of land affected by the proposed designation and provides the owner with a copy of the proposed local planning policy for the heritage area; and
 - (b) advertises the proposed designation by —
 - (i) publishing a notice of the proposed designation in a newspaper circulating in the Scheme area; and
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) publishing a copy of the notice of the proposed designation on the website of the local government;
- and
- (c) carry out any other consultation the local government considers appropriate.
- (4) Notice of a proposed designation under subclause (3)(b) must specify —
- (a) the area that is the subject of the proposed designation; and
 - (b) where the proposed local planning policy for the proposed heritage area may be inspected; and
 - (c) to whom, in what form and in what period submissions may be made.
- (5) The period for making submissions in relation to the designation of an area as a heritage area must not be less than a period of 21 days commencing on the day on which the notice of the proposed designation is published under subclause (3)(b)(i).
- (6) After the expiry of the period within which submissions may be made, the local government must —
- (a) review the proposed designation in the light of any submissions made; and
 - (b) resolve —
 - (i) to adopt the designation without modification; or

- (ii) to adopt the designation with modification; or
 - (iii) not to proceed with the designation.
- (7) If the local government designates an area as a heritage area the local government must give notice of the designation to —
 - (a) the Heritage Council of Western Australia; and
 - (b) each owner of land affected by the designation.
- (8) The local government may modify or revoke a designation of a heritage area.
- (9) Subclauses (3) to (7) apply, with any necessary changes, to the amendment to a designation of a heritage area or the revocation of a designation of a heritage area.

10. Heritage agreements

- (1) The local government may, in accordance with the *Heritage of Western Australia Act 1990* section 29, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.
- (2) The local government may not enter into an agreement with the owner or occupier of land or a building that relates to heritage matters other than in accordance with subclause (1).

11. Heritage assessment

- (1) Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a place entered in the heritage list.
- (2) A heritage assessment must be in a form approved by the Heritage Council of Western Australia.

12. Variations to local planning scheme provisions for heritage purposes

- (1) The local government may vary any site or development requirement specified in this Scheme to —
- (a) facilitate the built heritage conservation of a place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the heritage list; or
 - (b) enhance or preserve heritage values in a heritage area.
- (2) A variation under subclause (1) may be unconditional or subject to any conditions the local government considers appropriate.
- (3) If the local government is of the opinion that the variation of site or development requirements is likely to affect any owners or occupiers in the general locality of the place or the heritage area the local government must —
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64; and
 - (b) have regard to any views expressed prior to making its determination to vary the site or development requirements under this clause.

13. Heritage conservation notice

- (1) In this clause —
- heritage conservation notice*** means a notice given under subclause (2);
- heritage place*** means a place that is on the heritage list or located in a heritage area;
- properly maintained***, in relation to a heritage place, means maintained in a way that ensures that there is no actual or imminent loss or deterioration of —
- (a) the structural integrity of the heritage place; or
 - (b) an element of the heritage place that is integral to —
 - (i) the reason set out in the heritage list for the entry of the place in the heritage list; or

- (ii) the heritage significance of the area in which it is located, as set out in a statement in the local planning policy for the area adopted in accordance with clause 9(2).
- (2) If the local government forms the view that a heritage place is not being properly maintained the local government may give to a person who is the owner or occupier of the heritage place a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given.
- (3) If a person fails to comply with a heritage conservation notice, the local government may enter the heritage place and carry out the repairs specified in the notice.
- (4) The expenses incurred by the local government in carrying out repairs under subclause (3) may be recovered as a debt due from the person to whom the notice was given in a court of competent jurisdiction.
- (5) The local government may —
 - (a) vary a heritage conservation notice to extend the time for carrying out the specified repairs; or
 - (b) revoke a heritage conservation notice.
- (6) A person who is given a heritage conservation notice may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the Act, of a decision —
 - (a) to give the notice; or
 - (b) to require repairs specified in the notice to be carried out; or
 - (c) to require repairs specified in the notice to be carried out by the time specified in the notice.

Part 4 — Structure plans

14. Term used: structure plan

In this Part —

structure plan means a plan for the coordination of future subdivision and zoning of an area of land.

15. When structure plan may be prepared

A structure plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the area is —
 - (i) all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and
 - (ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken;
- or
- (b) a State planning policy requires a structure plan to be prepared for the area; or
- (c) the Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning.

16. Preparation of structure plan

- (1) A structure plan must —
 - (a) be prepared in a manner and form approved by the Commission; and
 - (b) include any maps, information or other material required by the Commission; and
 - (c) unless the Commission otherwise agrees, set out the following information —
 - (i) the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
 - (ii) the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;
 - (iii) any major land uses, zoning or reserves proposed by the plan;
 - (iv) estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;

- (v) the population impacts that are expected to result from the implementation of the plan;
 - (vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;
 - (vii) the proposed staging of the subdivision or development covered by the plan.
- (2) The local government may prepare a structure plan in the circumstances set out in clause 15.
- (3) A person may make an application to the local government for a structure plan prepared by the person in the circumstances set out in clause 15 to be assessed and advertised if the person is —
 - (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
 - (b) an agent of a person referred to in paragraph (a).

17. Action by local government on receipt of application

- (1) On receipt of an application for a structure plan to be assessed and advertised, the local government —
 - (a) must consider the material provided by the applicant and advise the applicant in writing —
 - (i) if the structure plan complies with clause 16(1); or
 - (ii) if further information from the applicant is required before the structure plan can be accepted for assessment and advertising;
 - and
 - (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The structure plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice to the applicant of its decision by the latest of the following days —
 - (a) 28 days after receipt of an application;
 - (b) 14 days after receipt of the further information requested under subclause (1)(a)(ii);

- (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day the applicant pays the fee.

18. Advertising structure plan

- (1) The local government must, within 28 days of preparing a structure plan or accepting an application for a structure plan to be assessed and advertised —
 - (a) advertise the proposed structure plan in accordance with subclause (2); and
 - (b) seek comments in relation to the proposed structure plan from any public authority or utility service provider that the local government considers appropriate; and
 - (c) provide to the Commission —
 - (i) a copy of the proposed structure plan and all accompanying material; and
 - (ii) details of the advertising and consultation arrangements for the plan.
- (2) The local government must advertise the structure plan in one or more of the following ways —
 - (a) by giving notice of the proposed structure plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the structure plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed structure plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
 - (c) by publishing a notice of the proposed structure plan on the local government website including a statement that

submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;

- (d) by erecting a sign or signs in a conspicuous place on the land the subject of the proposed structure plan giving notice of the proposed plan for a period of not less than 14 days and not more than 28 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the sign is erected.
- (3) The local government —
- (a) must make a structure plan advertised under subclause (2) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the structure plan and the material accompanying it on the website of the local government.
- (4) If a local government fails to advertise a structure plan in accordance with this clause, the Commission may take reasonable steps to ensure that the plan is advertised.
- (5) All costs incurred by the Commission in the exercise of the power conferred by subclause (4) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

19. Consideration of submissions

- (1) The local government —
- (a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and
 - (b) may consider submissions made to the local government after that time; and

- (c) may request further information from a person who prepared the structure plan; and
 - (d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.
- (2) If a local government makes a decision under subclause (1)(d) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the structure plan.
- (3) Modifications to a structure plan may not be advertised on more than one occasion without the approval of the Commission.

