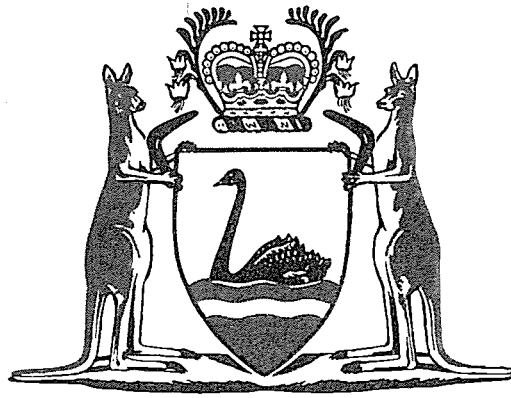


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TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

CITY OF MELVILLE

TOWN PLANNING SCHEME NO 3

T.P.B. 853/2/17/10 Vol 5

It is hereby notified for public information in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning approved the City of Melville Town Planning Scheme No 3 on 6 March 1985 - the Scheme Text of which is published as a Schedule annexed hereto.

J F HOWSON  
Mayor

R H FARDON  
Town Clerk



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CITY OF MELVILLE

TOWN PLANNING SCHEME NO. 3

The Melville City Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended) and the Metropolitan Region Town Planning Scheme Act 1959 (as amended) hereby makes the following Town Planning Scheme for the purpose of:

- (1) setting aside land for future public use as reserves;
- (2) controlling land development;
- (3) other matters authorised by the enabling Acts.

PART I - PRELIMINARY

1.0 SHORT TITLE

- 1.1 This Town Planning Scheme may be cited as the City of Melville Town Planning Scheme No. 3, hereinafter called "the Scheme," and having force of law over the whole City area, the boundaries of which are more specifically defined on the Land Use Map in accordance with the legend.
- 1.2 The Scheme shall come into operation on the publication of notice of the Honorary Minister for Planning, hereinafter referred to as "the Minister," final approval thereof in the "Government Gazette."
- 1.3 This Scheme is complementary to and is not a substitute for the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended from time to time, shall continue to have effect.
- 1.4 The Town Planning Scheme for the whole of the City of Melville, which was published in the Government Gazette on 30th June, 1972, and subsequently from time to time amended, and Town Planning and Redevelopment Scheme No. 1, which was published in the "Government Gazette" on 23rd February, 1973, are hereby revoked.
- 1.5 The responsible Authority for carrying out the Scheme is the Council of the City of Melville, hereinafter referred to as "the Council," except that where land is defined in the Scheme as a "Regional Reservation," the responsible Authority shall be deemed to be the Metropolitan Region Planning Authority and the provisions of the Metropolitan Region Scheme shall apply to such reservations.
- 1.6 Where there is inconsistency between the provisions of this Scheme and the City of Melville Town Planning Scheme No. 4 (Melville City Centre Guided Development Scheme), provisions of this Scheme shall prevail.

## 1.7 ARRANGEMENT OF THE SCHEME

The Scheme Text is divided into the following parts:

- Part I - Preliminary
- Part II - Reserved Land
- Part III - Zones
- Part IV - Objectives and Policies
- Part V - Development Control
- Part VI - Non-Conforming Use
- Part VII - Finance and Administration

1.8 The remaining documents of the Scheme are as follows:

- Land Use Map - Sheets 1 - 36
- Scheme Map - Sheets 1 - 8.

## 1.9 INTERPRETATIONS

In this Scheme the terms used will have the respective interpretations as set out hereunder.

- 1.9.1 "Act" shall mean the Town Planning and Development Act 1928 (as amended).
- 1.9.2 "Amenity Building" means a building or part of a building that employees or persons engaged in an industry or business, use for their personal comfort convenience or enjoyment or leisure as distinct from the work of the industry or business.
- 1.9.3 "Ancillary Use" means a use associated with and incidental to the predominant use.
- 1.9.4 "Animal Hospital" means a building or land used or developed for the medication and treatment of/or hospitalisation and boarding of animals.
- 1.9.5 "Association" means a body of persons whether incorporated or not consisting of not less than 10 members which is not formed for the purpose of securing pecuniary profit to its members from the transactions thereof and having for its objects social sporting religious educational literary musical scientific agricultural horticultural or other like activities or the welfare and recreation of its members.
- 1.9.6 "Auction Mart" means a building used for the storage of goods and materials and for the sale of goods and materials by Auction.
- 1.9.7 "Authority, The" means The Metropolitan Regional Planning Authority.
- 1.9.8 "Battleaxe Lot" means generally a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot, or appended to that lot in the form of a right of way included in that Certificate of Title.
- 1.9.9 "Board, The" means The Town Planning Board constituted under the Town Planning and Development Act.
- 1.9.10 "Boarding House" means a residential development within which board and lodging is provided.



- 1.9.11 "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.
- 1.9.12 "Cabarets" shall have the same meaning as is given to it under the Liquor Act, 1970 (as amended).
- 1.9.13 "Camping and Camping Areas" means land used for the erection of tents and other similar structures for temporary accommodation.
- 1.9.14 "Canteen" means a facility for the supply of food, confections and other small goods to employees on-site or in the general neighbourhood.
- 1.9.15 "Car Park" means a site or building used primarily for parking private cars or taxis whether as a public or private car park, but does not include any part of a public road used for parking or for a taxi rank, or any land or building on or in which cars are displayed for sale.
- 1.9.16 "Car Parking" means the parking or standing of vehicles on areas set aside or agreed by the Council.
- 1.9.17 "Car Wash" means a structure or device for the mechanical washing and/or polishing of motor vehicles whether carried out within roofed premises or in the open air or both.
- 1.9.18 "Car Sales" means a car sale business for new and used vehicles carried on within roofed premises or in the open air or both.
- 1.9.19 "Car Sales Premises" means land and buildings used for the display and sale of cars, whether new or second hand and may include a workshop.
- 1.9.20 "Car Wrecking" means any land or building used for dismantling of vehicles or other machinery of any nature and includes scrap metal yards.
- 1.9.21 "Caravan" means a wheeled vehicle whether currently equipped with wheels or not, capable of being used for residential or other purposes and includes self-propelled units of similar nature.
- 1.9.22 "Caravan Park" means an area set aside for the parking of caravans in conformity with the Caravan and Camp Regulations 1974, made pursuant to the provisions of the Health Act, 1911 (as amended) and the Local Government Model By-Law (Caravan Parks and Camping Grounds) No. 2, made pursuant to the powers conferred by the Local Government Act 1960 (as amended) and any amendments to those regulations or to that Model By-Law; and this definition shall include any similar use whether designated caravan park or otherwise.
- 1.9.23 "Caretaker's House or Flat" means a building or part of a building used as residence by the proprietor or manager of an industry or business carried on upon the same site, or by a person having the care of the building or plant of the industry or business.
- 1.9.24 "Cemetery" means an area set aside for the interment and/or cremation of dead bodies.
- 1.9.25 "Child Minding" means any of the types of minding or care centres defined under the Child Welfare Act 1947 (as amended) or regulations made thereunder.

- 1.9.26 "Cinema" means a building within which motion pictures are shown to the general public.
- 1.9.27 "Civic Building" means a building designed, used or intended to be used by Government Departments, statutory bodies representing the Crown, or Councils, as offices or for administrative or other like purposes.
- 1.9.28 "Civic Use" means any land or building used for civic purposes.
- 1.9.29 "Commercial" means the carrying out of any wholesale or retail business trade or enterprise involving the sale and/or display of those goods.
- 1.9.30 "Community Health Centre" means a structure provided from public funds for medical and paramedical services to provide comprehensive family medical care and advice.
- 1.9.31 "Construction yard" means any land or building used for the storage, manufacture, assembly or dismantling of building material, pipes or other items related to any trade.
- 1.9.32 "Consulting Rooms" means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.
- 1.9.33 "Convenience Store" means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents, but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a Convenience Store shall not exceed 300 square metres Gross Leasable Area.
- 1.9.34 "Cultural Uses" means any building or land used for the improvement or refinement of the people by education and/or entertainment.
- 1.9.35 "Depot" means a place where goods or vehicles are deposited or stored for other than retail or wholesale purposes.
- 1.9.36 "Development" means the use or development of any land and includes the erection, construction, alteration or carrying out, as the case may be, of any building, excavation or other works on any land.
- 1.9.37 "Dispensary" means an establishment associated with a hospital or medical clinic operated by a pharmacist, which only dispenses therapeutic medicines, medications and goods directly allied thereto.
- 1.9.38 "Drive-In Theatre" means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.
- 1.9.39 "Dry Cleaning Agency" means part of building used for the picking up or setting down of any item for cleaning at dry cleaning premises.
- 1.9.40 "Dry Cleaning Premises" means land and buildings used for the cleaning of garments and other fabrics by chemical process.

- 1.9.41 "Educational Establishment" means a school, college, university, technical institute, academy or other educational centre, or a lecture hall, but does not include a reformatory institution or institutional home.
- 1.9.42 "Effective Frontage" means the length of a line drawn at a distance equivalent to the building setback distance pertaining to the type of development to be established, the distance so measured to be between the intersection of the building setback line and the two side boundaries.
- 1.9.43 "Extractive Industry" means the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land; also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted, or on land adjacent thereto.
- 1.9.44 "Factoryette" means a unit within a multi-unit factory development erected upon one lot.
- 1.9.45 "Fish Shop" means a shop where the goods kept exposed or offered for sale include wet fish or fish fried on the premises, for consumption off the premises.
- 1.9.46 "Firearms Sales" means use of land, buildings and premises for the storing and sale of firearms and ammunition as defined under the Firearms Act 1978, and includes wholesale and retail sales.
- 1.9.47 "Floor Area" shall have the same meaning as is given to it and for the purposes of the Uniform Building By-Laws.
- 1.9.48 "Frontage" means the width of a lot at the street alignment.
- 1.9.49 "Fuel Depot" means a depot for storage or bulk sale of solid liquid or gaseous fuel but does not include a service station or petrol filling station.
- 1.9.50 "Funeral Parlour" means land and buildings occupied by undertakers where bodies are stored and prepared for burial or cremation.
- 1.9.51 "Gazetted Date" means the date on which notice of the approval of the Minister to a planning scheme is published in the "Government Gazette."
- 1.9.52 "General Industry" means any industry other than hazardous, light, noxious, rural, extractive or service industry.
- 1.9.53 "Generating Works" means a building or works used for the purpose of making or generating gas, electricity, or other forms of energy for public or private consumption.
- 1.9.54 "Gross Floor Area" means for office, business and commercial development the total floor area within the building, exclusive of lift shafts, toilets, amenities, stair wells, external wall thicknesses, plant rooms and gross areas of parking facilities and access thereto which are sited within the building.
- 1.9.55 "Gross Leasable Area" means all that area contained within the building designated for tenant occupancy and exclusive use measured from the centre line of joint partitions or to the outer face of external walls, whichever is applicable.

- 1.9.56 "Gun Smith" means the use of buildings for the manufacture, repair, assembly and/or sale of firearms.
- 1.9.57 "Hall" means a structure designed and providing for communal gatherings and public meetings.
- 1.9.58 "Hazardous Industry" means an industry which by reason of the processes involved or the method of manufacture, or the nature of the materials used or produced requires isolation from other buildings.
- 1.9.59 "Health Centre" means a maternal or x-ray centre, a district clinic, a masseur's establishment or a medical clinic.
- 1.9.60 "Health Club" means a building used and equipped for physical fitness and body building exercises and may include outdoor areas if approved by Council.
- 1.9.61 "Hire Service (Industrial)" means the offering for hire or rent of bulky items including machines and mechanical equipment.
- 1.9.62 "Hire Service (Non-Industrial)" means the offering for hire or rent of goods of a non-bulky nature which do not include large mechanical devices or equipment.
- 1.9.63 "Home Occupation" means a business office or trade carried on with the permission of the Council within a dwelling house or curtilage of a house and relates to applicant only and does not run with the land and is not transferable.
- a) It entails the establishment of a business, office or workshop only, but does not include a retail sale, hire or display of goods of any nature.
  - b) It does not entail persons other than those members of the immediate family to travel to and from the premises in relation to the business, trade or workshop operation.
  - c) It does not create injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products.
  - d) It does not entail the employment of any person not a member of the occupier's family.
  - e) It does not occupy an area greater than 38 square metres, including office accommodation which, in the case of the workshop or trade, shall not be less than six metres from the nearest part of a habitable room within an adjacent or adjoining residence other than that within the curtilage of the lot upon which the workshop is erected.
  - f) It does not require the provision of any essential service of a greater capacity than normally required for the permitted use of the lot.
  - g) It is restricted in advertisement to a sign not exceeding 0.2 square metres in area, depicting only the name and occupation.

