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TOWN PLANNING AND DEVELOPMENT ACT 1928

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**TOWN OF VICTORIA PARK  
TOWN PLANNING SCHEME  
No. 1**



**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME  
*TOWN OF VICTORIA PARK*  
TOWN PLANNING SCHEME No. 1

Ref: 853/2/32/1, Vol 6.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Town of Victoria Park Town Planning Scheme No 1 on 20 August 1998—the Scheme Text and Policy Manual of which is published as a Schedule annexed hereto.

J. A. E. LEE, Mayor.  
J. M. BONKER, Chief Executive Officer.

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## TOWN OF VICTORIA PARK

**TOWN PLANNING SCHEME No. 1**

## SCHEME TEXT

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## PART 1—INTRODUCTORY

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## 1.—TITLE

This Town Planning Scheme may be referred to as the Town of Victoria Park Town Planning Scheme No. 1.

## 2.—COMMENCEMENT

This Scheme commences on the Gazettal date.

*NOTE:* The “Gazettal date” is defined in Schedule 1.

## 3.—SCHEME DOCUMENTS

(1) This Scheme comprises the following documents—

- (a) the Scheme text;
- (b) each of the precinct plans;
- (c) each planning policy; and
- (d) each Council register.

(2) If there is any inconsistency between the Scheme text and any other Scheme document, the Scheme text is to prevail.

*NOTES:* 1. The “Scheme text”, “precinct plans”, “planning policy”, and “Council register” are defined in Schedule 1.

2. The amendment procedures applying to each Scheme document are set out in clauses 46 and 47.

## 4.—SCHEME AREA

This Scheme applies to the Scheme area which covers all the municipal district of the Town of Victoria Park apart from the area comprising the land known as the “Resort Lands” to which Section 7 of the Casino (Burswood Island) Agreement Act 1985 applies.

*NOTE:* Parts of the Scheme area are also subject to other planning laws such as the Metropolitan Region Scheme (see clause 7) and a minor town planning scheme (see clause 8).

## 5.—RESPONSIBLE AUTHORITY

The authority responsible for administering this Scheme is the Council.

*NOTE:* The “Council” is defined in Schedule 1

## 6.—OBJECTIVES AND INTENTIONS

(1) The Council has prepared this Scheme for the purpose of controlling and guiding development and growth in a responsible manner and which can initiate, accommodate and respond to change.

(2) The overall goal of this Scheme is to ensure that the Town of Victoria Park and its environs will be widely recognised as providing a high level of services and amenities in a friendly and accountable manner.

(3) The general objectives of this Scheme are—

- (a) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;
- (b) to protect and enhance the health, safety and general welfare of the Town’s inhabitants and the social, physical and cultural environment of the Town;
- (c) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which—
  - (i) recognises the individual character and needs of localities within the Scheme area; and
  - (ii) can respond readily to change;
- (d) to ensure planning at the local level is consistent with the Metropolitan Region Scheme and wider regional planning strategies and objectives;
- (e) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
- (f) to promote and safeguard the economic well-being and functions of the Town;
- (g) to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which—
  - (i) makes optimum use of the Town’s growing infrastructure and resources;

- (ii) promotes an energy efficient environment; and
- (iii) respects the natural environment; and
- (h) to promote and safeguard the cultural heritage of the Town by—
  - (i) identifying, conserving and enhancing those places which are of significance to the Town's cultural heritage;
  - (ii) encouraging development that is in harmony with the cultural heritage value of an area; and
  - (iii) promoting public awareness of cultural heritage generally.

#### 7.—RELATIONSHIP WITH OTHER LAWS

- (1) This Scheme is complementary to, and not a substitute for, the Metropolitan Region Scheme.
- (2) Where a provision of this Scheme is inconsistent with a provision of a by-law, the provision of this Scheme prevails.
- (3) The Residential Planning Codes are to be read as part of this Scheme.