20. Local government report to Commission

- (1) The local government must prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days after the day that is the latest of —
 - (a) the last day for making submissions specified in a notice given or published under clause 18(2); or
 - (b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or
 - (c) a day agreed by the Commission.
- (2) The report on the proposed structure plan must include the following —
 - (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);
 - (b) any comments by the local government in respect of those submissions;
 - (c) a schedule of any proposed modifications to address issues raised in the submissions;
 - (d) the local government's assessment of the proposal based on appropriate planning principles;
 - (e) a recommendation by the local government on whether the proposed structure plan should be approved by the

Commission, including a recommendation on any proposed modifications.

21. Cost and expenses incurred by local government

The costs and expenses incurred by the local government in giving a report under clause 20(1), are, to the extent that they are not payable by a person who prepared a structure plan under the *Planning and Development Regulations 2009* regulation 49, to be borne by the local government.

22. Decision of Commission

- (1) On receipt of a report on a proposed structure plan, the Commission must consider the plan and the report and may —
 - (a) approve the structure plan; or
 - (b) require the local government or the person who prepared the structure plan to —
 - (i) modify the plan in the manner specified by the Commission; and
 - (ii) resubmit the modified plan to the Commission for approval;or
 - (c) refuse to approve the structure plan.
- (2) Before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the structure plan since it was advertised, direct the local government to readvertise the structure plan in the manner specified by the Commission.
- (3) The Commission may not direct the local government to readvertise the structure plan on more than one occasion.
- (4) If the Commission is not given a report on a proposed structure plan in accordance with clause 20(1), the Commission may make a decision on the proposed structure plan under subclause (1) in the absence of the report.

- (5) The Commission is to be taken to have refused to approve a structure plan if the Commission has not made a decision under subclause (1) within —
 - (a) 120 days of the day on which the local government provides the report to the Commission, excluding any period between the Commission requiring modifications to the structure plan and the resubmission of the modified plan; or
 - (b) a longer period agreed in writing between the Commission and the person who prepared the proposed structure plan.
- (6) Despite subclause (5), the Commission may decide whether or not to approve a structure plan after the period applicable under subclause (5) has expired, and the validity of the decision is not affected by the expiry.
- (7) The Commission must give the local government and any person who prepared the proposed structure plan written notice of its decision to approve or to refuse to approve a structure plan.

23. Further services or information from local government

- (1) The Commission may direct the local government to give to the Commission technical advice and assistance or further information in writing in connection with the application if —
 - (a) the local government does not provide a report on a structure plan within the timeframe referred to in clause 20(1); or
 - (b) the local government provides a report on a structure plan that does not contain sufficient information for the Commission to make its decision on whether or not to approve the structure plan.
- (2) The direction must be in writing and must specify —
 - (a) the services or information required; and
 - (b) the time within which the local government must comply with the direction.
- (3) If a local government fails to comply with a direction given to it under subclause (1), the Commission may take reasonable steps to obtain the services or information referred to in the direction on its own behalf.

- (4) All costs incurred by the Commission in the exercise of the power conferred by subclause (3) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

24. Structure plan may provide for later approval of details of subdivision

- (1) The Commission may approve a structure plan that provides for further details of a proposed subdivision included in the plan to be submitted to, and approved by, the Commission before the subdivision is approved under Part 10 of the Act.
- (2) The Commission may only approve a structure plan referred to in subclause (1) if the Commission is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

25. Review

A person who prepared a structure plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the Commission not to approve the structure plan.

26. Publication of structure plan approved by Commission

- (1) If the Commission approves a structure plan the Commission must publish the structure plan in any manner the Commission considers appropriate.
- (2) The local government may publish a structure plan approved by the Commission on the website of the local government.

27. Effect of structure plan

- (1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.
- (2) A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no

structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —

- (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
- (b) the proposed development or subdivision would not prejudice the overall development potential of the area.

28. Duration of approval

- (1) The approval of a structure plan has effect for a period of 10 years commencing on the day on which the Commission approves the plan, or another period determined by the Commission, unless —
 - (a) the Commission earlier revokes its approval; or
 - (b) an amendment to the Scheme that covers the area to which the structure plan relates takes effect in accordance with section 87 of the Act.
- (2) For the purposes of subclause (1), a structure plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (**commencement day**) is to be taken to have been approved on commencement day.
- (3) The Commission may extend the period of approval of a structure plan if there are no changes to the terms of the plan or the conditions attached to the approval.
- (4) The Commission may revoke its approval of a structure plan if the Commission considers that the structure plan cannot be effectively implemented because of a legislative change or a change in a State planning policy.

29. Amendment of structure plan

- (1) A structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.
- (2) The procedures for making a structure plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a structure plan.

- (3) Despite subclause (2), the local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.
- (4) An amendment to a structure plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

Part 5 — Activity centre plans

30. Terms used

In this Part —

activity centre means —

- (a) an area of land identified in accordance with a State planning policy as an activity centre; or
- (b) an area of land identified by the Commission as an activity centre;

activity centre plan or *activity centre structure plan* means a plan for the coordination of the future subdivision, zoning and development of an activity centre.

31. When activity centre plan may be prepared

An activity centre plan in respect of an area of land in the Scheme area may be prepared if —

- (a) a State planning policy requires an activity centre structure plan to be prepared for the area; or
- (b) the Commission considers that an activity centre plan for the area is required for the purposes of orderly and proper planning.

32. Preparation of activity centre plan

- (1) An activity centre plan must —
 - (a) be prepared in a manner and form approved by the Commission; and
 - (b) include any maps, information or other material required by the Commission; and

- (c) unless the Commission otherwise agrees, set out the following information —
 - (i) the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
 - (ii) the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;
 - (iii) any major land uses, zoning or reserves proposed by the plan;
 - (iv) estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;
 - (v) the population impacts that are expected to result from the implementation of the plan;
 - (vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;
 - (vii) the proposed staging of the subdivision or development covered by the plan;
 - (viii) the standards to be applied for the buildings, other structures and works that form part of the development or subdivision to which it applies;
 - (ix) arrangements for the management of services for the development or subdivision;
 - (x) the arrangements to be made for vehicles to access the area covered by the plan.
- (2) The local government may prepare an activity centre plan in the circumstances set out in clause 31.
- (3) A person may make an application to the local government for an activity centre plan prepared by the person in the circumstances set out in clause 31 to be assessed and advertised if the person is —
 - (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
 - (b) an agent of a person referred to in paragraph (a).