- h) It does not require the provision of parking facilities over and above those normally required for the permitted use of the lot.
  - i) It does not entail the presence, parking or garaging of vehicles of more than four (4) tonnes tare weight.
- 1.9.64 "Hospital" means any building or part of a building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care.
- 1.9.65 "Hostel" means public or private residential development, providing board and lodgings on a temporary basis.
- 1.9.66 "Hotel" means land and buildings providing accommodation for the public and which is the subject of a hotel licence, granted under the provisions of the Liquor Act 1970 (as amended) but does not include a Tavern Boarding House or premises, the subject of a limited hotel licence, granted under that Act.
- 1.9.67 "Industry" means the carrying out of any process for and incidental to:
- a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning, or adapting for sale, or breaking up or demolition of any article or part of any article;
  - b) the winning, processing or treatment of minerals;
  - c) the generation of electricity or the production of gas; and
  - d) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with
    - i) the carrying out of agriculture
    - ii) site work on buildings, works or land
    - iii) in the case of the manufacture of goods referred to in subparagraph (d) above, the preparation on the premises of a shop of food for sale;
- 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, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process.
- 1.9.68 "Infant Health Centre" means any building provided from public or private resources for the medical benefit of children, not being a Community Health Centre.
- 1.9.69 "Institutional Building" means a building used or designed for use wholly or principally for the purpose of:
- a) a hospital or sanatorium for the treatment of infectious or contagious diseases;
  - b) a home or other institution for care of State wards, orphans or persons who are physically or mentally handicapped;
  - c) a penal or reformatory institution;
  - d) a hospital for treatment or care of the mentally sick; or
  - e) any other similar use.

- 1.9.70 "Institutional Home" means a residential building for the care and maintenance of children, and includes a benevolent institution, but does not include a hospital or a mental institution.
- 1.9.71 "Kennels" means any structure or land used for the boarding and/or breeding of animals under the provisions of the By-Laws made under the Dog Act 1976 (as amended).
- 1.9.72 "Kindergartens" means facilities provided by private and/or public resources for the part-time education of preschool aged children.
- 1.9.73 "Land" includes air stratum titles, messuages, tenements and hereditaments and any estate in the lands; and houses, buildings, works and structures in or upon the land.
- 1.9.74 "Laundry, Public - Coin Operated" means an establishment for the operation or use of mechanical cleaning devices by any member of the public.
- 1.9.75 "Light Industry" means an industry including those industrial uses listed in Appendix 1.
- 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 prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, waste water, water products, oil, or otherwise; and
  - b) the establishment of which will not, or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas electricity, sewerage facilities, or any other like service.
- 1.9.76 "Library" means a place set apart to contain books or other media for reading, study or reference, whether for public or private use and may include lending facilities.
- 1.9.77 "Living Area Precinct" means a precinct control area which has a predominant residential use but may also have other uses as permitted by this Scheme.
- 1.9.78 "Lot" means and has the definition given to it in and for the purposes of the Act.
- 1.9.79 "Lunch Bar" means premises in an area zoned for industry used for the preparation and/or sale of take-away sandwiches and similar foodstuffs and ancillary small goods.
- 1.9.80 "Marine Filling Station" means land and 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.
- 1.9.81 "Medical Centre" means a suite of offices for medical and/or paramedical uses within which several medical practitioners are established.

- 1.9.82 "Medical and Paramedical Professional Use" means the establishment of Medical and Paramedical Surgeries and sites for professional people who are either members or eligible for membership of the Australian Medical Association, the Australian Dentist Association Inc., the West Australian Association of Masseurs, the Australian Chiropody Association, the Australian Optometrical Association, the Australian Physiotherapy Association, the Pharmaceutical Society of Western Australia, the Australian Chiropractor's Association, other recognised medical/paramedical bodies, but such terminology shall not include nurses and technicians employed as staff by such professional people and shall refer to the establishment of one only of the above medical/paramedical professional persons on a lot in residential areas.
- 1.9.83 "Milk Depot" means a depot to which milk is delivered for distribution to consumers but in which milk is not processed or pasturised.
- 1.9.84 "Motel" means a building, group of buildings, or place used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house, but in which special provision is made for the accommodation of patrons with motor vehicles.
- 1.9.85 "Motor Repair Station" means land and buildings used for, or in connection with mechanical repairs and overhauls, including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.
- 1.9.86 "Museum" means a building, structure or land used for storing and exhibiting objects illustrative of antiquities, natural history, art, etc.,
- 1.9.87 "New Street Alignment" - see "Street Alignment."
- 1.9.88 "Night Club" means a building or land used for entertainment or entertainment and eating facilities combined.
- 1.9.89 "Non-Conforming Use" means the use of land which, though lawful and approved immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.
- 1.9.90 "Noxious Industry" means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended), but does not include fish shops or dry cleaning establishments.
- 1.9.91 "Nursery" means land and ancillary buildings used for the extensive propagation, growing, storing, displaying and/or cultivation of trees, shrubs, flowers and any other types of flora.
- 1.9.92 "Office" means the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature; or where not conducted on the site thereof, the administration of or the accounting in connection with an industry.
- 1.9.93 "Open Air Display" means the use of land as a site for the display and/or sale of goods and equipment.

- 1.9.94 "Owner" means and is used in relation to any land and includes the Crown and every person who jointly or severally, whether at law or in equity:
- a) is entitled to the land for any estate in fee simple in possession; or
  - b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
  - c) is a lessee or licensee from the Crown; or
  - d) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owners, trustee, mortgagee in possession or otherwise.
- 1.9.95 "Petrol Pump" means any mechanical device, whether fixed or movable, used or designed to be used for dispensing petrol or any other flammable liquid, and includes all tanks and equipment ancillary thereto, excluding a pump associated with a service station.
- 1.9.96 "Pharmacist" is a person who is a member of the Pharmaceutical Society of Western Australia.
- 1.9.97 "Plot Ratio" has the same meaning as in the Uniform Building By-Laws 1974 as amended.
- 1.9.98 "Precinct Control Area" means a portion of the scheme area as delineated on the Scheme Map within which Council may adopt a set of objectives and policies to control development.
- 1.9.99 "Private Club" means land and buildings used by an Association for the purposes of recreation and/or amusement and may with the consent of the Council include uses ancillary to the predominant use.
- 1.9.100 "Private Recreation" means the use of land for parks, gardens, playgrounds, sports arenas, other grounds for recreation which are not normally open to the public without charge.
- 1.9.101 "Professional Offices" means any building used for the purpose of his or her profession by an accountant, architect, artists, author, barrister, chiropodist, chiropractor, consular official, dentist, doctor, engineer, masseur, nurse, optometrists, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or music teacher) or town planner; and "professional person" has a corresponding interpretation but does not include a veterinary doctor or surgeon.
- 1.9.102 "Public Amusement" means the use of land as theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium, or for games.
- 1.9.103 "Public Assembly - place of" means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, racecourses, trotting tracks, stadia, or showgrounds.
- 1.9.104 "Public Authority" means a Minister of the Crown acting in his official capacity, a State Government Department, State Trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not who, or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.



- 1.9.105 "Public Recreation" means the use of land for a public park, public gardens, foreshore reserve, playground or grounds for recreation which are normally open to the public without charge.
- 1.9.106 "Public Utility" means any works or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications, or other similar services.
- 1.9.107 "Public Worship - place of" includes buildings used primarily for the religious activities of a church, but does not include an institution for primary, secondary or higher education, or a residential training institution.
- 1.9.108 "Radio and T.V. Installation" means land, buildings, devices or structures for the transmission or receiving of signals and/or pictures, but does not include domestic radio and television receivers.
- 1.9.109 "Redevelopment" means revision or replacement of an existing land use according to a controlled plan.
- 1.9.110 "Reformatory Institution" includes a penal institution.
- 1.9.111 "Religious Purposes" means buildings and land used for worship and may, with the consent of the Council, include ancillary uses.
- 1.9.112 "Reserved Land for Public Purposes" means any land referred to in Part II of this Scheme.
- 1.9.113 "Residential Building" means a building, other than a dwelling house, designed for use for human habitation, together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, an hotel designed primarily for residential purposes and a residential club.
- 1.9.114 "R Codes" means the Residential Planning Codes adopted as a policy by the Town Planning Board on 26 July 1982 together with all amendments or additions thereto.
- 1.9.115 "Responsible Authority" means, in terms of the Scheme, the Council of the City of Melville.
- 1.9.116 "Rural Industry" 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.
- 1.9.117 "School" means land and/or buildings used for the education or instruction of people and includes sports grounds, but does not include Technical School or University.
- 1.9.118 "Service Industry" means an industry carried on, on land and in buildings having a single retail shop front, and in which goods may be manufactured only for sale on the premises; or land and buildings having a single retail shop front and used as a depot for receiving goods to be serviced.

- 1.9.119 "Service Station" means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs, minor mechanical repairs and such restricted business uses as may from time to time be approved by the Council; and shall include petrol pump and the sale and dispensing of liquid petroleum gas and other fuel used for powering motor vehicles.
- 1.9.120 "Shop" means any building wherein goods are kept exposed or offered for sale by retail, and includes a cafe and a restaurant and receiving depot, but does not include a bank, fuel depot, a market, milk depot, marine store, timber yard or land and buildings used for the sale of motor and other vehicles, or for any purpose falling within the definition of industry.
- 1.9.121 "Showrooms" means rooms in connection with warehousing or offices, and intended for display of goods of a bulk character.
- 1.9.122 "Solid Fuel Depot" means land or buildings used for storing, preparation, sale or distribution of any solid materials including coal, coke, firewood, briquettes or similar combustible materials.
- 1.9.123 "Sports Ground" means land used by a sporting organisation for competitive sport where the general public have limited access and where entry may only be obtained by payment of a fee.
- 1.9.124 "Strata Title" has the same meaning as that given to the term in the Strata Title Act, 1966 (as amended).
- 1.9.125 "Street Verge" means that portion of the street as is contained between the edge of the formed carriageway and the adjacent lots.
- 1.9.126 "Tavern" has the same meaning as is given to it in the Liquor Act 1970 (as amended).
- 1.9.127 "The Act" means the Town Planning and Development Act 1928 (as amended).
- 1.9.128 "Trade" means the practice of a skilled handicraft as distinct from a profession.
- 1.9.129 "Trade Display" means the display of goods for advertisement.
- 1.9.130 "Transport Depot" means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward or for any consideration or the the transfer of goods from one such motor vehicle to another of such motor vehicles, and includes maintenance and repair of vehicles.
- 1.9.131 "Uniform Building By-Laws" means the Uniform Building By-Laws 1974 published in the "Government Gazette" on 25th August, 1977 and amended from time to time thereafter by notices published in the "Government Gazette."
- 1.9.132 "Veterinarian" means a duly qualified person who treats, cares and administers to animals and includes the term Veterinary Surgeon.

- 1.9.133 "Veterinary Surgery" means land or buildings on which a Veterinarian carries on his profession and, with the consent of Council, may include animal hospital, boarding and lodging facilities. Crematoria for the disposal of animal carcasses or remains may be included with the express consent of the Council.
- 1.9.134 "Warehouse" means any building or enclosed land, or part of a building or enclosed land used for the storage of goods and the carrying out of commercial transactions involving the sale of goods predominantly by wholesale but may involve limited sales to the general public, where the sales area for such may not exceed 20% of the gross leasable area.
- 1.9.135 "Weighbridge" means a mechanical device for weighing vehicles and/or loads of any nature.
- 1.9.136 "Wine House" has the same meaning as is given to it in the Liquor Act 1970 (as amended).
- 1.9.137 "Workroom" means a room or rooms connected with a shop where sewing, assembly or minor manufacturing processes are carried out in conjunction with the predominant purpose of the retail business established on-site and where no more than 50% of the total floor area is used for use as a workroom.

PART II - RESERVED LAND

2.0 RESERVATION OF LAND AND DEVELOPMENT THEREOF

- 2.1
1. Land set aside under this Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the Scheme Map, and the reservations of the Metropolitan Region Scheme are shown in the Scheme in order to comply with the provision of the Metropolitan Region Town Planning Scheme Act 1959 (as amended). Land resumed under Metropolitan Region Scheme is not land reserved under this Scheme.
  2. Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining the written approval of the Council.
  3. In giving its approval, 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.
  4. No provision of this Part shall prevent the continued use of land for the use for which it was lawfully used immediately prior to the Scheme having the force of law, or the repair and maintenance for which the prior consent in writing of the Council has been obtained, of buildings or works lawfully existing on the land.
- 2.2
1. Where the Council refuses approval for the development of land reserved under the Scheme on the grounds that the land is reserved for public purposes, or grants approval subject to conditions, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.
  2. Any claim for such compensation shall be lodged at the office of the Council not later than six (6) months after the date of the decision of the Council refusing approval or granting it, subject to conditions that are unacceptable to the applicant.
  3. In lieu of paying compensation, the Council may purchase the land affected by its decision at a price not exceeding the value of the land at the time of refusal of approval, or of the granting of approval, subject to conditions that are unacceptable to the applicant.

PART III - ZONES

3.1 CLASSIFICATION

There are hereby created within the Scheme Area, the several zones set out hereunder.

Residential Zones

1. Residential A
2. Residential B
3. Residential C
4. Urban Development

Commercial Zones

5. City Centre Zone
6. Commercial

Industrial Zones

7. Industrial 1
8. Industrial 2

Special Zones

9. Private Clubs and Institutions
10. Hotel
11. Rural
12. Planning Control Zone

3.2 ZONE NOTATION

The said zones are delineated and coloured or indicated on the Scheme Map according to the legend thereon.

PART IV - OBJECTIVES AND POLICIES

4.1 AIM

The following objectives and policies relating to each Precinct Control Area shall be observed in addition to the Use Class Table in considering any use and/or development of land within the Scheme Area.

4.2 The Scheme Area is divided into Precinct Control Areas (hereinafter referred to as Precinct or Precincts) and Zones. Each Precinct is the subject of policy statements relating to the predominant use and strategy for future development of the Precinct. Various Zones appear within a Precinct and each Zone shall be consistent with the policy statement for that Precinct.