*NOTES:* 1. The "Metropolitan Region Scheme" is defined in Schedule 1

2. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

#### 8.—MINOR TOWN PLANNING SCHEME

The Council administers the Carlisle Minor Town Planning Scheme No. 3 which is complementary to this Scheme.

#### 9.—REPEALS

The following written laws are repealed—

Name	Date of Publication in the <i>Government Gazette</i>
(a) City of Perth City Planning Scheme	20 December 1985
(b) Zoning By-law No 63	10 October 1961

*NOTE:* The repeal of this Scheme and By-law extends to any amendments to them (see section 33 of the Interpretation Act 1984).

#### 10.—DEFINITIONS

- (1) In this Scheme, unless the context otherwise requires, the words and expressions used have the meanings set out in Schedule 1.
- (2) Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.
- (3) Words and expressions used in the Scheme but not defined in Schedule 1, elsewhere in the Scheme or in the Residential Planning Codes shall have their normal and common meanings.

*NOTE:* The definitions of words and expressions set out in Section 2 (1) of the Town Planning and Development Act 1928 and Section 6 of the Metropolitan Region Town Planning Scheme Act 1959 are also relevant for the purposes of this Scheme.

### PART 2—LAND USE

11. Precincts
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13. Types of Uses
14. Use of a Town of Victoria Park Scheme Reserve
15. Use of Land in a Scheme Zone
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18. Non-Conforming Uses
19. Register of Non-Conforming Uses

#### 11.—PRECINCTS

- (1) The Scheme area is divided into the precincts set out in the precinct table at the end of this clause.
- (2) For each precinct, there is a precinct plan or plans.

*NOTE:* "precinct", "precinct plan" and "Scheme area" are defined in Schedule 1.

#### PRECINCT TABLE

P1	Burswood Peninsula
P2	Burswood
P3	Causeway
P4	McCallum
P5	Raphael
P6	Victoria Park
P7	Lathlain
P8	Carlisle

P9	Welshpool
P10	Shepperton
P11	Albany Highway
P12	East Victoria Park
P13	Curtin

#### 12.—RESERVES AND SCHEME ZONES

(1) The land within the Scheme area is classified into either—

- (a) a Metropolitan Region Scheme reserve; or
- (b) a Town of Victoria Park Scheme reserve; or
- (c) one of the following Scheme zones—
  - (i) residential;
  - (ii) residential/commercial;
  - (iii) office/residential;
  - (iv) local centre;
  - (v) district centre;
  - (vi) commercial;
  - (vii) Industrial
  - (viii) industrial (2); or
  - (ix) special use.

(2) The classification of land within the Scheme area is shown on the precinct plan in which that land is located.

*NOTE:* “Metropolitan Region Scheme reserve” and “Town of Victoria Park Scheme reserve” are defined in Schedule 1.

#### 13.—TYPES OF USES

(1) Uses are classified in this Scheme as—

- (a) permitted uses (see clauses 14 and 15);
- (b) discretionary uses; and
- (c) prohibited uses.

*NOTE:* A use may be approved by the Council by the grant of planning approval under Part 4 of this Scheme.

#### 14.—USE OF A TOWN OF VICTORIA PARK SCHEME RESERVE

(1) A permitted use for a Town of Victoria Park Scheme Reserve is—

- (a) a use which gives effect to the purpose for which the land is reserved under this Scheme; and
- (b) where the land is vested in a public authority, a Commonwealth agency or in the Council, a use which gives effect to any purpose for which the land may lawfully be used.

*NOTES:* 1. “public authority”, “Commonwealth agency” and the “Council” are defined in Schedule 1.

2. Planning approval is granted by the Council under Part 4 of this Scheme.

#### 15.—USE OF LAND IN A SCHEME ZONE

(1) The Scheme Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various Zones. The permissibility of any use is determined by cross reference between the list of Use Classes on the left hand side of the Zoning Table and the list of Zones at the top of the Zoning Table.

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

“P” means that the use is permitted by the Scheme.