33. Action by local government on receipt of application

- (1) On receipt of an application for an activity centre plan to be assessed and advertised, the local government —
- (a) must consider the material provided by the applicant and advise the applicant in writing —
 - (i) if the activity plan complies with clause 32(1); or
 - (ii) if further information from the applicant is required before the activity centre plan can be accepted for assessment and advertising;
 - and
 - (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The activity centre plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice of its decision to the applicant by the latest of the following days —
- (a) 28 days after receipt of an application;
 - (b) 14 days after receipt of the further information requested under subclause (1)(a)(ii);
 - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day on which the applicant pays the fee.

34. Advertising activity centre plan

- (1) The local government must, within 28 days of preparing an activity centre plan or accepting an application for an activity centre plan to be assessed and advertised —
- (a) advertise the proposed activity centre plan in accordance with subclause (2); and
 - (b) seek comments in relation to the proposed activity centre plan from any public authority or utility service provider that the local government considers appropriate; and

- (c) provide to the Commission —
 - (i) a copy of the proposed activity centre plan and all accompanying material;
 - (ii) details of the advertising and consultation arrangements for the plan.
- (2) The local government must advertise the activity centre plan in one or more of the following ways —
 - (a) by giving notice of the proposed activity centre plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the activity centre plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed activity centre plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
 - (c) by publishing a notice of the proposed activity centre plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
 - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the proposed activity centre plan giving notice of the proposed plan for a period of not less than 14 days and not more than 28 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the sign is erected.

- (3) The local government —
 - (a) must make an activity centre plan advertised under subclause (2) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the activity centre plan and the material accompanying it on the website of the local government.
- (4) If a local government fails to advertise an activity centre plan in accordance with this clause, the Commission may take reasonable steps to ensure that the plan is advertised.
- (5) All costs incurred by the Commission in the exercise of the power conferred by subclause (4) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

35. Consideration of submissions

- (1) The local government —
 - (a) must consider all submissions made to the local government within the period specified in a notice advertising a proposed activity centre plan; and
 - (b) may consider submissions made to the local government after that time; and
 - (c) may request further information from a person who prepared the activity centre plan; and
 - (d) may advertise any modifications proposed to the activity centre plan to address issues raised in submissions.
- (2) If a local government makes a decision under subclause (1)(d) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the activity centre plan.
- (3) Modifications to an activity centre plan may not be advertised on more than one occasion without the approval of the Commission.

36. Local government report to Commission

- (1) The local government must prepare a report on the proposed activity centre plan and provide it to the Commission no later than 60 days after the day that is the latest of —
 - (a) the last day for making submissions specified in a notice given or published under clause 34(2); or
 - (b) the last day for making submissions after a proposed amendment to the activity centre plan is advertised under clause 35(2); or
 - (c) a day agreed by the Commission.
- (2) The report on the proposed activity centre plan must be in a form approved by the Commission and must include the following —
 - (a) a list of the submissions considered by the local government, including if relevant, any submissions received on a proposed modification to the activity centre plan advertised under clause 35(2);
 - (b) any comments by the local government in respect of those submissions;
 - (c) a schedule of any proposed modifications to address issues raised in the submissions;
 - (d) the local government's assessment of the proposal based on appropriate planning principles;
 - (e) a recommendation by the local government on whether the proposed activity centre plan should be approved by the Commission, including a recommendation on any proposed modifications.

37. Cost and expenses incurred by local government

The costs and expenses incurred by the local government in giving a report under clause 36(1), are, to the extent that they are not payable by a person who prepared an activity centre plan under the *Planning and Development Regulations 2009* regulation 49, to be borne by the local government.

38. Decision of Commission

- (1) On receipt of a report on a proposed activity centre plan, the Commission must consider the plan and the report and may —
 - (a) approve the activity centre plan; or
 - (b) require the local government or the person who prepared the activity centre plan to —
 - (i) modify the plan in the manner specified by the Commission; and
 - (ii) resubmit the modified plan to the Commission for approval;or
 - (c) refuse to approve the activity centre plan.
- (2) Before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the activity centre plan since it was advertised, direct the local government to readvertise the activity centre plan as specified by the Commission.
- (3) The Commission must not direct the local government to readvertise the activity centre plan on more than one occasion.
- (4) If the Commission is not given a report on a proposed activity centre plan in accordance with clause 36(1), the Commission may make a decision on the proposed plan under subclause (1) in the absence of the report.
- (5) The Commission is to be taken to have refused to approve an activity centre plan if the Commission has not made a decision under subclause (1) within —
 - (a) 120 days of the day on which the local government provides the report to the Commission, excluding any period between the Commission requiring modifications to the activity centre plan and the resubmission of the modified plan; or
 - (b) a longer period agreed in writing between the Commission and the person who prepared the proposed activity centre plan.

- (6) Despite subclause (5), the Commission may decide whether or not to approve an activity centre plan after the period applicable under subclause (5) has expired, and the validity of the decision is not affected by the expiry.
- (7) The Commission must give the local government and any person who prepared the proposed activity centre plan written notice of its decision to approve or to refuse to approve an activity centre plan.

39. Further services or information from local government

- (1) The Commission may direct the local government to give to the Commission technical advice and assistance or further information in writing in connection with the application if —
 - (a) the local government does not provide a report on an activity centre plan within the timeframe referred to in clause 36(1); or
 - (b) the local government provides a report on an activity centre plan that does not contain sufficient information for the Commission to make its decision on whether or not to approve the activity centre plan.
- (2) The direction must be in writing and must specify —
 - (a) the services or information required; and
 - (b) the time within which the local government must comply with the direction.
- (3) If a local government fails to comply with a direction given to it under subclause (1), the Commission may take reasonable steps to obtain the services or information referred to in the direction on its own behalf.
- (4) All costs incurred by the Commission in the exercise of the power conferred by subclause (3) may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

40. Activity centre plan may provide for later approval of details of subdivision or development

- (1) The Commission may approve an activity centre plan that provides for —
 - (a) further details of a subdivision included in the plan to be submitted to, and approved by, the Commission before the subdivision is approved under Part 10 of the Act; or
 - (b) further details of development included in the plan to be submitted to, and approved by, the local government before the development commences.
- (2) The Commission may only approve an activity centre plan referred to in subclause (1) if the Commission is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

41. Review

A person who prepared an activity centre plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the Commission not to approve the activity centre plan.

42. Publication of activity centre plan approved by Commission

- (1) If the Commission approves an activity centre plan the Commission must publish the activity centre plan in any manner the Commission considers appropriate.
- (2) The local government may publish an activity centre plan approved by the Commission on the website of the local government.