Rezoning - where, in the opinion of the Council the rezoning is inconsistent with the policy statements of a Precinct for any future development of the area the Council shall:

- a) not proceed with the rezoning on the grounds that it is inconsistent with policy; or
- b) amend the Scheme in respect of that Precinct after review of the implication and desirability of such amendment.

4.3 GENERAL OBJECTIVES

1. To maintain a predominant residential use within the City.
2. To ensure that the location of uses and development are in accordance with the provisions of the Scheme and are compatible with the existing adjacent conforming uses and development.
3. Prohibit the establishment of uses otherwise permitted where, in the opinion of the Council, such uses are considered not compatible with the general amenity and character of the area and adjacent conforming uses.
4. To permit uses in accordance with the Use Class Table only where Council is satisfied that the location and establishment of such use is consistent with the character and amenity of the area.
5. To preserve areas and buildings of a historical interest to this City and to this State.

4.4 PRECINCT CONTROL AREAS

There are various precincts set out hereunder within the Scheme area delineated on the Scheme Map showing the control area of each precinct.

4.5 LIVING AREA PRECINCTS

4.5.1 ACI - ALFRED COVE

Objectives

1. To observe the general objectives.
2. To aim for a better integration between the residential area and the adjacent industrial precinct where residential lots abut industrial lots.

Policies

1. To permit residential development throughout the precinct in accordance with the R25 Code.
2. Permit residential development on lots abutting the industrial precinct as at Gazettal of this Scheme, in accordance with the R40 Code.
3. Prohibit the expansion of any commercial use within the precinct.

4.5.2 A1 - APPLECROSS

Objectives

1. To observe the general objectives.

Policies

1. Permit residential development throughout the precinct, in accordance with the R25 Code.
2. Retain the residential character of lots abutting Canning Highway.

4.5.3 A2 - APPLECROSS

Objectives

1. To observe the general objectives.

Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.

4.5.4 A3 - APPLECROSS

Objectives

1. To observe the general objectives.

Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Retain the residential character of land abutting Canning Highway.
3. Notwithstanding Policy 1, Council shall require the preparation of a development plan for Lot 20 Fraser Road, and development on that lot shall not proceed until the Council is satisfied the development conforms with the following criteria.
  - a) Residential development shall in all respects be in accordance with the standards of the R50 Code of the Residential Planning Codes and the maximum dwelling unit density shall be 50 dwellings per hectare.
  - b) No commercial development is to be permitted on site, other than one licensed restaurant, in accordance with the requirements of the Scheme.
  - c) Car parking facilities are to be provided in accordance with the requirements of the Scheme, and the car park layout and vehicular circulation are to be designed in a form acceptable to Council.
  - d) The maximum height of buildings and structures on the site is not to exceed the 35 metres AHD level.
  - e) Permanent public access is to be provided to a minimum of 30% of the site in positions acceptable to Council. This area is to include the 6 metre foreshore reserve, as set out in (f) below. Prior to the commencement of development, the owners shall enter into a legal agreement with Council to ensure the continued permanent availability of the public access areas to the general public.
  - f) A foreshore reserve, 6 metres in width from a point at High Water Mark on the southern boundary to a point at High Water Mark on the eastern boundary, being in a form acceptable to the Metropolitan Region Planning Authority being transferred, free of cost, to the Crown for the purpose of parks and recreation.

4.5.5 AT1 - ATTADALE

Objectives

1. To observe the general objectives.

Policies

1. Permit residential development throughout the precinct, in accordance with the R20 code.

4.5.6 AT2 - ATTADALE

Objectives

1. To observe the general objectives.
2. To restrict retail shopping within the precinct.



Policies

1. Permit residential development throughout the precinct, in accordance with the R25 Code.
2. Retain the residential character of lots abutting Canning Highway.
3. Limit the gross leasable area of retail floor space within the precinct to one contiguous Small Neighbourhood Centre, as specified in Table 1.

4.5.7 BN1 - BATEMAN

Objectives

1. To observe the general objectives.
2. To restrict retail shopping within the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Limit the gross leasable area of retail floor space within the precinct to one contiguous Small Neighbourhood Centre, as specified in Table 1.
3. Prohibit the development and expansion of commercial and/or office uses within the precinct, other than within the approved commercial centre.

4.5.8 BC1 - BICTON

Objectives

1. To observe the general objectives.

Policies

1. Permit residential development throughout the precinct, in accordance with the R25 Code.

4.5.9 BC2 - BICTON

Objectives

1. To observe the general objectives.
2. To restrict retail shopping within the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R30 Code.

2. Limit the gross leasable area of retail floor space within the precinct to two contiguous Small Local Centres, as specified in Table 1.
3. Retain the residential character of land abutting Canning Highway.
4. Prohibit the development and expansion of commercial and/or office uses within the precinct, other than within the approved commercial centre.

#### 4.5.10 BLK1 - BULLCREEK

##### Objectives

1. To observe the general objectives.
2. To provide for limited medium density residential development.
3. To control retail shopping within the precinct.

##### Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Notwithstanding Policy 1, Council may permit development on a lot in excess of 1250 square metres where that lot has not been created by amalgamation but by original subdivision, in accordance with the R30 Code; or on a lot in excess of 2000 square metres, where that lot has not been created by amalgamation but by original subdivision, in accordance with the R40 Code.
3. Limit the gross leasable area of retail floor space within the precinct to one contiguous Small Neighbourhood Centre, as specified in Table 1.
4. Prohibit the development and expansion of commercial and/or office uses within the precinct, other than within the approved commercial centre.

#### 4.5.11 BO1 - BOORAGGN

##### Objectives

1. To observe the general objectives.
2. To provide for limited medium density residential development.

##### Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Notwithstanding Policy 1, Council may permit development on a lot in excess of 1250 square metres, where that lot has not been created by amalgamation but by original subdivision in accordance with the R30 Code.

3. Permit development on lots 184-188 and 291 The Ramble and Davy Street, Booragoon in accordance with the R30 Code to accord with original subdivisional concepts.

#### 4.5.12 BT1 - BRENTWOOD

##### Objectives

1. To observe the general objectives.
2. To encourage the upgrading of the area through redevelopment.
3. To provide for the development of the area as a medium density residential area.

##### Policies

1. Permit residential development throughout the precinct, in accordance with the R40 Code.

#### 4.5.13 BT2 - BRENTWOOD

##### Objectives

1. To observe the general objectives.

##### Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Permit residential development in accordance with the R40 Code on Canning Location 28 Spinaway Crescent. Any development to set aside the original Bateman Homestead, on a separate lot to the satisfaction of Council.

#### 4.5.14 K1 - KARDINYA

##### Objectives

1. To observe the general objectives.
2. To encourage the relocation of non-compatible uses.

##### Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Permit residential development on Lot 228, corner Gilbertson Road and Kardinya Road, in accordance with the R25 Code.

#### 4.5.15 K2 - KARDINYA

##### Objectives

1. To observe the general objectives.
2. To provide for limited medium density residential development.

##### Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Notwithstanding Policy 1, Council may permit development on a lot in excess of 1250 square metres, where that lot has not been created by amalgamation but by original subdivision in accordance with the R30 Code, or on a lot in excess 2000 square metres where that lot has not been created by amalgamation but by original subdivision, in accordance with the R40 Code.
3. Permit residential development in accordance with the R80 Code on Lot 109, corner Pinewood Way and South Street, to accord with previous Council approvals.

#### 4.5.16 K3 - KARDINYA

##### Objectives

1. To observe the general objectives.
2. To control retail shopping within the precinct.
3. To control industrial development within the precinct.
4. To provide for limit medium density residential development.

##### Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Notwithstanding Policy 1, Council may permit development on a lot in excess of 1250 square metres, where that lot has not been created by amalgamation but by original subdivision, in accordance with the R30 Code; or, on a lot in excess of 2000 square metres, where that lot has not been created by amalgamation but by original subdivision, in accordance with the R40 Code.
3. Limit the gross leasable area of retail floor space within the precinct to one contiguous Small Neighbourhood Centre, as specified in Table 1.
4. Industrial development within the precinct shall be in accordance with this Scheme and limited to the uses outlined in Appendix 1.
5. Prohibit the development and expansion of commercial and/or office uses within the precinct, other than within the approved commercial centre.

4.5.17 L1 - LEEMING

Objectives

1. To observe the general objectives.
2. To provide for limited medium density residential development.

Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Notwithstanding Policy 1, Council may permit development on a lot in excess of 1250 square metres, where that lot has not been created by amalgamation but by original subdivision, in accordance with the R30 Code; or on a lot in excess of 2000 square metres, where that lot has not been created by amalgamation but by original subdivision, in accordance with the R40 Code.

4.5.18 L2 LEEMING

Objectives

1. To observe the general objectives.
2. To provide for limited medium density residential development.

Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.
2. Notwithstanding Policy 1, Council may permit development on a lot in excess of 1250 square metres where that lot has not been created by amalgamation but by original subdivision, in accordance with the R30 Code; or on a lot in excess of 2000 square metres, where that lot has not been created by amalgamation but by original subdivision in accordance with the R40 Code.
3. Limit the gross leasable area of retail floor space within the precinct to one contiguous Small Neighbourhood Centre, as specified in Table 1.

4.5.19 ML1 - MELVILLE

Objectives

1. To observe the general objectives.
2. To provide for limited medium density residential development.
3. To restrict the expansion of retail shopping within the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R25 Code.
2. Notwithstanding Policy 1, Council may permit development on the lots bounded by Redwood Crescent, Olding Street, the right of way between Olding Street and Challenger Place, Challenger Place, Marmion Street, Thorn Street and Coleman Crescent, in accordance with the R40 Code.
3. Retain the residential character of the lots abutting Canning Highway.
4. Limit the gross leasable area of retail floor space within the precinct to one contiguous Small Neighbourhood Centre, as specified in Table 1.
5. Prohibit the development and expansion of commercial and/or offices within the precinct other than within the approved commercial centre.
6. Lot 3 Marmion Street and Stock Road shall be used for the purpose of Health Club and Restaurant only.
7. Lot 4 Stock Road/Maddox Crescent, shall be used for the purpose of a Bowling Alley and Take-away Foods/Restaurant.

4.5.20 ML2 - MELVILLE

Objectives

1. To observe the general objectives.
2. To aim for the better integration between the residential area and the adjacent industrial precinct where residential lots abut industrial lots.

Policies

1. Permit residential development throughout the precinct, in accordance with the R25 Code.
2. Permit residential development in lots abutting the industrial precinct, in accordance with the R40 Code.

4.5.21 MP1 - MT. PLEASANT

Objectives

1. To observe the general objectives.
2. To restrict the expansion of retail shopping within the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R25 Code.
2. Retain the residential character of lots abutting Canning Highway.
3. Limit the gross leasable area of retail floor space within the precinct to three contiguous Local Centres, as specified in Table 1.
4. Prohibit the development and expansion of commercial and/or offices within the precinct other than within the approved commercial centre.

4.5.22 MP2 - MT. PLEASANT

Objectives

1. To observe the general objectives.

Policies

1. Permit residential development throughout the precinct, in accordance with the R20 Code.

4.5.23 MY2 - MYAREE

Objectives

1. To observe the general objectives.
2. To encourage the precinct to become an essentially residential area by encouraging the relocation of incompatible uses.

Policies

1. Permit residential development throughout the precinct, in accordance with the R40 Code.
2. Limit the gross leasable area of retail floor space within the precinct to one contiguous Small Neighbourhood Centre, as specified in Table 1.
3. Prohibit the development and expansion of commercial and/or offices within the precinct other than within the approved commercial centre.

4.5.24 P1 - PALMYRA

Objectives

1. To observe the general objectives.
2. To aim for the upgrading of public open space and rationalisation of the road system within the precinct.

3. Plan for the creation of additional public open space through road closures and acquisition of properties adjacent to road closures, to achieve a desirable minimum overall public open space area of 2% of the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R30 Code.

4.5.25 W1 - WILLAGEE

Objectives

1. To observe the general objectives.
2. To provide for limited medium density residential development.
3. To encourage the upgrading of the area through redevelopment.
4. To control retail shopping within the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R25 Code.
2. Notwithstanding Policy 1, Council may permit development in accordance with the R40 Code on lots bounded by the following streets.
  - a) Stock Road, Boon Street, Lucas Street, Bartlett Street, Bawdan Street, Rigby Street, Arkwell Street, Rudge Street and Leach Highway.
  - b) Milroy Street, Lucas Street, Garling Street, Paitt Street, Race Street and Lever Street.
  - c) Chilton Street, Woodhams Street, Harrod Street and Harrison Street.
  - d) Greig Street, Butler Street, Jemerson Street, Garling Street, North Lake Road and Archibald Street.
  - e) Lots 9068, 9069, 11, 12 and 9070 Winnacott Street/Worley Street.
3. Limit the gross leasable area of retail floor space within the precinct to one contiguous Small Neighbourhood Centre, two Local Centres and two Small Local Centres, as specified in Table 1 and located within existing shopping areas.
4. Prohibit the development and expansion of commercial and/or offices within the precinct other than within the approved commercial centre.



#### 4.6 URBAN DEVELOPMENT PRECINCT

##### Objectives

1. Aim for the development of the precinct as a basic single residential area, but keep open the option of other uses within the precincts where such uses are properly planned as a total development and where the amenity and character of adjacent areas is not affected.