“AA” means that the use is not permitted unless the Council has granted planning approval.

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

(2) Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other Use Class which by its more general term might otherwise include such particular use.

*NOTE:* Planning approval is required for most uses (see clauses 30 and 31)

#### ZONING TABLE

Use Class	Zone									
	Residential	Residential/ Commercial	Office/ Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use	
	1.	2.	3.	4.	5.	6.	7.	8.	9.	
Consulting Rooms, Day Care Centre	AA	P	P/X <sup>2</sup>	P	P	P	P	P		
Convenience Store, Service Station	X	X	X	AA	AA	AA	AA	AA		



Use Class	Zone								
	Residential	Residential/ Commercial	Office/ Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
	1.	2.	3.	4.	5.	6.	7.	8.	9.
Educational Establishment, Place of Worship	AA	AA	AA/X <sup>2</sup>	P	P	P	AA	AA	
Fast Food Outlet, Restaurant	X	AA	P/X <sup>2</sup>	P	P	P	P	P	
General Industry, Transport Depot	X	X	X	X	X	X	AA	P	Refer to provisions in
Hazardous Industry, Noxious Industry	X	X	X	X	X	X	X	X	
Home Occupation	P	P	P	P	P	P	P	P	Precinct Plan
Hospital, Nursing Home, Residential Building	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Hotel, Motel, Tavern	X	X	X	X	AA	AA	X	X	
Light Industry	X	X	X	X	X	AA	P	P	
Lodging House, Serviced Apartment	AA	AA	P/X <sup>2</sup>	AA	AA	AA	X	X	
Massage Rooms	X	X	X	X	X	X	AA	AA	
Motor Vehicles and Marine Sales Premises, Open Air Sales and Display	X	X	X	AA	AA	P	P	P	
Office	X	P	P	P	P	P	P	P	
Restricted Premises	X	X	X	X	AA	AA	AA	AA	
Shop	X	P	AA/X <sup>2</sup>	P	P	AA	AA	AA	
Showroom	X	P	P/X <sup>2</sup>	X	P	P	P	P	
Single House, Grouped Dwelling, Aged or Dependent Persons' Dwelling, Multiple Dwelling	P <sup>1</sup>	P	P	AA	AA	P/X <sup>3</sup>	X	X	
Warehouse	X	X	X	X	AA	P	P	P	

P—Permitted Use      AA—Discretionary Use      X—Prohibited Use

Footnotes—

- Multiple Dwellings are only permitted in areas coded R40 and above, and in addition are subject to clause 22 Special Application of the Residential Planning Codes.
- The "Prohibited Use" notation applies to the Office/Residential Zone within Precinct P10—Shepperton Precinct.
- The "Prohibited Use" notation applies to the Commercial Zone within Precinct P3—Causeway Precinct.

16.—UNLISTED USES

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the Use Class categories the Council may—

- determine that the use is consistent with the objectives and purposes of the particular Zone and is therefore permitted; or
- determine that the proposed use may be consistent with the objectives and purposes of the Zone and thereafter follow the advertising procedures of clause 37 in considering an application for planning approval; or
- determine that the use is not consistent with the objectives and purposes of that particular Zone and is therefore not permitted.

- NOTES: 1. Planning approval must be obtained for most unlisted uses (see clauses 30, 31 and 37).  
2. Planning approval is granted by the Council under Part 4 of this Scheme.

17.—ADDITIONAL USES

- An additional use is a use which, in relation to a specific site—
  - is a prohibited use in the precinct in which that use is located;
  - is listed, with reference to that site, in Schedule 2; and
  - is taken, as the result of its listing in Schedule 2, to be a permitted use for that site subject to the conditions, if any, set out in Schedule 2 in respect of that use.
- The Council may—
  - after receiving an application for planning approval involving a prohibited use; or
  - at any other time,
initiate an amendment to Schedule 2 of this Scheme to add, amend or delete an additional use to the site to which it applies or one or more conditions to which that use is subject.