43. Effect of activity centre plan

- (1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by an activity centre plan that has been approved by the Commission is to have due regard to, but is not bound by, the activity centre plan when deciding the application.
- (2) A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 31 as being an

area for which an activity centre plan may be prepared, but for which no activity centre plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —

- (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
- (b) the proposed development or subdivision would not prejudice the overall development potential of the area.

44. Duration of approval

- (1) The approval of an activity centre plan has effect for a period of 10 years commencing on the day on which the Commission approves the plan, or another period determined by the Commission, unless —
 - (a) the Commission earlier revokes its approval; or
 - (b) an amendment to the Scheme that covers the area to which the activity centre plan relates takes effect in accordance with section 87 of the Act.
- (2) For the purposes of subclause (1), an activity centre plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (**commencement day**) has effect as if it were approved on commencement day.
- (3) The Commission may extend the period of approval of an activity centre plan if there are no changes to the terms of the plan or the conditions attached to the approval.
- (4) The Commission may revoke its approval of an activity centre plan if the Commission considers that the activity centre plan cannot be effectively implemented because of a legislative change or a change in a State planning policy.

45. Amendment of activity centre plan

- (1) An activity centre plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.
- (2) The procedures for making an activity centre plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to an activity centre plan.

- (3) Despite subclause (2), the local government may decide not to advertise an amendment to an activity centre plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.
- (4) An amendment to an activity centre plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

Part 6 — Local development plans

46. Term used: local development plan

In this Part —

local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following —

- (a) site and development standards that are to apply to the development;
- (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

47. When local development plan may be prepared

A local development plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or
- (b) a structure plan requires a local development plan to be prepared for the area; or
- (c) an activity centre plan requires a local development plan to be prepared for the area; or
- (d) the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.

48. Preparation of local development plan

- (1) A local development plan must —
 - (a) be prepared in a manner and form approved by the Commission; and
 - (b) include any maps or other material considered by the local government to be necessary; and
 - (c) set out the following information —
 - (i) the standards to be applied for the buildings, other structures and works that form part of the development to which it applies;
 - (ii) details of the arrangements to be made for vehicles to access the area covered by the plan.
- (2) The local government may prepare a local development plan in the circumstances set out in clause 47.
- (3) A person may make an application to the local government for a local development plan prepared by the person in the circumstances set out in clause 47 to be assessed and advertised if the person is —
 - (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
 - (b) an agent of a person referred to in paragraph (a).

49. Action by local government on receipt of application

- (1) On receipt of an application for a local development plan to be assessed and advertised, the local government —
 - (a) must consider the material provided by the applicant and advise the applicant in writing —
 - (i) if the local development plan complies with clause 48(1); or
 - (ii) if further information from the applicant is required before the local development plan can be accepted for assessment and advertising;
- and

- (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The local development plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice of its decision to the applicant by the latest of the following days —
 - (a) 14 days after receipt of an application;
 - (b) 7 days after receipt of the further information requested under subclause (1)(a)(ii);
 - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day on which the applicant pays the fee.

50. Advertising of local development plan

- (1) The local government must, within 28 days of preparing a local development plan or accepting an application for a local development plan to be assessed and advertised —
 - (a) advertise the proposed local development plan in accordance with subclause (2); and
 - (b) seek comments in relation to the proposed local development plan from any public authority or utility service that the local government considers appropriate.
- (2) The local government must advertise the local development plan in one or more of the following ways —
 - (a) by giving notice of the proposed plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;

- (c) by publishing a notice of the proposed plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (d) by erection of a sign or signs in a conspicuous place on the land the subject of the proposed plan giving notice of the proposed plan for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (3) Despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.
- (4) The local government —
 - (a) must make a local development plan advertised under subclause (1) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the local development plan and the material accompanying it on the website of the local government.

51. Consideration of submissions

The local government —

- (a) must consider all submissions in relation to a local development plan made to the local government within the period specified in a notice advertising a proposed local development plan; and
- (b) may consider submissions in relation to a local development plan made to the local government after that time; and
- (c) is to have due regard to the matters set out in clause 67 to the extent that, in the opinion of the local government those matters are relevant to the development to which the plan relates.

52. Decision of local government

- (1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —
 - (a) approve the local development plan; or
 - (b) require the person who prepared the local development plan to —
 - (i) modify the plan in the manner specified by the local government; and
 - (ii) resubmit the modified plan to the local government for approval;or
 - (c) refuse to approve the plan.
- (2) The local government is to be taken to have refused to approve a local development plan if the local government has not made a decision under subclause (1) —
 - (a) if the plan was advertised — within the period of 60 days after the last day for making submissions specified in a notice given or published under clause 50(2) or a longer period agreed between the local government and a person other than the local government who prepared the plan; or
 - (b) if the plan was not advertised — within the period of 60 days after the resolution not to advertise the plan was made by the local government or a longer period agreed between the local government and a person other than the local government who prepared the plan.
- (3) For the purposes of calculating the periods referred to in subclause (2)(a) and (b), the period between the local government requiring modifications to the local development plan and the resubmission of the modified plan is to be excluded.
- (4) Despite subclause (2), the local government may decide whether or not to approve a local development plan after the period applicable under subclause (2) has expired, and the validity of the decision is not affected by the expiry.

- (5) The local government must give any person who prepared the local development plan written notice of its decision to approve or to refuse to approve a local development plan.

53. Local development plan may provide for later approval of details of development

- (1) The local government may approve a local development plan that provides for further details of any development included in the plan to be submitted to, and approved by, the local government before the development commences.
- (2) The local government may only approve a local development plan referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

54. Review

A person who prepared a local development plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the local government not to approve the local development plan.

55. Publication of local development plan approved by local government

If the local government approves a local development plan the local government must publish the local development plan on the website of the local government.

56. Effect of local development plan

- (1) A decision-maker for an application for development approval in an area that is covered by a local development plan that has been approved by the local government must have due regard to, but is not bound by, the local development plan when deciding the application.
- (2) A decision-maker for an application for development approval in an area referred to in clause 47 as being an area for which a local development plan may be prepared, but for which no local development plan has been approved by the local government, may approve the application if the decision-maker is satisfied that —

- (a) the proposed development does not conflict with the principles of orderly and proper planning; and
- (b) the proposed development would not prejudice the overall development potential of the area.

57. Duration of approval

- (1) The approval of a local development plan has effect for a period of 10 years commencing on the day on which the local government approves the plan, or another period determined by the local government, unless the local government earlier revokes its approval.
- (2) For the purposes of subclause (1), a local development plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (**commencement day**) is to be taken to have been approved on commencement day.
- (3) A local government may extend the period of approval of a local development plan if there are no changes to the terms of the plan or the conditions attached to the approval.

58. Revocation of local development plan

The local government must not revoke approval of a local development plan unless this Scheme is amended so that the development to which the plan relates is a non-conforming use.