##### Policies

1. To permit the development of the precinct only where an overall design to the total precinct has been submitted and approved by Council. Minor variation of the approved plan will be permitted where such variation is justified and approved by Council.
2. Permit residential development within the precinct in accordance with the R25 Code but permit a limited amount of higher density residential development in areas adjacent to shopping, community facilities and/or public open space areas, in accordance with the R40 Code.
3. Permit within the Urban Development Precinct, three Intermediate Neighbourhood Centres, as specified in Table 1.
4. All other uses in accordance with the Land Use Table shall be considered on their merits in conjunction with the overall plan to be approved by Council.
5. Prohibit other uses where Council considers that such use is detrimental to the precinct, in relation to amenity and character of the area.

#### 4.7 INDUSTRIAL PRECINCTS

##### 4.7.1 MY1 - MYAREE

##### Objectives

1. To maintain the existing light and general industry, but improve the compatibility with adjacent residential areas.
2. To create an identifiable industrial node within the City.
3. To encourage subdivision and redevelopment of both vacant and under-utilised sites.
4. To encourage the relocation of those uses, in the opinion of Council, which are incompatible with the urban environment in terms of both amenity and land use economics.

##### Policies

1. Permit only those industries which conform to light and service industrial uses, as listed in Appendix 1, adjacent to residential areas, to form a buffer to the heavier industrial uses.

#### 4.7.2 P2 - PALMYRA

##### Objectives

1. To improve the compatibility of industrial development with the general urban environment and maintain a predominant light industry use within the precinct.

##### Policies

1. Restrict those allotments having boundaries abutting Leach Highway, Stock Road or Absolon Street, to light industrial uses as listed within a "Schedule of Light Industrial Uses" in Appendix 1.

#### 4.8 CITY CENTRE PRECINCT - CITY CENTRE

##### Objectives

1. To control the precinct as the centre of commercial and community activity for the City of Melville.
2. Provide for the co-ordinated and planned development of the whole precinct and reduce the possibility of isolated and unco-ordinated designs and functions within the precinct.

##### Policies

1. Designate the City Centre Precinct as a Regional Centre, as specified in Table 1, but restrict the retail shopping gross leasable area to 50,200 square metres.  
Ensure the co-ordinated development between the retail shopping, office, civic and cultural, and residential uses within the precinct.
2. Notwithstanding any provision of the City of Melville Town Planning Scheme No. 4 (Melville City Centre Guided Development Scheme) which may purport to show anything to the contrary, the total net leasable office space (exclusive of floor space used solely for civic and/or cultural purposes) shall not exceed 12,000 square metres.

#### 4.9 DISTRICT CENTRE PRECINCTS

##### General Objectives

1. To facilitate development which is compatible to the precinct and adjacent living area precincts.
2. To permit residential development within certain district centre precincts where a buffer is required between the commercial areas and adjacent living area precincts.
3. Prohibit uses which, in the opinion of Council, are not compatible to the zoning amenity and character of the area.

4.9.1 DISTRICT CENTRE 1 - CANNING BRIDGE CENTRE (D.C.1)

Objectives

1. To observe the general objectives.
2. To control the location and development of office, retail shopping and residential uses within the precinct and maintain the existing level of retail floor space.
3. Aim for the integration of the centre with adjacent residential areas.

Policies

1. Permit residential development throughout the precinct, in accordance with the R50 Code.
2. Designate the centre as a District Centre, but restrict the retail gross leasable area to 7415 square metres.
3. Prohibit the establishment of new and/or used car sales within the precinct.

4.9.2 DISTRICT CENTRE 2 - RISELEY CENTRE (D.C.2)

Objectives

1. To observe the general objectives.
2. To control the location and development of offices, retail shopping and residential uses within the precinct and maintain the existing level of retail floor space.
3. Plan for the integration of the centre with adjacent residential areas.

Policies

1. Permit residential development throughout the precinct, in accordance with the R50 Code.
2. Designate the centre as a District Centre and restrict the retail gross leasable area of 8,130 square metres.
3. That the land zoned commercial on the south side of Kearns Crescent, including the lots on Riseley Street, south of Kearns Crescent, be limited to office uses only, providing the basic residential character of the development on the land is retained.
4. Prohibit the establishment of new and/or used car sales within the precinct.

4.9.3 DISTRICT CENTRE 3 - APPECROSS VILLAGE CENTRE (D.C.3)

Objectives

1. To observe the general objectives.
2. To control the location and development of office, retail shopping and residential uses within the precinct and maintain the existing level of retail floor space.

Policies

1. Permit residential development throughout the precinct, in accordance with the R50 Code.
2. Designate the centre as a District Centre and restrict the retail gross leasable area to 3,690 square metres.
3. Prohibit the establishment of new and/or used car sales premises within the Precinct.

4.9.4 DISTRICT CENTRE 4 - HISLOP CENTRE (D.C.4)

Objectives

1. To observe the general objectives.
2. To control the further expansion of commercial uses within the precinct.
3. Plan for the upgrading of facilities within the shopping areas, particularly in reference to the North Lake Road group of shops within the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R50 Code.
2. Designate the centre located at Hislop Road as a Intermediate Neighbourhood Centre and limit the retail gross leasable area to 2230 square metres.
3. Designate the centre located at the intersection of Canning Highway and North Lake Road as a Small Neighbourhood Centre and limit the retail gross leasable area to 1770 square metres.

4.9.5 DISTRICT CENTRE 5 - MELVILLE CENTRE (D.C.5)

Objectives

1. To observe the general objectives.
2. To control the further expansion of commercial uses within the precinct.
3. Aim for the co-ordination of the retail, office and other commercial uses within the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R50 Code.
2. Designate the area bounded by Murray Road, Fifth Street, Canning Highway and Waddell Road, as a District Centre and restrict the retail gross leasable area to 11,200 square metres.
3. Prohibit the further expansion of retail uses on the south side of Canning Highway and encourage re-development of office and/or residential uses within that area.

4.9.6 DISTRICT CENTRE 6 - PETRA CENTRE (D.C.6)

Objectives

1. To observe the general objectives.
2. To encourage the redevelopment of the centre to provide for a more co-ordinated and contiguous shopping area.
3. To control the further expansion of commercial uses within the precinct.

Policies

1. Permit residential development throughout the precinct, in accordance with the R50 Code.
2. Designate the centre as a District Centre and restrict the retail gross leasable area to 5,800 square metres for the area bounded by Canning Highway, Petra Street, Hammad Street and Anthony Street, and 1,500 square metres for the lots abutting the northern side of Canning Highway between Petra Street and Westbury Crescent.
3. Prohibit the establishment of new and/or used car sales premises within the Precinct.

4.9.7 DISTRICT CENTRE 7 - KARDINYA PARK CENTRE (D.C.7)

Objectives

1. To observe the general objectives.
2. To regulate retail and commercial uses of the precinct.

Policies

1. Designate the precinct as a District Centre, and restrict the retail gross leasable area to 11,026 square metres.
2. Prohibit the establishment of new and/or used car sales premises within the precinct.

4.9.8 DISTRICT CENTRE 8 - BULLCREEK CENTRE (D.C.8)

Objectives

1. To observe the general objectives.
2. To regulate retail and commercial uses of the precinct.

Policies

1. Designate the precinct as a District Centre, and restrict the retail gross leasable area to 14,558 square metres.
2. Prohibit the establishment of new and/or used car sales premises within the precinct.

4.10 INSTITUTIONAL PRECINCTS

Objectives

1. Endeavour to ensure that uses and activities within the precinct are compatible with the amenity of the district and needs of the community as a whole.
2. Seek the co-operation of Government Departments and other Authorities in the development of land under the Authorities' control.

Policies

1. Require that adequate consideration be given to the design and siting of major buildings and to the landscaping of areas, in order to secure the general amenity of the neighbourhood.
2. The procedures of the Scheme, in requiring the issue of planning approvals for development, will be obligatory.
3. The development of residential buildings for aged persons shall be in conformity with the R50 Code.

4.11 GENERAL SCHEME OBJECTIVES AND POLICIES

4.11.1 RETAIL SHOPPING

Objectives

1. To control the level of retail shopping within the City, in accordance with the Council's retail shopping strategy plan.

Policies

1. Maintain the retail gross leasable areas designated for each precinct within the Scheme.

2. Prohibit the further expansion of retail areas not so designated within the relevant precinct areas.
3. Consider variations to the maximum retail gross leasable area for District Centres and above whereby Scheme amendment and the submission of detailed studies, the reasons for the need for such expansions are proven.
4. The following table shall form the basis of Retail hierarchy within the City.

TABLE 1: RETAIL SHOPPING HIERARCHY

Shopping Centre Hierarchical Status	Gross Leasable Area m <sup>2</sup>
Regional Centre	Over 20,000
District Centre	5,000 - 20,000
Large Neighbourhood Centre	3,000 - 5,000
Intermediate Neighbourhood Centre	2,000 - 3,000
Small Neighbourhood Centre	1,000 - 2,000
Local Centre	500 - 1,000
Small Local Centre	Below 500 m <sup>2</sup>

#### 4.11.2 OPEN SPACE

##### Objectives

1. To provide, wherever possible, open space of varying types and dimensions appropriate to people living or working within each locality distributed, so as to provide equal access to open space for all persons within the City.

##### Policies

1. To ensure that at least 10% of land to be subdivided for residential purposes of one hectare or more, is set aside for public open space, in keeping with the Policy of the Town Planning Board, and also to ensure that the land so provided is of appropriate size, location and type.
2. To increase the number of local neighbourhood parks within areas deficient of public open space, but only create such areas of public open space where approximately 2,000 square metres can be obtained, recognising that a local neighbourhood park can be too small or inappropriately located to be of use.

3. To preserve and enhance the river foreshore, having regard to the effect any changes might have on the river itself. Such to be considered on the basis of:
  - a) the inter-relationship between the foreshore and the river;
  - b) the physical features of the foreshore;
  - c) the flora and fauna of the area;
  - d) the use made of the area by people;
  - e) the effect that nearby residential and commercial uses have on the foreshore and the river.
  
4. To preserve, wherever possible, areas of environmental significance with the system of open space, and to set aside areas of natural bushland for open space purposes, such to be considered on the basis of:
  - a) the condition of the bushland;
  - b) features which render an area attractive or unique;
  - c) the area of land which would be required to maintain the environment in good condition;
  - d) the likely benefits which would ensure, e.g., wind, drainage, erosion protection.

#### 4.11.3 SEWERAGE

##### Objectives

1. To pursue and encourage sewerage reticulation to all development within the City.
2. Where deep sewerage is not available, restrict the density and form of development.

##### Policies

1. Where deep sewerage is not available or able to be connected to any proposed residential development, Council shall only permit residential development in accordance with the R20 Code.
2. Where deep sewerage is available to any proposed residential development, development shall be permitted in accordance with the general objectives and policies of the precinct in which the land is situated.
3. Where deep sewerage is not available for development, other than residential development, Council may consider each development on merit and may request that supporting investigation and report be submitted with any application as to the function and suitability of other sewerage disposal methods.



PART V - DEVELOPMENT CONTROL

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5.1 PLANNING APPROVAL PROCEDURE

5.1.1 A person proposing to develop land not referred to in Clause 5.1.2 with any form of development other than a detached house and ancillary development thereto shall, before making application for a building licence, or commence any work, make application to the Council for Council's Planning consent.

5.1.2 A person proposing to develop land reserved by or abutting land reserved by or (where by resolution of the Metropolitan Region Scheme and where notice is given in the "Government Gazette" areas have been defined as having concern to the Metropolitan Region Planning Authority) shall make application on the form prescribed hereunder for Council Planning consent. The form prescribed by the Metropolitan Region Scheme shall be referred by the Council to the Metropolitan Region Planning Authority.

5.1.3 Application for planning approval, pursuant to Clause 5.1.1 shall be on form Cm.1 set out in this Scheme and shall be accompanied by such plans and/or other explanatory materials as the Council may require to gain a complete understanding of the proposal concerned.

All such applications shall be accompanied by:

1. A location plan showing the land, the subject of the application and its relationship to surrounding lots and streets.

And, in the case of an application for the erection of new buildings:

2. A site plan showing:
  - a) the position, type and use of all existing buildings and improvements on the land, indicating those proposed to be removed;
  - b) the position, type and use of any new buildings and improvements on the land;
  - c) areas to be landscaped having due regard to existing trees on site, surfaced for parking or developed for any purpose within the site;
  - d) contours and any earthworks to be undertaken as a part of the development.

Or, in the case of an application for a change in the use of land and/or buildings:

3. A site plan and floor plan(s) of the building(s) indicating the uses to be made of the land and the respective portions of the building(s).
4. A copy of the Certificate of Title showing all particulars including restrictive covenants and other terms which may affect the development.

5.1.4 In considering any such application, Council shall have regard to:

1. The objectives and provisions of this Scheme.
2. The orderly and proper planning of land within the Scheme area.
3. The nature of the proposed development in relation to the development either existing or proposed on adjoining land.
4. The size, shape and character of the lot upon which the development is to be carried out, and the influence which this may have on the siting and nature of any new building.
5. The design and external appearance (including the exterior cladding) of any new building and its effect upon the amenity of existing buildings and the area generally.
6. The representations of any Statutory Bodies or other interested parties with whom it may confer.
7. The existing and likely future amenity of the Scheme area.
8. The nature and condition of roads serving the sites under consideration, and the need for car parking, loading and vehicle turning space within the site, to adequately serve anticipated development.
9. Any other matters relevant to town and regional planning, the public interest in general, and the locality surrounding the proposed development in particular.