- (3) The Council is not to initiate an amendment under subclause (2) unless it is satisfied that—
- (a) a development involving the proposed additional use would be consistent with—
    - (i) the orderly and proper planning of the locality;
    - (ii) the conservation of the amenities of the locality; and
    - (iii) the statement of intent set out in the relevant precinct plan.
  - (b) the use of the specific site for that purpose would not have any undue adverse effect on—
    - (i) the occupiers and users of the development;
    - (ii) the property in, or the inhabitants of, the locality; or
    - (iii) the likely future development of the locality.

*NOTE:* The listing of any use, or the amendment or revocation of any use, in Schedule 2 is an amendment to this Scheme Text to which clause 47 applies.

#### 18.—NON-CONFORMING USES

- (1) Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent—
- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme;
  - (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
  - (c) the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.
- (2) A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provision and requirements contained in the Scheme. All applications for planning approval under this clause will be subject to notice under clause 35 and the Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.
- (3) Notwithstanding anything contained in the Zoning Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the Zone or Reserve.
- (4) When a non-conforming use of any land or buildings has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.
- (5) The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.
- (6) When a building used for a non-conforming use is destroyed to 75 per cent or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use, or in a manner not permitted by the Scheme, except with the planning approval of the Council.

*NOTES:* 1. A “non-conforming use” and “Gazettal date” are defined in Schedule 1.

2. The reference to the “Act” is to the Town Planning and Development Act 1928, Section 13 of which enables a Council to purchase or, with the consent of the Governor, take compulsorily subject to the Public Works Act 1902 any land within a town planning scheme.

3. Planning approval is granted by the Council under Part 4 of this Scheme.

#### 19.—REGISTER OF NON-CONFORMING USES

- (1) A person who wishes the Council to record a non-conforming use may submit to the Council in writing full details of the nature, location and extent of the non-conforming use.
- (2) Where the Council is satisfied that a non-conforming use exists, it is to record, in a register of non-conforming uses, details of each non-conforming use.
- (3) A copy of the register of non-conforming uses is to be—
- (a) kept at the offices of the Council; and
  - (b) made available for public inspection during office hours.

### PART 3—DEVELOPMENT REQUIREMENTS

#### *Division 1—General Development Requirements*

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23. Densities
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*Division 2—Places of Cultural Heritage Significance*

25. Declaration of Places of Cultural Heritage Significance
26. Declaration of a Conservation Area
27. Register of Places of Cultural Heritage Significance
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*DIVISION 1—GENERAL DEVELOPMENT REQUIREMENTS*

## 20.—SOURCE OF DEVELOPMENT REQUIREMENTS

Unless otherwise consistent with a planning approval, the development of land is to be in accordance with the standards and requirements contained in this Scheme text, the precinct plan applying to the land proposed to be developed, the planning policies, Council registers, and the Residential Planning Codes.

## 21.—RESIDENTIAL PLANNING CODES

- (1) For the purpose of this Scheme “Residential Planning Codes” means the Residential Planning Codes set out in Appendix 2 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.
- (4) The Residential Planning Code dwelling density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Code’s dwelling density number superimposed on the particular areas shown on the Scheme Map as being contained within the solid black line borders or where such an area abuts another area having a Residential Planning Code dwelling density, as being contained within the centre-line of those borders.

*NOTE:* This Scheme comprises the Scheme Text, Precinct Plans, Planning Policies, and Council Registers.

## 22.—SPECIAL APPLICATION OF THE RESIDENTIAL PLANNING CODES

Notwithstanding the provisions of the Residential Planning Codes the following special applications of the Residential Planning Codes apply—

- (1) Victoria Park Precinct – Multiple dwellings are not permitted within areas coded Residential R40;
- (2) Lathlain Precinct – Within the area coded Residential R40/R60, development to a maximum dwelling density of Residential R60 will only be permitted where two or more of the lots are amalgamated; and
- (3) Shepperton Precinct—
  - (a) in the area north of Shepperton Road and west of Oats Street, coded Residential R40, multiple dwellings are not permitted; and
  - (b) in the area south of Shepperton Road and west of Dane Street coded Residential R40, multiple dwellings are not permitted.