59. Amendment of local development plan

- (1) A local development plan may be amended by the local government.
- (2) A person who owns land in the area covered by a local development plan may request the local government to amend the plan.
- (3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.
- (4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.

- (5) An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.

Part 7 — Requirement for development approval

60. Requirement for development approval

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or
- (b) the development is of a type referred to in clause 61.

Note:

- 1. Development includes the erection, placement and display of advertisements.
- 2. Approval to commence development may also be required from the Commission if the land is subject to a region planning scheme.

61. Development for which development approval not required

- (1) Development approval of the local government is not required for the following works —
- (a) the carrying out of works that are wholly located on an area identified as a regional reserve under a region planning scheme;

Note:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) the carrying out of internal building work which does not materially affect the external appearance of the building unless the development is located in a place that is —
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or

- (iii) included on a heritage list prepared in accordance with this Scheme and identified on that list as having an interior with cultural heritage significance; or
 - (iv) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (c) the erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is —
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (d) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a place that is —
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or

- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (e) the demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool except where the single house or other structure is —
 - (i) located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under this Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (f) temporary works which are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
- (g) the temporary erection or installation of an advertisement if —
 - (i) the advertisement is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918* (Commonwealth), the *Electoral Act 1907* or the *Local Government Act 1995*; and
 - (ii) the primary purpose of the advertisement is for political communication in relation to the election, referendum or poll; and
 - (iii) the advertisement is not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or other poll is conducted;

- (h) the erection or installation of a sign of a class specified in a local planning policy or local development plan that applies in respect of the sign unless the sign is to be erected or installed —
 - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area;
- (i) the carrying out of any other works specified in a local planning policy or local development plan that applies to the development as works that do not require development approval;
- (j) the carrying out of works of a type identified elsewhere in this Scheme as works that do not require development approval.

Note:

1. The *Planning and Development Act 2005* section 157 applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.
2. The *Planning and Development Act 2005* section 6 applies in respect of the carrying out of public works by the Crown, the Governor, the Government of the State or a local government

- (2) Development approval of the local government is not required for the following uses —

- (a) a use that is wholly located on an area identified as a regional reserve under a region planning scheme;

Note:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) development that is a use identified in this Scheme as a use that is permitted in the zone in which the development is located and —
 - (i) the development has no works component; or
 - (ii) development approval is not required for the works component of the development;

- (c) the use of premises as a home office;
 - (d) temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
 - (e) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
 - (f) use of a type identified elsewhere in this Scheme as use that does not require development approval.
- (3) Despite subclause (1) development approval may be required for certain works carried out —
 - (a) in a special control area; or
 - (b) on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.
- (4) For the purposes of subclause (1)(c) or (d), development is to be taken to satisfy a deemed-to-comply requirement of the R-Codes if it complies with —
 - (a) a requirement in a local development plan or activity centre plan made under the R-Codes that amends or replaces the deemed-to-comply requirement; or
 - (b) a requirement —
 - (i) in a structure plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b); and
 - (ii) that amends or replaces the deemed-to-comply requirement;

or

 - (c) a requirement in a local planning policy that amends or replaces the deemed-to-comply requirement.
- (5) If under subclause (1)(c) or (d) development approval is not required for the carrying out of works on land, the owner of the land may provide to the local government confirmation of the matters set out in

subclause (1)(c) or (d), as relevant, in a manner and form approved by the Commission.

[Clause 61 amended: Gazette 7 Dec 2015 p. 4883-4.]

Part 8 — Applications for development approval

62. Form of application

- (1) An application for development approval must be —
 - (a) made in the form of the “Application for development approval” set out in clause 86(1); and
 - (b) signed by the owner of the land on which the proposed development is to be located; and
 - (c) accompanied by any fee for an application of that type set out in the *Planning and Development Regulations 2009* or prescribed under the *Local Government Act 1995*; and
 - (d) accompanied by the plans and information specified in clause 63.
- (2) For the purposes of subclause (1)(b), a person or body may sign an application for development approval as the owner of freehold land if the person or body is one of the following —
 - (a) a person who is referred to in the definition of **owner** in respect of freehold land in clause 1;
 - (b) a strata company that is authorised by a management statement registered under the *Strata Titles Act 1985* section 5C to make an application for development approval in respect of the land;
 - (c) a person who is authorised under another written law to make an application for development approval in respect of the land;
 - (d) an agent of a person referred to in paragraph (a).

Note:

The *Planning and Development Act 2005* section 267A makes provision for the signing of documents by the owner of Crown land.

- (3) An application for development approval for the erection, placement or display of an advertisement must be accompanied by sufficient information to determine the application in the form of the “Additional information for development approval for advertisements” set out in clause 86(2).

Note:

The *Interpretation Act 1984* section 74 provides for circumstances in which deviations from a prescribed form do not invalidate the form used.

63. Accompanying material

- (1) An application for development approval must be accompanied by —
- (a) a plan or plans in a form approved by the local government showing the following —
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application;
 - (iii) the location, height and type of all existing structures and environmental features, including watercourses, wetlands and native vegetation on the site;
 - (iv) the structures and environmental features that are proposed to be removed;
 - (v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (vi) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (vii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (viii) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (ix) the location, dimensions and design of any open storage or trade display area and particulars of the

manner in which it is proposed to develop the open storage or trade display area;

- (x) the nature and extent of any open space and landscaping proposed for the site;

and

- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building that is intended to be retained; and
 - (c) a report on any specialist studies in respect of the development that the local government requires the applicant to undertake such as site surveys or traffic, heritage, environmental, engineering or urban design studies; and
 - (d) any other plan or information that the local government reasonably requires.
- (2) The local government may waive or vary a requirement set out in subclause (1).
- (3) Where an application relates to a place entered on a heritage list prepared in accordance with this Scheme or within an area designated under this Scheme as a heritage area, the local government may require the application to be accompanied by one or more of the following —
- (a) street elevations drawn as one continuous elevation to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application;
 - (b) a detailed schedule of all finishes, including materials and colours of the proposed development;
 - (c) a description of the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

64. Advertising applications

- (1) An application for development approval must be advertised under this clause if the proposed development —
- (a) relates to the extension of a non-conforming use; or

- (b) relates to a use if —
 - (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and
 - (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;
 - or
 - (c) does not comply with a requirement of this Scheme; or
 - (d) is a development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
 - (e) is of a type that this Scheme requires to be advertised.
- (2) The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.
- (3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —
- (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;

- (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (4) Notice referred to in subclause (3) must be in the form of the “Notice of public advertisement of planning proposal” set out in clause 86(3) unless the local government specifies otherwise.
- (5) If an application for development approval is advertised under this clause, the local government —
 - (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the application and the material accompanying it on the website of the local government.

65. Subsequent approval of development

The procedures relating to applications for development approval set out in Part 7, Part 9 and this Part apply, with any modifications necessary, to an application for development approval for development already commenced or carried out.