5.1.5 The Council, having considered an application for planning approval, may either:

1. Refuse to grant its approval, giving its reasons; or
2. Grant approval; or
3. Grant approval, subject to such conditions and requirements as it deems fit.

Without limiting the generality of the foregoing, the Council may, where it deems appropriate, limit the period of validity of any approval granted, to twelve (12) months or as otherwise determined by Council.

5.1.6. The Council shall convey its decision, on any such application for planning approval, to the applicant on Form Cm.2 or Cm.3, set out as Appendix 2 to the Scheme, within sixty (60) days of the date upon which it was received at the Council's offices. In the event that a decision has not been made within that period, the application will be deemed to have been refused.

5.1.7 The following classes of development may be undertaken without the approval of the Council and are referred to as permitted development with the exception of applications submitted under Clause 5.1.2.

1. The construction, replacement, maintenance or repair by a Government Agency or Statutory undertaking of any equipment necessary to provide and maintain a public service.
2. The maintenance and repair of any building, provided that no works of a structural nature are undertaken and no material change in the external appearance of the building is involved.
3. Subject to the provisions of this Scheme, changes in the uses of land and buildings which do not give rise to:
  - a) a material change in the appearance of the property concerned;
  - b) the need, according to the provisions of this Scheme and/or as may be determined by the Council be experience of similar uses elsewhere, for additional car parking accommodation, loading and unloading accommodation, landscaping or other special site treatments;
  - c) significant increases in the amount of traffic attracted to the site; or
  - d) the need for the provision of significantly improved public services and utilities of any kind.

#### 5.1.8 ENFORCEMENT

Failure to comply with the conditions imposed by Council on the grant of a planning approval or failure to carry out development so approved in strict accordance with the plan approved by Council in respect of a particular proposal, shall constitute a contravention of the Act and the Council may:

1. By written notice served on the owner and/or occupier of the land, require the development to be carried out in accordance with the conditions imposed on any approval granted and/or in strict accordance with the plans approved in the grant of any such approval within the period specified in the notice (not being less than 28 days), failing which the Council may enter the land and carry out the work itself and recover any expenses so incurred from the person in default as a simple contract debt in such Court of Civil Jurisdiction as is competent to deal with the amount of the claim.

2. Prosecute the owner or occupier of the land, as the case may be, pursuant to Section 10 of the Act.
3. Revoke the approval so granted and require the removal of the development carried out as set out in Section 10 of the Act.

#### 5.1.9 APPEALS

Any applicant who is aggrieved by any decision made or deemed to have been made by Council exercising any of the discretionary powers available to it under this Scheme may appeal, in accordance with Part V of the Act.

#### 5.2 USE CLASS TABLES

- 5.2.1 The Use Class Tables hereunder, indicate, subject to the provisions of the Scheme, the uses permitted in the various zones shown in the Use Class Table. The uses are determined by cross reference between the list of zones on the left-hand side of the Use Class Table, and the list of use classes at the top of the Use Class Table. The symbols used in the cross reference have the following meanings.

- P - A use that is permitted.
- AA - A use that is not permitted unless approval is granted by Council.
- SA - A use that is not permitted unless special approval, pursuant to Clause 5.2.2 of the Scheme, is granted by Council.
- IP - A use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.
- X - A use that is not permitted.



USE CLASS	RESIDENTIAL ZONES			URBAN DEVELOPMENT			PLANNING CONTROL ZONE			COMMERCIAL ZONES			INDUSTRIAL ZONES			PRIVATE CLUBS & INSTITUTIONS			RURAL ZONE		
	RESIDENTIAL A	RESIDENTIAL B	RESIDENTIAL C	RESIDENTIAL A	RESIDENTIAL B	RESIDENTIAL C	RESIDENTIAL A	RESIDENTIAL B	RESIDENTIAL C	CITY CENTRE ZONE	COMMERCIAL	HOTEL	INDUSTRIAL 1	INDUSTRIAL 2	INDUSTRIAL 1	INDUSTRIAL 2	INDUSTRIAL 1	INDUSTRIAL 2	INDUSTRIAL 1	INDUSTRIAL 2	
MULTIPLE DWELLING	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
MOTOR REPAIR STATION	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HOTEL	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
MILK DEPOT	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
MEDICAL/PARAMEDICAL	SA	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
MEDICAL CENTRE	SA	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
LUNCH BARS	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
LAUNDRY PUBLIC	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
KINDERGARTENS	SA	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
KENNELS	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
INSTITUTIONAL HOME	SA	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
INSTITUTIONAL BUILDING	SA	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
INDUSTRY NOXIOUS																					
INDUSTRY EXTRACTIVE																					
INDUSTRY HAZARDOUS																					
INDUSTRY SERVICE	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
INDUSTRY LIGHT	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
INDUSTRY GENERAL	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HOTEL	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HOSTEL	SA	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HOSPITAL	SA	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HOME OCCUPATION	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HIRE SERVICE NON-INDUSTRY	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HIRE SERVICE INDUSTRY	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HEALTH CLUB	X	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HEALTH CENTRE	X	SA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
HALL	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
GUN SMITH	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
GROUPED DWELLING	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
FUNERAL PARLOUR	X	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X
FISH SHOPS	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X

NOT PERMITTED IN SCHEME AREA

ANY USE NOT SPECIFICALLY LISTED IN THE TABLE SHALL BE INCLUDED EITHER IN THE APPROPRIATE USE CLASS OR AS DETERMINED BY COUNCIL

USE CLASS TABLE:

<u>ZONES</u>	<u>USE CLASSES</u>											
WORKROOMS	X	X	X									
WINEHOUSE	X	X	X	X								
WEIGHBRIDGE	X	X	X	X								
WAREHOUSE	X	X	X	X								
VETERINARY SURGERY	X	X	X	X								
TRANSPORT DEPOT	X	X	X	X								
TRADE DISPLAY	X	X	X	X								
TAVERN	X	X	X	X								
SOLID FUEL DEPOT	X	X	X	X								
SINGLE HOUSE	P	P	P	P								
SHOWROOMS	X	X	X	X								
SHOP	X	SA	SA	X								
SERVICE STATION	SA	SA	SA	X								
SCHOOL	AA	AA	AA	X								
RURAL INDUSTRY	X	X	X	X								
RURAL	X	X	X	X								
RESTAURANTS (LICENSED)	X	X	X	X								
RESIDENTIAL BUILDING	X	X	X	X								
REFORMATIVE INSTITUTIONS	X	X	X	X								
RADIO & TV INSTALLATION	SA	SA	SA	SA								
PUBLIC WORSHIP	SA	SA	SA	SA								
PUBLIC UTILITY	P	P	P	P								
PUBLIC ASSEMBLY	X	X	X	X								
PUBLIC AMUSEMENT	X	X	X	X								
PROFESSIONAL OFFICE	X	X	X	X								
PETROL PUMP	X	X	X	X								
PRIVATE CLUB	X	X	X	X								
OPEN AIR DISPLAY	X	X	X	X								
OFFICE	X	SA	X	X								
NURSERIES	X	SA	X	X								
NIGHT CLUB	X	X	X	X								
<u>USE CLASSES</u>												
<u>RESIDENTIAL ZONES</u>												
RESIDENTIAL A	X	X	X	X								
RESIDENTIAL B	X	X	X	X								
RESIDENTIAL C	X	X	X	X								
<u>URBAN DEVELOPMENT</u>												
URBAN DEVELOPMENT	AA	AA	AA	AA								
<u>PLANNING CONTROL ZONE</u>												
PLANNING CONTROL ZONE	X	X	X	X								
<u>COMMERCIAL ZONES</u>												
CITY CENTRE ZONE	AA	AA	AA	AA								
COMMERCIAL	SA	AA	AA	AA								
HOTEL	X	X	X	X								
<u>INDUSTRIAL ZONES</u>												
INDUSTRIAL 1	X	AA	IP	AA								
INDUSTRIAL 2	X	AA	IP	AA								
<u>PRIVATE CLUBS &amp; INSTITUTIONS</u>												
PRIVATE CLUBS & INSTITUTIONS	X	X	IP	AA								
<u>RURAL ZONE</u>												
RURAL ZONE	X	X	IP	X								

USE CLASS TABLE: ANY USE NOT SPECIFICALLY LISTED IN THE TABLE SHALL BE INCLUDED EITHER IN THE APPROPRIATE USE CLASS OR AS DETERMINED BY COUNCIL

5.2.2 SPECIAL APPROVAL - S.A.

1. Any person who desires to use land for a purpose which, by the provisions of this Scheme, is only permitted if special approval is given by the Council, shall make application for such approval to the Council in writing, and shall state the following particulars.
  - a) The full name and address of the applicant.
  - b) The description of the land and particulars of the Certificate of Title.
  - c) The names and addresses of the owners of the land and of all other persons having an interest in the land and the nature of their interest.
  - d) The nature of the applicant's interest in the land.
  - e) The purpose for which the applicant desires to use the land.
  - f) The nature of the building(s) and other improvements now on the land.
  - g) The nature of the building(s) and other improvements the applicant desires to construct on or make to the land.
  - h) Provide all other information as is required for Planning Approval.
2. The Council shall consider the application and may refuse its approval, or may resolve to recommend to a subsequent meeting to be held not less than three (3) weeks, and not more than six (6) months after passing of the resolution, at which Council shall determine the application.
3. The Council shall resolve that notice be given to persons likely to be affected by the granting of the approval and, in that case, it shall notify the applicant of the names and addresses of all persons who, according to the Rate Book, are the rateable owners of the land within an area specified by the Council likely to be affected by the granting of the application.
4. Where, in the opinion of Council, the intended use may affect the amenity of adjacent properties through the emission of noise and/or assembly of people, Council shall require that notice be given to persons that may be affected.

If so directed by the Council, the applicant shall:

- a) cause to be sent, by certified post, to the owners whose names and addresses have been given to him by the Council and to all persons having an interest in the land the subject of the application, a copy of his application to the Council and a notice stating that objections may be made to the Council within twenty-eight (28) days after the date of the posting of the notice; and/or
- b) cause to be published in a newspaper, circulating in the Scheme area, notice of his application, setting out the substance of the information contained in his application and stating that the objections may be made to the Council within twenty-eight (28) days from the publication of the said notice; and



- c) satisfy Council, by statutory declaration, that he has complied with the provisions of this Clause.
5. At a subsequent meeting of the Council, if notices have been given after the expiration of twenty-eight (28) days from the publication of the said notice and/or after the expiration of twenty-eight (28) days from the posting of the said notices to the owners, whichever is later, the Council shall again consider the application and decide whether to grant or withhold its approval or grant its approval upon conditions.
6. In making its decision on applications for its special approval, the Council shall have regard to the provision of Clause 5.1.4 of this Scheme.
7. Council may enter into agreements with the applicant, whereby the applicant covenants for himself and his transferees, to carry out and observe the conditions (if any) imposed by the Council in the granting of its approval.

### 5.3 RESIDENTIAL DEVELOPMENT : RESIDENTIAL PLANNING CODES

1. For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.
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.
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.

### 5.4 OTHER DEVELOPMENT AND USE CONTROL - WITHIN RESIDENTIAL AREAS

Notwithstanding any other provision within this Scheme, the following requirements shall be applied.

#### 5.4.1 CONSTRUCTION OF BOATS IN RESIDENTIAL AREAS

In exercising its discretion to approve or refuse an application under this Clause, the following provisions shall apply:

1. The construction and/or major repair of boats, not including servicing, within the living area and precinct zones, shall not be commenced or undertaken without the express consent of Council.

2. If consent is forthcoming, Council shall take due cognisance of the siting of the craft, construction materials and length of time during which construction shall take place and the affect of such works on the amenity and environment of the general neighbourhood.
3. Before any approval is granted, Council shall seek the opinions, in writing of owners of residential lots which are in close proximity to the subject lot, and shall consider their opinions when arriving at a decision.
4. In no case shall the period of construction on site exceed two years, with the proviso that Council may approve extension for a further period not exceeding twelve months, providing no complaints have been received and upheld by Council against the provisions of Clause 5.4.1.
5. The boat under construction and/or repair, shall not be sited between the residential structure and the street where otherwise sited, shall be suitably screened from adjacent roads and/or residences to the complete satisfaction of Council.
6. The provision of the Noise Abatement Act and the Clean Air Act shall apply to construction and/or repair work at all times.
7. In considering any approval, Council shall retain the right to specify the hours during any, or all, specific days during which work can be carried out.
8. Approval to construct and/or repair a vessel shall not be construed as a right to construct and/or repair more than one such craft, and approval shall not be granted where construction and/or repair is for the purpose of sale and/or resale.

#### 5.4.2 HOME OCCUPATION

1. No Home Occupation may be commenced, established, advertised or undertaken from a residential lot or address unless:
  - a) such use had been approved by Council or where such use conforms to the following uses: real estate offices; professional office (other than medical or paramedical uses as defined by this Scheme); other business office or trade where no manufacturing is carried out on site;
  - b) conforms to the requirements of Clause 1.8.62.
2. Any Home Occupation shall be a use carried out by an occupier of land and shall not be an approved use of the land and shall not be transferable to any subsequent owner of the land.