## 23.—DENSITIES

- (1) The permitted site dwelling density per hectare under the Residential Planning Codes for any land is to be determined by reference to the Residential Planning Codes density number, as illustrated on the relevant Precinct Plan, for that land.
- (2) Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if the proposed development effects the discontinuance of a non-conforming use.
- (3) Where the Council allows an increase in the permitted dwelling density, the standards and provisions of the Residential Planning Codes which relate to that higher density are to apply.
- (4) Land developed for the purpose of serviced apartments, hotels, motels, or other similar short term commercial accommodation, is to conform with the standards and requirements applicable to multiple dwellings under the Residential Planning Codes for the dwelling density illustrated on the relevant Precinct Plan for that land.

## 24.—SEWERAGE CONNECTION

- (1) Notwithstanding any provision of this Scheme to the contrary, all residential developments are to be connected to a comprehensive sewerage system, if one is available.
- (2) Where no comprehensive sewerage system is available, the Council is not to grant planning approval for any residential development, other than the erection of a single house, unless the proposed development complies with the requirements of the Government Sewerage Policy.

*NOTE:* “Gazettal date” is defined in Schedule 1.

*DIVISION 2—PLACES OF CULTURAL HERITAGE SIGNIFICANCE*

## 25.—DECLARATION OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

- (1) If in the opinion of the Council a place—
  - (a) is of cultural heritage significance or possesses special interest related to or associated with the cultural heritage; and

- (b) should be conserved or enhanced,  
the Council may by resolution declare the place to be significant and worthy of conservation.
- (2) In considering a proposal to declare a place as significant and worthy of conservation, the Council is to—
- (a) give the owner and occupier of the place—
    - (i) details of the proposal; and
    - (ii) 14 days, or such further time as the Council may determine, to make a written submission to the Council about the proposal; and
  - (b) take into account any written submission duly made under this clause.
- (3) Where the Council declares a place to be significant and worthy of conservation, it is to give notice of its declaration to the Heritage Council of Western Australia and the owner and occupier of the place.
- (4) In this clause, the power to declare a place significant and worthy of conservation includes the power to amend or revoke a declaration of that type.
- NOTE:* A “place” is defined in Schedule 1. It may include works, buildings and contents of buildings.

#### 26.—DECLARATION OF A CONSERVATION AREA

- (1) If, in the opinion of the Council, it is necessary or appropriate to have special planning controls to conserve or enhance the cultural heritage significance of an area, the Council may, by resolution, declare that area to be a conservation area.
- (2) In considering a proposal to declare an area to be a conservation area, the Council is to—
- (a) give the owner and occupier of the place—
    - (i) details of the proposal; and
    - (ii) 28 days to make a written submission to the Council about the proposal; and
  - (b) take into account any written submission made within 28 days under this clause.
- (3) The Council may adopt for each conservation area a planning policy.
- (4) Where the Council declares an area to be a conservation area and adopts a planning policy for that area, it is to give notice of its declaration and, when available, a copy of the planning policy to—
- (a) each of the owners and occupiers of land within that area; and
  - (b) the Heritage Council of Western Australia.
- (5) In this clause, the power to declare an area to be a conservation area includes the power to amend or revoke a declaration of that type.
- NOTE:* The procedures relating to the adoption of a planning policy are set out in clause 46.

#### 27.—REGISTER OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

- (1) The Council is to record in a register of places of cultural heritage significance, a list of places which—
- (a) are the subject of a declaration under clause 25;
  - (b) are being considered for the purposes of a declaration under clause 25; or
  - (c) are the subject of a declaration under clause 26.
- (2) A copy of the register is to be—
- (a) kept at the offices of the Council; and
  - (b) made available for public inspection during office hours.