Note:

The *Planning and Development Act 2005* section 164 sets out the effect of approval for development already commenced or carried out.

Part 9 — Procedure for dealing with applications for development approval

66. Consultation with other authorities

- (1) When, in the opinion of the local government, an application for development approval may affect any other statutory, public or planning authority, the local government is to provide a copy of the application to the authority for objections and recommendations.

- (2) If an application for development approval relates to proposed development on land that is reserved under this Scheme for a public purpose and vested in a public authority, the local government must provide a copy of the application to that authority for objections and recommendations before making a decision on the application.
- (3) A statutory, public or planning authority receiving a copy of an application may, within 42 days of receiving the application or within such longer period as the local government allows, provide to the local government a memorandum in writing containing any objections to, or recommendations in respect of the whole or part of the proposed development.
- (4) If a statutory, public or planning authority does not provide a memorandum within the time allowed under subclause (3), the local government may determine that the authority is to be taken to have no objections or recommendations to make.

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;

- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;

- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

68. Determination of applications

- (1) The local government must not determine an application for development approval until the later of —
 - (a) if the application is advertised under clause 64 — the end of each period for making submissions to the local government specified in a notice referred to in clause 64(3); and
 - (b) if a copy of the application has been provided to a statutory, public or planning authority under clause 66 — the end of each period for providing a memorandum to the local government referred to in clause 66(3).
- (2) The local government may determine an application for development approval by —
 - (a) granting development approval without conditions; or
 - (b) granting development approval with conditions; or
 - (c) refusing to grant development approval.

69. Application not to be refused if development contribution plan not in place

- (1) The local government must not refuse an application for development approval only because there is not a development contribution plan in place in relation to the development.
- (2) The local government must not grant development approval subject to a condition that future contributions to the provision of infrastructure related to the development may be required under a development contribution plan that is not in place at the time the application is determined.

70. Form and date of determination

- (1) As soon as practicable after determining an application for development approval, the local government must give the applicant written notice of the determination in the form of the “Notice of determination on application for development approval” set out in clause 86(4).

- (2) The determination has effect on the day on which the notice of determination is given to the applicant.

71. Commencement of development under development approval

If development approval is granted under clause 68 —

- (a) the development must be substantially commenced —
 - (i) if no period is specified in the approval — within the period of 2 years commencing on the date on which the determination is made; or
 - (ii) if a period is specified in the approval — within that period; or
 - (iii) in either case — within a longer period approved by the local government on an application made under clause 77(1)(a);
- and
- (b) the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).

72. Temporary development approval

The local government may impose conditions limiting the period of time for which development approval is granted.

Note:

A temporary development approval is where the local government grants approval for a limited period. It does not have any effect on the period within which the development must commence.

73. Scope of development approval

Development approval may be granted —

- (a) for the development for which the approval is sought; or
- (b) for the development for which the approval is sought, except for a part or aspect of that development specified in the approval; or
- (c) for a part or aspect of the development for which approval is sought that is specified in the approval.

74. Approval subject to later approval of details

- (1) The local government may grant development approval subject to a condition that further details of any works or use specified in the condition must be submitted to, and approved by, the local government before the developer commences the development.
- (2) The local government may only impose a condition referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not substantially change the development approved.

75. Time for deciding application for development approval

- (1) The local government must determine an application for development approval —
 - (a) if the application is advertised under clause 64 or a copy of the application is provided to a statutory, public or planning authority under clause 66 — within 90 days of receipt of the application; or
 - (b) otherwise — within 60 days of the receipt of the application and the material that is required to accompany the application referred to in clause 63; or
 - (c) in either case — within a longer time agreed in writing between the applicant and the local government.
- (2) If the local government has not made a determination in the time referred to in subclause (1) the local government is to be taken to have refused to grant the development approval.
- (3) Despite subclause (2), the local government may determine whether or not to grant the development approval after the period applicable under subclause (1) has expired and the validity of the determination is not affected by the expiry.
- (4) The local government must give the applicant written notice of its decision to grant or refuse to grant development approval.

76. Review of decisions

- (1) In this clause —

affected person, in relation to a reviewable determination, means —

- (a) the applicant for development approval; or
- (b) the owner of land in respect of which an application for development approval is made;

reviewable determination means a determination by the local government to —

- (a) refuse an application for development approval; or
- (b) to grant development approval subject to conditions; or
- (c) to refuse to amend or cancel a development approval on an application made under clause 77.

- (2) An affected person may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with the *Planning and Development Act 2005* Part 14.

77. Amending or cancelling development approval

- (1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —

- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
- (b) to amend or delete any condition to which the approval is subject;
- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
- (d) to cancel the approval.

- (2) An application under subclause (1) —

- (a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and

- (b) may be made during or after the period within which the development approved must be substantially commenced.
- (3) Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.
- (4) The local government may determine an application made under subclause (1) by —
 - (a) approving the application without conditions; or
 - (b) approving the application with conditions; or
 - (c) refusing the application.

Part 10A — Bushfire risk management

[Heading inserted: Gazette 7 Dec 2015 p. 4884.]

78A. Terms used

In this Part, unless the contrary intention appears —

AS 3959 means Australian Standard AS 3959 — Construction of buildings in bushfire-prone areas, as adopted from time to time as a referenced document for the purposes of the Building Code;

BAL contour map, in relation to a development site, means a scale map of an area that includes the development site —

- (a) prepared in accordance with State planning policy 3.7: Planning in Bushfire Prone Areas as part of a plan of subdivision that has been approved under Part 10 of the Act for the area; and
- (b) that shows the indicative bushfire attack levels (BAL) for the area;

bushfire attack level assessment means an assessment prepared in a manner and form set out in AS 3959 to determine a bushfire attack level (BAL) as set out in AS 3959;

construction of a building includes the erection, assembly or placement of a building but does not include the renovation, alteration, extension, improvement or repair of a building;

development approval means development approval of the local government obtained under Part 8;

development site means that part of a lot on which a building that is the subject of development stands or is to be constructed;

habitable building means a permanent or temporary structure on land that —

- (a) is fully or partially enclosed; and
- (b) has at least one wall of solid material and a roof of solid material; and
- (c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained;

specified building means a structure of a kind specified in this Scheme as a kind of structure to which this Part applies in addition to its application to habitable buildings.

[Clause 78A inserted: Gazette 7 Dec 2015 p. 4884-5.]

78B. Application of Part to development

- (1) This Part does not apply to development unless the development is —
 - (a) the construction or use, or construction and use, of a single house or ancillary dwelling on a lot or lots with a total area of 1 100 m² or more; or
 - (b) the construction or use, or construction and use, of —
 - (i) a habitable building other than a single house or ancillary dwelling; or
 - (ii) a specified building.
- (2) The requirements in this Part are in addition to any provisions relating to development in a bushfire prone area that apply in a special control area.