5.5. BATTLEAXE LOTS

1. All setbacks and site requirements shall apply to the effective lot area only.
2. Front and rear setback requirements shall be provided to maintain amenity of adjacent lots, but may be located from any boundary of the effective lot.
3. The location of carports may be permitted within the front or rear setback area provided that the amenity of adjacent lots is not affected and where an effective yard area is provided of 150 square metres with a minimum dimension of six metres. These yard areas may be provided in two separate parcels.
4. Council may consider the development of a maximum of three grouped dwelling units on any one battleaxe lot, subject to:
  - a) Minimum lot size to comply to the relevant code.
  - b) Minimum access width for two grouped dwellings - five metres.
  - c) Minimum access width for three grouped dwellings - six metres.
  - d) Front rear and side setbacks to conform to the relevant provisions of this Clause.

5.6 INDUSTRIAL DEVELOPMENT

Development of land within an industrial precinct for the below listed uses shall be in accordance with the criteria listed for each use.

5.6.1 GENERAL INDUSTRY

1. Development limited to a maximum building height of 15 metres above finished ground level on construction site.
2. Plot ratio 1.2 maximum.
3. Site coverage 0.6 maximum.
4. Off-street parking to be provided on the basis of one parking bay per employee and managerial staff, plus three visitor bays. These bays may be sited within the front setback area, provided that the first three metres measured from the frontage, shall be left as grassed or garden area, except for paved access strips.
5. All other building and site requirements to conform to Uniform General Building By-Law requirements.
6. All facades to be in masonry construction or other material approved by Council.

7. Other than where specified in Clause 5.6.5 of this Scheme, the front setback shall be nine metres and all other setbacks to boundaries to comply with the requirements of the Uniform Building By-Laws.

#### 5.6.2 LIGHT INDUSTRY

1. Limited to two storey development.
2. All other requirements to be in accordance with General Industrial requirements.

#### 5.6.3 FACTORYETTE DEVELOPMENT

The development of factory tenement buildings, for the purpose of providing multiple factory units on one lot, shall not be permitted unless the following requirements are complied with:

1. No factoryette unit shall have a floor area of less than 100 square metres.
2. Each factoryette unit shall have a service yard appurtenant to it and shall be a minimum of 50% of the unit floor area.
3. Access to the office attached to the factoryette unit and the major access to the unit itself shall not be through the service yard.
4. Off-street parking may be provided as an overall area on site and shall provide for all employees on site. with a minimum staff parking requirements of four bays per unit. Customer parking shall be provided as an additional figure of one bay per unit.
5. All facades to be of masonry construction or other material approved by Council.
6. All other requirements, including access to the area of units for loading and unloading, servicing, building clearance, facades, internal dividing walls and traffic circulation, shall be in accordance with the Uniform Building By-Laws.

#### 5.6.4 WAREHOUSE UNITS

The development of multi-unit warehouse units on one lot, or in conjunction with a factoryette development, shall not be permitted unless the following requirements are complied with:

1. No unit shall have a gross floor area of less than 100 square metres
2. Showroom floor space may occupy an area not greater than 30% of the total unit floor area.
3. Off-street parking to be provided on the basis of one bay per 40 square metres of unit floor area for warehousing and one bay per 30 square metres of unit floor area for showrooms.

4. Where designed and constructed under the provision of this section, the structures shall not be used or converted for industrial purposes without the consent of Council.
5. Sufficient room to be made available adjacent to the loading and unloading areas for an industrial vehicle of 7.5 metres length, to be manoeuvred into such loading and unloading areas.
6. All other requirements to comply with Clause 5.6.1 or 5.6.2.

#### 5.6.5 ADDITIONAL SPECIAL SETBACKS

1. Norma Road, from Kitchener Road to Leach Highway, a 12 metre setback to buildings shall apply.
2. Within the Industrial Precincts, all buildings on lots abutting Leach Highway shall be required to be set back 15 metres from the Leach Highway street alignment.

#### 5.6.6 OTHER USES AND REQUIREMENTS - INDUSTRIAL AREAS

1. Subject to the approval of Council, showrooms not exceeding 30% of the industrial floor space may be permitted where such development is incidental to the predominant use and goods displayed are manufactured on site, or are directly related to such goods but such showrooms shall not be erected or operated as development divorced from the operations carried on, on-site.
2. Subject to the approval of the Council, canteens for the amenity of the employees may be approved within an industrial building and may be so designed as to serve adjacent factories. Approval shall be dependent upon a need being established to the satisfaction of the Council and the presence of similar development providing adequate service within the area.
3. Subject to the approval of Council, retail shops not exceeding 20% of the industrial floor space, may be established within an industrial building or attached thereto, which vend to the public, goods and/or products manufactured on site.
4. Notwithstanding Subclauses 1 and 3 of this Clause, no industrial development shall have combined retail shops and showrooms exceeding 30% of the industrial floor space within any development.

#### 5.7 COMMERCIAL DEVELOPMENT

Development of land for commercial uses, shall be in accordance with the following.

### 5.7.1 RETAIL SHOPPING

1. Off-Street car parking shall be provided to a desirable minimum standard of:

- Gross Leasable Area : Gross Parking Area - 1 : 3

As a design guide, the following parameters are recommended:

- a) Regional Centres - 6 bays/100 m<sup>2</sup> G.L.A.
  - b) District Centres - 7 bays/100 m<sup>2</sup> G.L.A.
  - c) Below District Centres - 8 bays/100 m<sup>2</sup> G.L.A.
2. Setbacks from street boundaries shall be determined by Council, having due regard to adjacent and surrounding uses, but shall generally conform to the Uniform Building By-Laws 1974 (as amended).
  3. All other requirements shall be provided in accordance with the Uniform Building By-Laws 1974 (as amended).

### 5.7.2 OFFICE

1. Off-street parking to be provided on the basis of a desirable minimum of one bay per 25 square metres. Any lesser figure to be approved by absolute majority of Council.
2. Within any building, no more than four storeys of the development may be used for office accommodation.
3. A front setback of a minimum of three (3) metres shall apply except where the development of land for office use abuts land used for residential purposes, where the front setback shall be in accordance with the front setback required within the relevant residential code.

On corner sites, an average setback of a minimum of 4.5 metres shall pertain in such a manner that the structure at the corner of the street alignments shall be set away from the corner.

4. The land contained within the front setback shall only be used for landscaping and pedestrian access, except that, with express consent of Council, approval may be given to limited use for customer parking.
5. Off-street parking shall be situated behind the front setback line, or in undercroft areas behind the front setback.
6. The right is reserved, by Council, to request the provision and maintenance of parking facilities where necessary.
7. In any one street, the minimum of three metres front setback shall prevail but, at the express discretion of Council, adjoining buildings shall be setback a sufficient additional distance to ensure that continuous straight facade is not created.
8. The maximum plot ratio of 1.0 shall apply.

9. A minimum rear setback of 7.5 metres shall be provided. However, with the consent of Council, the rear setback provision may be waived, subject to a similar setback and area being obtained from a side boundary.
10. Any area provided within the building for a Caretaker's residence, which has attached to it private open space areas, such private open space areas shall be excluded from the plot ratio calculations.

### 5.7.3 AUCTION MARTS

The establishment of Auction Marts shall be permitted in areas specified in the Use Class Tables, and subject to the following minimum criteria.

1. Minimum lot size - 2000 square metres.
2. Off-street parking to be provided on the basis of one car bay per 25 square metres gross floor area.
3. No display and sale of goods to occur within the front setback area.
4. All other requirements to comply with Clause 5.6.1.

### 5.7.4 TAVERNS

The development or use of land for a Tavern shall only be approved under the provisions of Clause 5.2.2 of this Scheme, and shall comply with the following requirements:

1. Off-street parking to be provided on the basis of one car bay for every two square metres of floor space in bars, lounges and other drinking areas, roofed or otherwise, and one car bay for every two seats per table accommodated.
2. Setbacks from street/boundaries and other lot boundaries shall be determined by Council having due regard to adjacent and surrounding uses.
3. In any district centre precinct, taverns shall not exceed 200 square metres gross floor area on any one property and/or development and that the total area of taverns in any one precinct under the same or separate ownership shall not exceed 350 square metres gross floor area.

5.8 SPECIAL USES

5.8.1 OTHER USES - PARKING AND SITE REQUIREMENTS

Notwithstanding any other provision within this Scheme, the development criteria and requirements for use of buildings and/or land listed in Appendix 4 of this Scheme, shall be in accordance with the requirements listed in Appendix 4.

5.8.2 SPECIAL USES CONTROL AND CONDITIONS

Council may, by an amendment to the Scheme, place special conditions on the use and/or development of land, by placing within the schedule appended to this Scheme, the description of a parcel of land and the special conditions appurtenant to the land. The said schedule is given as Appendix 5.

5.8.3 TOWER MASTS

The erection of masts for the transmission and reception of radio signals, in excess of five metres from natural ground level, shall not be permitted within any precinct other than an industrial precinct, unless:

1. The opinion of all adjoining property owners, or whoever Council considers may be affected by the erection of a mast, is obtained.
2. The approval of any Government body or Instrumentality, which may be affected by the erection of a mast, is obtained.

5.8.4 MIXED USES - COMMERCIAL RESIDENTIAL

1. The overall building plot ratio calculated on all uses proposed shall not exceed 1.0.
2. The residential portion of any development to conform to the Residential Planning Codes referred to in Clause 5.3.
3. Car parking shall be calculated on the proposed uses in accordance with the provisions of this Scheme.
4. Variations to residential setbacks may be permitted by Council where any proposed reduction is not detrimental to the amenity of the development and the adjacent properties and where all other requirements are complied with.
5. That one separate covered parking bay be provided per residential unit.



5.8.5 MEDICAL AND PARAMEDICAL PROFESSIONS

1. For the establishment of medical and paramedical surgeries and suites, the following provision shall apply.

Where such surgeries and sites are established in living area precincts, the development must retain a residential occupancy component which must be occupied by a professional person who is the principal or a member of the partnership directly associated with the use approved by Council. The provisions of this Clause shall be restricted insofar as not more than three professional people, as defined in Clause 1.8.81, shall be employed, retained or operate in the partnership on any such site, and the term professional people shall not include employed staff of a technical or semi-professional nature.

(Any medical or paramedical use involving more than three professional people shall be sited in appropriate district centre precincts.)

2. Approval of medical and paramedical surgeries, within living area precincts, shall be subject to the requirements of Clause 5.2.2 of this Scheme.
3. In all cases, siting and setback requirements pertaining to the zone in which the development is situated, shall apply.

5.9 PARKING - GENERAL

The number of parking and loading spaces to be provided in respect of any particular lot or lots, shall be determined by Council, generally in conformity with the standard requirements set out within this Scheme as Appendix 3.

5.10 HEIGHT RESTRICTIONS

1. Height shall be measured above the mean natural surface level of the site as related to the buildings and as determined by Council.
2. Sunshine. The Council may refuse approval to any development in any zone if, in its opinion, 50% of an adjoining lot would, as a result of that development, be in shadow at noon on the 21st June.
3. Notwithstanding the generality of requirements governing development, no building in District Centre Precincts may exceed eight (8) storeys in height to an absolute maximum of 33 metres above natural ground level without the approval of Council.

5.11 PROTECTION OF ADJACENT DEVELOPMENT

No products, materials, chemical or other substances of any kind or nature may be stored, used, decanted, treated, bottled, unbottled or packaged in any zone area in such a manner as to affect or injure adjoining property or the structures or plants placed or planted thereon, or therein, by reason of the emanation of smoke, fumes or any other matter and, at all times, the requirements and provisions of the Clean Air Act 1964 (amended) shall apply within the Scheme area.

5.12 SUBMISSION OF APPLICATIONS

In submitting applications for major new buildings or major additions exceeding 50% of existing floor area, other than single tenement houses or grouped housing developments of less than four units, each submission shall, unless Council decides otherwise, be accompanied by a three dimensional scale model so constructed as to clearly show the basic concepts or format of such proposals.

5.13 SCHEME REQUIREMENTS TO PREVAIL

Where inconsistencies occur between this Scheme and the Uniform Building By-Laws, relating to site requirements for development, the Scheme requirements shall prevail.

5.14 RESTRICTIVE COVENANTS

5.14.1 Subject to the provisions of Clause 5.14.2, a restrictive covenant affecting any land in the Scheme Area whereby or the effect of which is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Scheme, as the case requires.

5.14.2 Where Clause 5.14.1 operates to extinguish or vary a restrictive covenant the Council shall not grant planning consent to the development of the land (in this Clause referred to as "the subject land") which would but for the operation of Clause 5.14.1 have been prohibited unless:

- a) written notice of the proposed development in a form approved by the Council has been given to:
  - i) the owners of all lots adjoining the subject land; and
  - ii) any other person who in the opinion of the Council was entitled to the benefit of or to enforce the restrictive covenant extinguished or varied by that Clause or who would have been so entitled but for the operation of that Clause and is likely to be affected by the proposed development of the subject land;
- b) the notice referred to in paragraph (a) hereof states that submissions may be made to the Council within the period specified therein (not being less than 21 days after the date of service of the notice);
- c) any submissions received by the Council are considered by it; and
- d) the Council is satisfied that the proposed development of the subject land will not be out of character with or prejudicial to the amenity of the locality by reason of the appearance design or height of the proposed building or the materials or finish thereof.