#### 28.—HERITAGE AGREEMENTS

The Council may, in accordance with the Heritage of Western Australia Act 1990, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

- NOTES:* 1. A heritage agreement may include, a covenant, intended to run with the land, relating to the development or use of the land or any part of the land.
2. A heritage agreement may be entered into whether or not the place to which it applies is listed in the Register of Places of Cultural Heritage Significance.
3. Detailed provisions relating to heritage agreements are set out in Section 29 of the Heritage of Western Australia Act 1990.

#### 29.—VARIATIONS TO STANDARDS

- (1) Where a development is proposed which would—
- (a) conserve or enhance the whole or part of a conservation area or a place which has been declared by the Council to be significant and worthy of conservation; and
  - (b) not adversely affect the cultural heritage significance of the conservation area or place,
- the Council may grant, by way of planning approval, modifications to any development requirement specified in this Scheme or in the Residential Planning Codes including—
- (c) in respect of a residential development—an increase of up to 50% from the specified maximum dwelling density; and
  - (d) in respect of a non-residential development—an increase of up to 10% from the specified maximum plot ratio; and

as long as the increase or variation would not adversely affect the cultural heritage significance of that, or any other, conservation area or place including the streetscape or precinct in which it is located.

(2) The Council is not to grant planning approval for a development that requires the grant, under subclause (1), of a modification which might, in the Council's opinion, significantly affect an adjoining property or a property in the general locality unless—

- (a) the application seeking the incentive or bonus is advertised in accordance with clause 35; and
- (b) any submissions duly received in response to that advertising are considered by the Council.

#### **PART 4—PLANNING APPROVAL**

- 30. Need for Planning Approval
- 31. Exemption from Planning Approval
- 32. Unauthorised Existing Developments
- 33. Form of Application
- 34. Design Advisory Committee
- 35. Advertising Procedure
- 36. Determination of Application—General Provisions
- 37. Determination of Application for an Unlisted Use
- 38. Determination of Non-Complying Applications
- 39. Determination of Application for Demolition
- 40. Notice of Council Decision
- 41. Term of Planning Approval
- 42. Temporary Planning Approval
- 43. Deemed Refusal
- 44. Revocation of Planning Approval for Home Occupations
- 45. Appeals

#### **30.—NEED FOR PLANNING APPROVAL**

(1) A person shall not begin or continue development of any land or building in the Scheme area, unless it is a development exempted by clause 31, without first having applied for and obtained planning approval.

(2) To avoid any doubt, development for which planning approval is required includes both use (which is the subject of Part 2 of this Scheme) and development (which is the subject of Part 3).

*NOTES:* 1. A “planning approval”, which is defined in Schedule 1 is granted by the Council. In some cases, approval might also be required by the Western Australian Planning Commission under the Metropolitan Region Town Planning Scheme Act 1959.

2. A “development” is defined in Schedule 1. As well as building works it includes any changes of use for which planning approval may be required (see clause 31); an unlisted use (see clause 16); or demolition (see clause 39).

#### **31.—EXEMPTION FROM PLANNING APPROVAL**

(1) Planning approval is not required for the following development—

- (a) building or other work for the maintenance, improvement or other alteration of any building or structure where those works affect only its interior or do not materially affect its external appearance unless the building or structure is—
  - (i) located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;
  - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990; or
  - (iii) listed in the Register of Places of Cultural Heritage Significance; or
- (b) building or other work carried out by the Town, a public authority or a Commonwealth agency in connection with the maintenance or improvement of a public street; or
- (c) building or other work carried out by the Town, a public authority or a Commonwealth agency in connection with any public utility; or
- (d) development on a Metropolitan Region Scheme Reserve; or
- (e) all advertisements with the exception of land, buildings, objects, structures and places included on the Register of Places of Cultural Heritage Significance, and those advertisements listed in Schedule 4;
- (f) the use of land which is a permitted (“P”) use in the Zone in which the land is situated provided—
  - (i) it does not involve the carrying out of any building or other works; and
  - (ii) it is in compliance with all the requirements prescribed by the Scheme, Council Planning Policies and the Residential Planning Codes; or
- (g) the use of land in a reserve, where such land is held by the Council or vested in a public authority—
  - (i) for the purpose for which the land is reserved under the Scheme; or
  - (ii) in the case of land vested in a public authority, for any purpose for which the land may be lawfully used by that authority.