[Clause 78B inserted: Gazette 7 Dec 2015 p. 4886.]

78C. Determining whether development site is in a bushfire prone area

For the purposes of this Part, a development site is subject, or likely to be subject, to bushfires and is referred to as being **in a bushfire prone area** if the development site is on land designated by an order made

under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.

[Clause 78C inserted: Gazette 7 Dec 2015 p. 4886.]

78D. Proposed development in a bushfire prone area

- (1) Unless subclause (2) applies, before commencing any development on a development site a person (the *developer*) must cause to be prepared a bushfire attack level assessment for the development site if the development site —
 - (a) is in a bushfire prone area; and
 - (b) has been in a bushfire prone area for a period of at least 4 months.
- (2) A developer is not required under subclause (1) to cause to be prepared a bushfire attack level assessment for a development site if —
 - (a) a BAL contour map has been prepared in relation to the development site; or
 - (b) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site.
- (3) The developer must have development approval to commence any development on the development site if —
 - (a) the bushfire attack level assessment prepared under subclause (1) calculates the bushfire attack level of the development site as BAL - 40 or BAL - Flame Zone; or
 - (b) a bushfire attack level assessment has not been prepared under subclause (1) but a BAL contour map prepared in relation to the development site indicates that the bushfire attack level of the development site is BAL - 40 or BAL - Flame Zone; or
 - (c) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site.

- (4) Subclause (3) applies —
- (a) in addition to any requirement in this Scheme for development approval to be obtained; and
 - (b) despite any exemption in this Scheme from the requirement to obtain development approval.

[Clause 78D inserted: Gazette 7 Dec 2015 p. 4886-7.]

78E. Matters to be considered for development approval

- (1) In considering an application for development approval for development to which this Part applies, the local government is to have regard to the bushfire resistant construction requirements of the Building Code.
- (2) The matters referred to in subclause (1) are in addition to any other matters that the local government is to have regard to in considering the application in accordance with this Scheme.

[Clause 78E inserted: Gazette 7 Dec 2015 p. 4887-8.]

78F. Transitional provisions for sites in new bushfire prone areas

- (1) In this clause, each of these terms has the meaning given in the *Building Act 2011* section 3 —
- building permit***
- building work***
- (2) In this clause —
- application*** means an application under the *Building Act 2011* for a building permit;
- transitional permit*** means a building permit granted in respect of an application to do building work on a development site if —
- (a) the site was not in a bushfire prone area when the application was made; or
 - (b) the site had been in a bushfire prone area for a period of less than 4 months when the application was made.
- (3) Clause 78D does not apply to the commencement of development to which a transitional permit applies.

[Clause 78F inserted: Gazette 7 Dec 2015 p. 4888.]

78G. Transitional provisions relating to *Planning and Development (Local Planning Schemes) Amendment Regulations 2015*

- (1) In this clause —

commencement day means the day on which the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015* clause 5 comes into operation;

previous bushfire provisions means any provisions in this Scheme that, immediately before commencement day, required a developer in an area that was identified under this Scheme as being an area that is subject, or likely to be subject to bushfires to —

- (a) cause to be prepared a bushfire attack level assessment for a development site; or
- (b) to have development approval to commence development on a development site because —
 - (i) a bushfire attack level assessment prepared for the development site calculates the bushfire attack level of the development site as BAL - 40 or BAL - Flame Zone; or
 - (ii) it is not possible to calculate the bushfire attack level of the development site because of the terrain of the development site;

transitional development site means a development site that is located in an area that —

- (a) is a bushfire prone area; and
- (b) immediately before commencement day was an area identified in any way under this Scheme as being an area that is subject, or likely to be subject, to bushfires;

transition period means the period of 4 months beginning on commencement day.

- (2) Clause 78D(1) applies in respect of development on a transitional development site if —

- (a) the development is commenced within the transition period; and
- (b) a developer would have been required under the previous bushfire provisions to prepare a bushfire attack level assessment for the development site.

- (3) Clause 78D(3) applies in respect of development on a transitional development site if —
 - (a) the development is commenced within the transition period; and
 - (b) a developer would have been required under the previous bushfire provisions to have development approval to commence the development.
- (4) For the purposes of paragraph (b) of the definition of *transitional permit* in clause 78F(2), an area that immediately before commencement day was identified in any way under this Scheme as being an area that is subject, or likely to be subject, to bushfires is to be taken on and from commencement day to have been in a bushfire prone area for a period of at least 4 months.

[Clause 78G inserted: Gazette 7 Dec 2015 p. 4888-90.]

Part 10B — Exemptions from planning requirements for state of emergency

[Heading inserted: SL 2020/30 r. 5.]

78H. Minister may issue notice of exemption from planning requirements in state of emergency

- (1) If a state of emergency declaration is in force under the *Emergency Management Act 2005* Part 5 in relation to the whole or any area or areas of the State, the Minister may, by notice in writing, issue 1 or more exemptions from planning requirements under this Scheme.
- (2) A notice under subclause (1) can be issued only if the Minister considers that it is necessary to do so for the purpose of facilitating response to, or recovery from, the emergency to which the state of emergency declaration relates.
- (3) A reference in subclause (1) to a planning requirement —
 - (a) includes, without limiting that subclause —
 - (i) a requirement to obtain development approval; and
 - (ii) a requirement under a condition of development approval; and

- (iii) a requirement relating to the permissibility of uses of land; and
 - (iv) a requirement relating to works; and
 - (v) a provision having the effect that a non-conforming use of land is no longer permitted because of a discontinuance of that non-conforming use; and
 - (vi) a requirement in relation to consultation, advertisement, applications, time limits or forms;
 - but
 - (b) does not include an environmental condition that applies to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986*.
- (4) A notice under subclause (1) may be issued whether or not the state of emergency declaration applies in relation to any part of the Scheme area, but only if it is necessary for the purpose referred to in subclause (2).
- (5) An exemption in a notice under subclause (1) may —
- (a) apply generally or to land, or classes of land, specified in the notice; and
 - (b) be unconditional or subject to any conditions specified in the notice.
- (6) The Minister —
- (a) may, by notice in writing, amend a notice under subclause (1) for the purpose referred to in subclause (2); and
 - (b) may, by notice in writing, revoke a notice under subclause (1); and
 - (c) must under paragraph (b) revoke a notice under subclause (1) if the Minister considers that the notice is no longer necessary for the purpose referred to in subclause (2).

[Clause 78H inserted: SL 2020/30 r. 5.]

78I. Process for issuing notice under cl. 78H

- (1) A notice under clause 78H(1) or (6) must be signed by the Minister and published in the *Gazette*.