PART VI - CONTINUING AND NON-CONFORMING USES

- 6.1 1. No provisions of this Scheme shall prevent -
- a) The continued use of any land or building for the purpose for which it was being lawfully used and approved at the time of the coming into force of the Scheme.
  - b) The carrying out of any development thereon for which, immediately prior to that time, a permit or permits required under the Town Planning and Development Act 1928 (amended) or any other law authorising the development to be carried out, if the approval of the Council has been obtained in writing.
2. a) Where, in respect of land reserved under Part II of this Scheme, a non-conforming use lawfully exists or was authorised, as mentioned in Clause (1) of this Part, on that land, all or any structures thereon or use thereof, shall not be carried out unless the approval of the Council has been obtained in writing.
- b) Where, in respect of land zoned under Part III of the Scheme, a non-conforming use lawfully exists or was authorised as mentioned in Clause (1) of this Part, on the land, buildings may be erected to the limits prescribed by the Uniform General Building By-Laws made under the Local Government Act 1960 (amended) or by any other By-Laws made under that Act for the purpose of limiting the size, location and distance from boundaries or any other matter required by law, or this Scheme for that class or use within the boundary of the lot or lots on which the use was lawfully carried on, immediately prior to the coming into force of the Scheme.

6.2 1. CHANGE OF NON-CONFORMING USE

The Council may permit the use of land to be changed from one non-conforming use to another non-conforming use, provided the proposed use is, in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use; or is, in the opinion of the Council, closer to the intended uses of the zone.

2. DISCONTINUANCE OF NON-CONFORMING USE

- a) Notwithstanding the preceding provisions of this Part, when a non-conforming use of any land or building has been discontinued for a period of six (6) months, such land or buildings shall not thereafter be used for any purpose other than in conformity with the provisions of this Scheme.
- b) 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 occupier or to both the owner and occupier of that property; and may enter into an agreement with the owner for that purpose.

PART VII - FINANCE AND ADMINISTRATION

7.1 DISPOSAL OF LAND

1. The Council may deal with, or dispose of, any land which it owns or which it has acquired pursuant to the provisions of the Scheme, in accordance with the Act and in conformity with the provisions of this Scheme, and for such purpose may make arrangement with other owners as it deems fit.
2. The Council may, by the gazettal of a redevelopment scheme, dispose of, re-group or re-allocate land currently held for recreational purpose and either use the land areas, resulting from such a scheme, for the same purpose for which the original areas were zoned or reserved; or use any money, resulting from the disposal of land within such a scheme, for the purposes laid down in Section 20(6) of the Town Planning Act.

7.2 COMPENSATION

Claims for compensation by reason of the Scheme other than for the purpose of Part II, shall be made not later than six months from the date on which this Scheme was gazetted except in the case of reserved land where the provisions of Part II shall apply.

7.3 ENTRY TO PREMISES

The Council may by its Town Clerk, or other authorised officer who shall produce either his card or letter of authority, enter at all reasonable times, subject to the serving of 24 hour's notice or any lesser period as directed and agreed by Council, any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

7.4 PENALTIES

Any person who fails to comply with any of the provisions of this Scheme is guilty of an offence and, without prejudice to any other remedy given herein, is liable to such penalties as are prescribed by Section 10 of the Town Planning Act (amended).

7.5 EXEMPTIONS

Insofar as various enactments, regulations and By-laws are currently in force within the Scheme area and some of these contravene the requirements of this Scheme, the following exemptions shall apply:

REGULATIONS AND BY-LAWS MADE UNDER THE TOWN PLANNING ACT  
1965 (AMENDED):

Insofar as the Regulations and By-laws made under this Act are generally binding on all Local Authorities within the State of Western Australia, the City of Melville shall, from the date of gazettal of this Scheme, be exempt from the provision of the following:

1. Signs and Hoardings By-law, Government Gazette, 27th November, 1932.
2. By-law for securing proper Sanitary Hygienic Conditions in connection with Buildings erected on land liable to inundation Government Gazette, 1935.
3. Prosecutions for breach of Zoning Ordinance, Government Gazette, 24th April, 1936.
4. Excavations in Subdivided Areas, Government Gazette, 23rd July, 1937.

Adopted by resolution of the Council of the CITY OF MELVILLE at the Ordinary meeting of the Council, held on the 27th day of April, 1982.

J F HOWSON MAYOR

R H FARDON TOWN CLERK

Adopted for final approval by resolution of the CITY OF MELVILLE at the Special Meeting of the Council held on the 29th day of January, 1985, and the Seal of the Municipality was, pursuant to that resolution, hereunto affixed in the presence of:

J F HOWSON MAYOR

R H FARDON TOWN CLERK

Recommended/Submitted  
for Final Approval

M A FEILMAN  
Chairman of the Town Planning Board

Date 5 March 1985

Final Approval Granted

R J PEARCE  
Minister for Planning

Date 6 March 1985

APPENDIX I

SCHEDULE OF LIGHT INDUSTRIAL USES

THE PRODUCTION OF

Footwear  
 Clothing  
 Clothing Accessories  
 Candles  
 Canvas Goods  
 Cardboard Packaging  
 Cordage and Cord Netting  
 Cosmetics  
 Soft Furnishings  
 Felt  
 Lampshades  
 Leather Goods  
 Soap  
 Flyscreens  
 Venetian Blinds, Awnings, etc.  
 Bags and Sacks  
 Travel Goods  
 Confectionery, Cakes, Biscuits  
 Toys  
 Surgical Appliances  
 Bread

Garden Furniture manufactured from wood and concrete, incorporating minor pre-cast concrete products not creating a dust nuisance.

INDUSTRIES

Battery repair and rebuilding  
 Precision Engineering (light)  
 Electroplating  
 Photographic Processing  
 Upholstering  
 Bookbinding  
 Printing  
 Engraving and Die Sinking  
 Weaving Fabrics, including wire, wicker, plastic etc.  
 Optical Engineering  
 Instrument Making  
 Food Processing  
 Bakery  
 Sign Writing and Sign Making  
 Electrical Engineering  
 Radio and Television, and Engineering  
 Photoengraving  
 Commercial Art  
 Lapidary and Gem Cutting  
 Laundry  
 Model Making  
 Shoe Repairs

CONTRACTORS

Acoustic  
 Pest Control  
 Floor Covering  
 Cleaning  
 Painting and Decorating  
 Milk Vending  
 Electrical  
 Plumbing  
 Glazing

OTHER USES

Dental Laboratory  
 Chemical Laboratory  
 Geological Laboratory  
 Warehousing Laboratory

\* Uses not listed, but may be considered to comply with the general terms of this Scheme, shall be considered by Council who shall, having regard to the provisions of this Scheme and the objectives and policies relating to the industrial uses, in deciding whether such use falls into the general terms of Light Industry.

APPENDIX 2

CITY OF MELVILLE

TOWN PLANNING SCHEME NO. 3

DISTRICT SCHEME

APPLICATION FOR COUNCIL'S PLANNING APPROVAL TO PROPOSED DEVELOPMENT

Name of Owner of Land on which Development is Proposed. SURNAME : .....  
 GIVEN NAMES : .....  
 ADDRESS : .....

Submitted by .....  
 Address for Correspondence .....  
 Postal Locality of Development ..... Street .....

Titles Office Description of Land:

<u>Lot No.</u>	<u>Plan or Diagram</u>	<u>Location Number</u>	<u>Cert. of Title Vol.</u>	<u>Folio</u>
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

State type of building proposed, or describe briefly the proposed development. ) .....  
 ) .....  
 ) .....

State approximate cost of proposed development .....  
 State estimated time of completion .....

\* Three (3) copies of the site layout plan and other necessary plans of the proposal are submitted with this application.

Signed: ..... Date: .....  
 Owner of the Land

NOTES

1. This application can only be signed by the owner, or purchaser under option, of the land on which the development is proposed.
2. This is not an application for a building licence. Separate application forms and plans are to be submitted for such, after Planning Consent has been obtained.
3. This application is to be submitted in triplicate, together with copies of the plans requested, to the Council Office, Almondbury Road, Ardross, W.A., 6153.

For Official Use Only:

Serial No. 17 /.....	Date Received ...../...../.....
Lot Area .....	Effective Frontage .....
Precinct .....	Use Class .....
Use Table Symbol .....	Tax Sheet .....
Gross Floor Area .....	



Lot No. ....  
House No. ....  
Street .....  
Serial No. 17/.....  
File No. ....

Form Cm.2

CITY OF MELVILLE

TOWN PLANNING SCHEME NO. 3

DISTRICT SCHEME

DECISION ON APPLICATION FOR COUNCIL'S PLANNING APPROVAL

Name of Owner of Land  
on which Development  
is Proposed.

SURNAME : .....  
GIVEN NAMES : .....  
ADDRESS : .....  
.....

Council's Planning Approval to the proposed development, described on the application dated \_\_\_\_\_ and the accompanying plans, is GRANTED subject to the following conditions:

The Planning Consent is valid for a period of \_\_\_\_\_  
If development is not completed within this period, a fresh approval must be obtained before commencing or continuing with development.

Date: .....

Signed: .....  
TOWN CLERK

Lot No. ....  
House No. ....  
Street .....  
Serial No. 17/.....  
File No. ....

Form Cm.3

CITY OF MELVILLE

TOWN PLANNING SCHEME NO. 3

DISTRICT SCHEME

DECISION ON APPLICATION FOR COUNCIL'S PLANNING APPROVAL

Name of Owner of Land  
on which Development  
is Proposed.

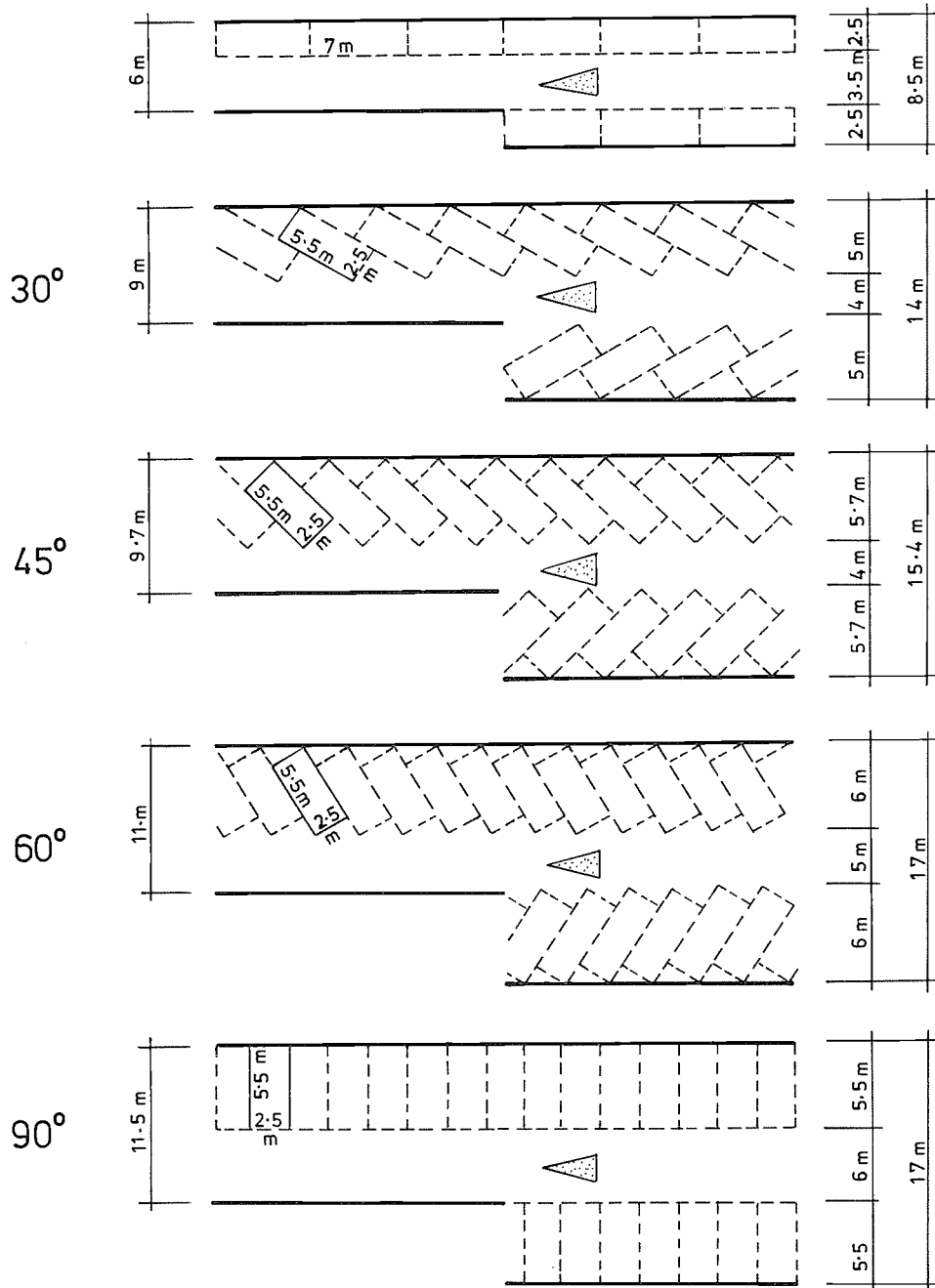
SURNAME : .....  
GIVEN NAMES : .....  
ADDRESS : .....  
.....

Council's Planning Approval to the proposed development, described on the  
application dated ..... and the accompanying plans, is REFUSED  
for the following reasons:

Date: .....

Signed: .....  
TOWN CLERK

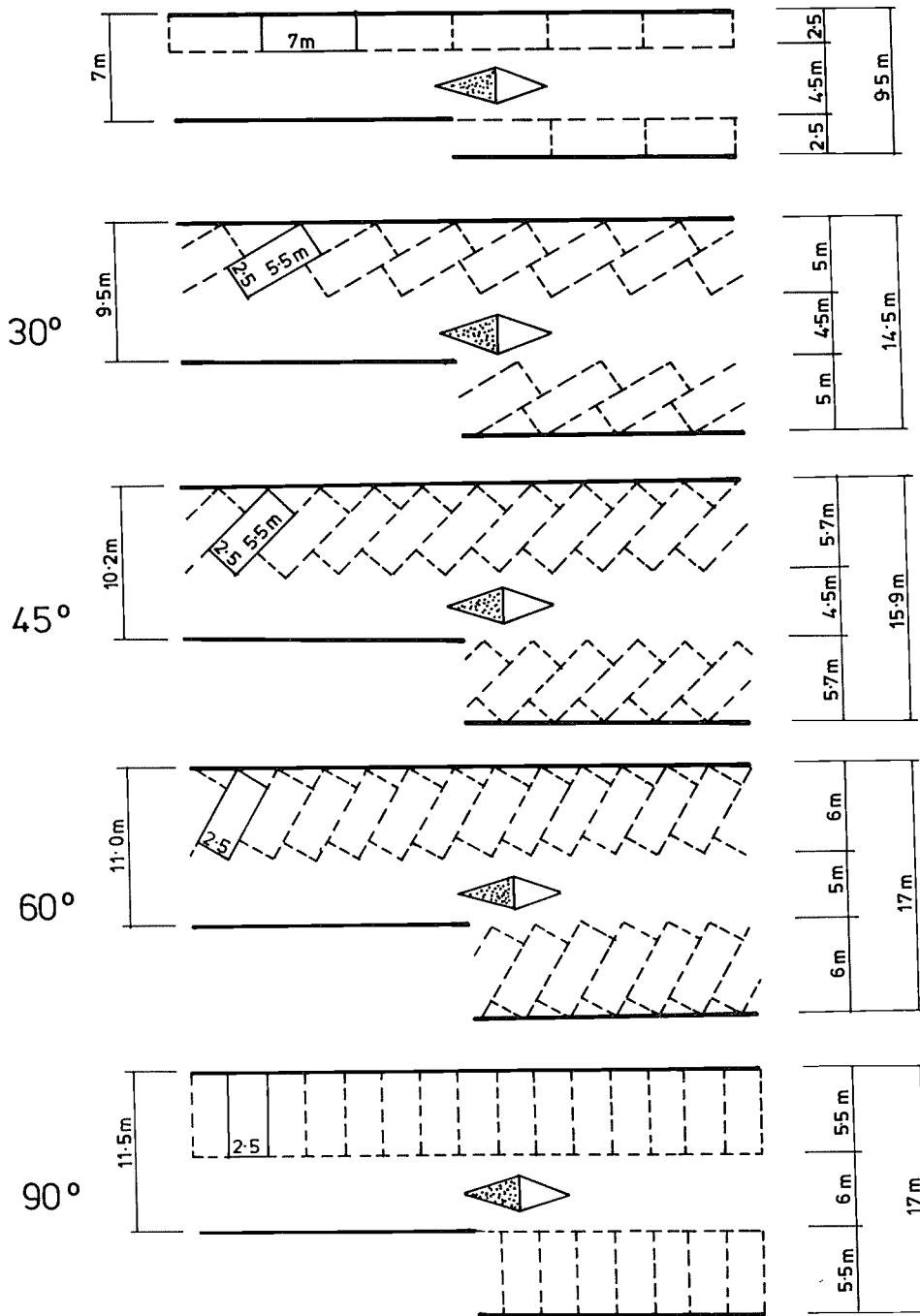
APPENDIX 3.



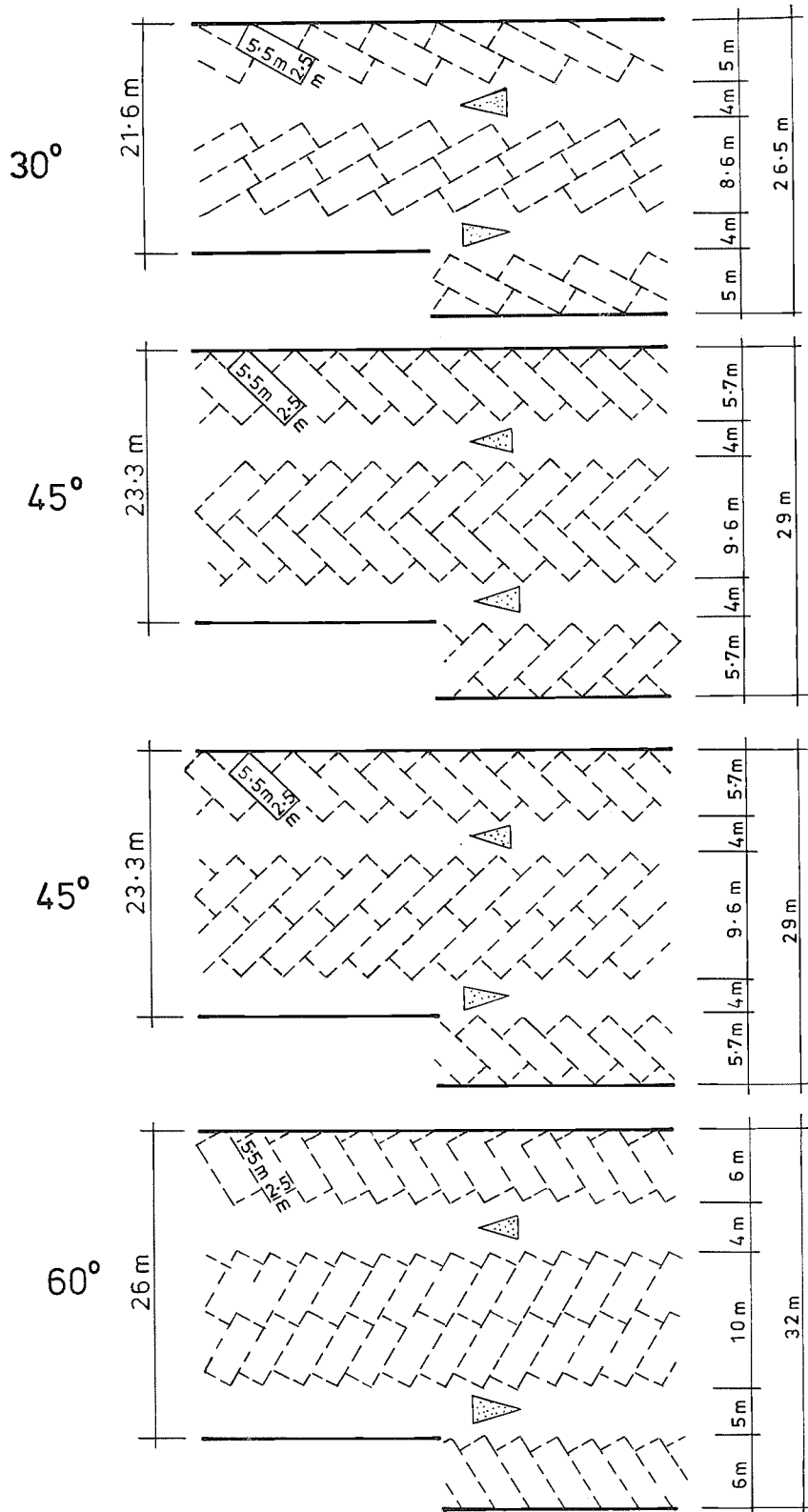
APPENDIX SHOWING ADOPTED STANDARDS FOR OFF STREET PARKING.

All measurements shown in metres

APPENDIX 3.1



APPENDIX 3.2



TYPE OF BUILDING	MINIMUM AREA	MINIMUM FRONTAGE	MINIMUM SETBACK FROM BOUNDARIES			MAXIMUM PLOT RATIO	MAXIMUM SITE COVERAGE	MINIMUM NO. OF CAR SPACES	REMARKS
			FRONT	REAR	SIDES				
Boarding and/or Lodging Houses	2000	30	12m	9m	3m per storey each side	0.66	0.25	1 per person the building is designed to accommodate	All other acts and By-Laws to be complied with Parking may be in undercroft with consent of Responsible Authority.
Hostels	2000	30	12m	9m	3m per storey each side	0.66	0.25	1 per every 3 persons the building is designed to accommodate.	" "
Clubs (Non Sporting)	4,000	40	12m	9m	3m per storey each side	0.66	0.25	To be based on proposed usage. Dining facilities 1 space per 2 seats per table. Dancing 1 space per every 2 people on total floor space. Recreation - depending on type. Requirements can be combined with maximum figure to apply.	
Clubs (Sporting) Churches, Church Halls, Public Halls & Similar Uses.	2,000	30	12m	9m	3m per storey	0.33	0.33	1 space for every 1.5m of pew length for churches. Capacity and use of halls determine minimum requirement. Outdoor sporting facilities to be based on usage proposals.	
Licensed Hotels	12,000	60	18m	9m	3m per storey each side with a maximum of 25m.	0.66	0.25	1 space for every 2 square metres of floor space in bars, lounges and other drinking areas roofed or otherwise. Where more than 10 living units are provided an additional space per unit must be provided.	
Unlicensed Hotels	8,000	50	15m	9m	3m per storey each side.	0.66	0.25	1 space for each bedroom plus 1 space for each person employed on site.	
Private Hospitals (Other than "C" Class and Convalescent Homes)	4,000	40	15m	12m	7.5m combined min. 3m	0.60	0.60	1 space per bed plus one space for each staff member including doctors.	
"C" Class Hospitals 24 beds and below Every additional bed over 24	2,000 +50m <sup>2</sup> per bed	25 Unaltered	12m plus 0.06m per bed	7.5m	7.5 combined	0.60 0.60	0.60 0.60	1 space per 2 beds plus 1 space for each member of staff including doctors.	
Doctors and Dentists Surgeries or Clinics or other Para Medical Uses						0.30	0.30	3 spaces per medical professional person on duty on site plus 1 space per doctor etc. plus 1 space per staff member. All other provisions - office zone requirements plus customer parking.	
Private Schools	12,000	80	15m	9m	3m per storey each side	0.66	0.25	1 space per staff member plus pick up and set down areas for students. Where senior students are permitted to park private vehicles - to be assessed by responsible authority.	
Kindergarten	1,500	30	9m	6m	6m each side	0.66	0.25	1 space per teacher and/or parents on roster plus safe pick up and set down areas directed by responsible authority.	
Motels								USE AS PER DEFINITION AND PARKING IN ACCORDANCE WITH MODEL MOTEL BY-LAWS PLUS ONE SPACE PER STAFF MEMBER	

ALL OTHER TYPES OF DEVELOPMENT NOT LISTED ABOVE OR CONTROLLED BY OTHER PROVISIONS OF THIS SCHEME TO BE NEGOTIATED WITH THE RESPONSIBLE AUTHORITY ON APPLICATION FOR A DEVELOPMENT PERMIT. ALL THESE MENTIONED USE SUBJECT TO CONNECTION TO DEEP SEWERAGE.

## PARKING AND SITE REQUIREMENTS FOR SPECIAL USES

APPENDIX 5SCHEDULE OF SPECIAL USES AND CONDITIONS

Serial No.	Lot No.	Street No.	Street Locality	Special Conditions	Precinct
1	20		Fraser Road Applecross.	A foreshore reserve 6 metres in width from a point at high water mark on the southern boundary of Lot 20 to a point on the eastern boundary of Lot 20 is transferred to the Crown for the purposes of public recreation.	A1
2	57		Groves Ave Attadale.	The Lot shall be use for employee parking only, subject to:  there being no vehicle access to Groves Avenue.	DC4
3	50		Leach Hwy, North Lake Road, Myaree.	Permitted uses shall include shopping, office, general industry, car park, employees car park and open air display and storage. The uses listed must be co-related and associated with the general use of the land.	MY2
4	5	6	Sleat Road, Canning Bridge	Access to the car parking areas on Lots 1, 2 and 3 Canning Highway and Lot 6 Sleat Road, over Lot 5 Sleat Road shall be maintained at all times.	DC1
5	15		Canning Bch Road, Canning Bridge	The permissible use shall be for car parking purposes only associated with adjacent development.	DC1
6	542	7	Canning Hwy, Riseley St. Ardross.	The permissible use shall be for car parking purposes only associated with adjacent development.	DC2
7	Pt. 1112 Pt. 1113 Dia.6391		Rome Road, Melville.	Pt. Lot 1112 to be used for Drive-In purposes only; Pt. Lot 113 to be used for Cinema and car park only.	MY1
8	368 369	855 857	Canning Hwy, Reynolds Rd, Applecross.	Additional permitted use shall be for Doctor's Surgery where more than one Surgery is permitted.	MP1

Serial No.	Lot No.	Street No.	Street Locality	Special Conditions	Precinct
9	Pt. 176 Pt. 177		Canning Beach Road, Canning Bdge.	Hotel/Motel uses only.	DC1
10	22	918	Canning Hwy Kintail Rd, Canning Bdge.	Service Station use only.	DC1
11	23 21	916 914	Canning Hwy, Canning Bridge.	Local Shopping - retail uses and development to be retained at existing level.	DC1
12	Pt. 181 Pt. 180	2	Kintail Rd, Canning Bdge	Civic and Cultural, Library and Hall permitted uses only.	DC1
13	Reserve 9068		Winnacott St, Willagee.	Permit residential development in accordance with the R40 Code.	W1