- (2) A notice under clause 78H(1) or (6) of this Scheme may be combined in a single instrument with 1 or more other notices of that kind issued under 1 or more other local planning schemes or all other local planning schemes.
- (3) Before issuing a notice under clause 78H(1) or (6), the Minister must, unless the Minister considers that it is impracticable to do so because of the urgency of the circumstances, make reasonable endeavours to consult in relation to the notice —
 - (a) the Commission; and
 - (b) WALGA.
- (4) The Minister must ensure that a copy of the notice is sent to the local government or WALGA.
- (5) A failure to comply with subclause (3) or (4) in relation to a notice does not invalidate the notice.

[Clause 78I inserted: SL 2020/30 r. 5.]

78J. Coming into effect and cessation of notices and exemptions under cl. 78H

- (1) A notice under clause 78H(1) or (6) must state the date and time at which it is signed.
- (2) A notice under clause 78H(1) must also state, for each exemption under the notice, that the exemption is to expire —
 - (a) when the state of emergency declaration ceases to be in force; or
 - (b) at a date and time stated in the notice, which must not be later than the end of the period of 5 years beginning on the day on which the notice is signed.
- (3) A notice under clause 78H(1) or (6) takes effect when it is signed.
- (4) An exemption under a notice under clause 78H(1) remains in effect, subject to any amendment or revocation of the notice under clause 78H(6), until the time of expiry stated under subclause (2) for that exemption.
- (5) When an exemption under a notice under clause 78H(1) is amended or ceases to be in effect, the provisions of this Scheme in relation to

non-conforming uses of land do not apply in relation to any use or development of land that was permitted only because of the effect of the exemption prior to the amendment or cessation.

[Clause 78J inserted: SL 2020/30 r. 5.]

Part 10 — Enforcement and administration

Division 1 — Powers of local government

78. Powers of local government

- (1) For the purposes of implementing this Scheme the local government may —
 - (a) enter into an agreement in respect of a matter relating to this Scheme with any owner, occupier or other person having an interest in land affected by this Scheme; and
 - (b) deal with or dispose of any land in the Scheme area which it has acquired in accordance with the *Planning and Development Act 2005* Part 11 Division 4.
- (2) The local government may only deal with or dispose of land acquired by the local government for the purpose of a local reserve for a use of the land that is compatible with the purpose for which it is reserved.

79. Entry and inspection powers

- (1) The local government CEO may, by instrument in writing, designate an officer of the local government as an authorised officer for the purposes of this clause.
- (2) An authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required —
 - (a) enter any building or land in the Scheme area; and
 - (b) inspect the building or land and any thing in or on the building or land.

80. Repair of existing advertisements

- (1) The local government may require the owner of an advertisement located in the Scheme area to repair the advertisement if, in the

opinion of the local government, the advertisement has deteriorated to a point where it is in conflict with the aims of this Scheme.

- (2) A requirement referred to in subclause (1) must —
- (a) be in the form of a written notice given to the person; and
 - (b) specify the advertisement the subject of the requirement; and
 - (c) set out clear reasons for the requirement; and
 - (d) set out full details of the action or alternative courses of action to be taken by the person; and
 - (e) specify the period, not being a period of less than 60 days from the day on which the notice is given to the person, within which the requirement must be complied with.
- (3) If the local government does not know who the owner of an advertisement is, the local government may give a notice referred to in subclause (1) to the owner of the land on which the advertisement is located and direct the owner of the land to give the notice to the owner of the advertisement within a period specified by the local government.
- (4) If an owner of land on which an advertisement is located does not give to the owner of the advertisement a notice as directed under subclause (3), the owner of the land is to be taken to be the owner of the advertisement.
- (5) A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14.

Division 2 — Delegations

81. Terms used

In this Division —

absolute majority has the meaning given in the *Local Government Act 1995* section 1.4;

committee means a committee established under the *Local Government Act 1995* section 5.8.

82. Delegations by local government

- (1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.
- (2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.
- (3) The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.

83. Local government CEO may delegate powers

- (1) The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.
- (2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

84. Other matters relevant to delegations under this Division

The *Local Government Act 1995* sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.

Division 3 — Miscellaneous

85. Agreement to use of material provided for Scheme purposes

The local government may refuse to accept an application made under this Scheme if the local government is not satisfied that there is in place an agreement for the local government to use any copyrighted material provided in support of the application —

- (a) for the purposes of advertising the application or implementing a decision on the application; and
- (b) for zero remuneration.

Part 11 — Forms referred to in this Scheme

86. Forms referred to in this Scheme

- (1) The form of an application for development approval referred to in clause 62(1)(a) is as follows —

Application for development approval

Owner details		
Name:		
ABN (if applicable):		
Address:		
..... Postcode:		
Phone:	Fax:	Email:
Work:
Home:		
Mobile:		
Contact person for correspondence:		
Signature:		Date:
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>		

Applicant details (if different from owner)
Name:

Address:		
.....		Postcode:
Phone:	Fax:	Email:
Work:
Home:		
Mobile:		
Contact person for correspondence:		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature:		Date:

Property details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		

Proposed development	
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use

Description of proposed works and/or land use:
Description of exemption claimed (if relevant):
Nature of any existing buildings and/or land use:
Approximate cost of proposed development:
Estimated time of completion:

<i>OFFICE USE ONLY</i>	
Acceptance Officer's initials:	Date received:
Local government reference No:	

(The content of the form of application must conform with this form but minor variations may be permitted to the format.)

- (2) The form for providing additional information for development approval for advertisements referred to in clause 62(3) is as follows —

Additional information for development approval for advertisements

Note: To be completed in addition to the Application for development approval form.

1.	Description of property on which advertisement is to be displayed including full details of its proposed position within that property:
2.	Details of proposed sign: (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): (b) Height: Width: Depth: (c) Colours to be used: (d) Height above ground level —

	to top of advertisement:
	to underside:
(e)	Materials to be used: Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:
3.	Period of time for which advertisement is required:
4.	Details of signs (if any) to be removed if this application is approved: Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed as detailed in 4 above. Signature of advertiser(s): (if different from land owners) Date:

- (3) The form of a notice of public advertisement of a planning proposal referred to in clause 64(4) is as follows —

Planning and Development Act 2005

City/Town/Shire of

Notice of public advertisement of planning proposal

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No: Street: Suburb:

Proposal:

.....

.....

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of

.....

Signed: Dated:

.....

for and on behalf of the City/Town/Shire of:

- (4) The form of a notice of determination on an application for development approval referred to in clause 70 is as follows —

Planning and Development Act 2005

City/Town/Shire of

Notice of determination on application for development approval

Location:

Lot: Plan/Diagram:

Vol. No: Folio No:

Application date: Received on:

Description of proposed development:

.....

The application for development approval is:

☐ Approved subject to the following conditions

☐ Refused for the following reason(s)

Conditions/reasons for refusal:

.....
.....
.....

Date of determination:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

.....

for and on behalf of the City/Town/Shire of:

(The content of the determination notice must conform to this form but minor variations may be permitted to the format.)