*NOTES:* 1. The Register of Places of Cultural Heritage Significance also contains a list of each area declared by the Council to be a conservation area (see clauses 25 and 27).

2. Planning approval is not required for certain developments carried out in accordance with—
- (a) subdivisional approval—see Section 20D of the Town Planning and Developmental Act 1928; and
  - (b) development on certain land subject to the Casino (Burswood Island) Agreement Act 1985, referred to in clause 4.
3. Development of a Metropolitan Region Scheme reserve may require approval under the Metropolitan Region Town Planning Scheme Act 1959 and the Metropolitan Region Scheme.

### 32.—UNAUTHORISED EXISTING DEVELOPMENTS

- (1) Where a development has been, or is being, carried out contrary to clause 30, a person may apply to the Council for planning approval for that development.
- (2) If the Council grants planning approval in respect of an application made under subclause (1), the planning approval is not to be taken as—
- (a) authorising development before the date on which the Council resolved to grant the planning approval; or
  - (b) preventing action being taken in respect of the unauthorised development before the date on which the Council resolved to grant planning approval.

### 33.—FORM OF APPLICATION

- (1) An application for planning approval is to—
- (a) be made generally in the form set out in Schedule 3 of the Scheme and contain the information and material set out in the Council's Planning Policy for applications for planning approval and be forwarded to the Council;
  - (b) be made by the owner of the land on which the development is proposed or a person authorised in writing by the owner to make an application for planning approval; and
  - (c) include all information, plans and documents required, by a provision of this Scheme Text, a Planning Policy or otherwise, to be included in an application for planning approval.

*NOTE:* The prescribed form of an application for planning approval is set out in Schedule 3 of the Scheme Text.

### 34.—DESIGN ADVISORY COMMITTEE

- (1) The Council may appoint a design advisory committee for the purpose of considering, and advising the Council with respect to, applications.
- (2) The design advisory committee may be consulted on design matters relating to development.

*NOTE:* Matters relating to the powers, constitution and procedures of an advisory committee are set out in section 5.8-5.18 of the *Local Government Act 1995*.

### 35.—ADVERTISING PROCEDURE

- (1) Where an application involves an unlisted use, the Council is to direct the applicant to advertise the application in any manner that it considers to be appropriate.
- (2) Where an application does not involve an unlisted use, the Council may direct the applicant to advertise the application in any manner that it considers to be appropriate.
- (3) Written submissions in respect of an application advertised in accordance with this clause are to be lodged with the Council within the period and in the form (if any) prescribed in the relevant advertisement or notice.
- (4) The Council may decline to consider a submission that has not been lodged on time or fails to comply with any other requirement applying to it.

*NOTES:* 1. An application which seeks a variation to a development requirement under clause 29 must also be advertised in accordance with this clause.

2. The Council may make a planning policy under clause 46 setting out advertising requirements and procedures.

### 36.—DETERMINATION OF APPLICATION—GENERAL PROVISIONS

- (1) The Council may refuse to consider an application which does not comply with the requirements of this Part.
- (2) In assessing an application, the Council—
- (a) may consult with any person or body; and
  - (b) is to have regard to any written submissions lodged with the Council under clause 35 (3).
- (3) Subject to subclause (4), the Council may—
- (a) refuse an application; or
  - (b) approve an application either—
    - (i) unconditionally; or
    - (ii) subject to such conditions as the Council considers to be appropriate.
- (4) In respect of an application—
- (a) for demolition; or

- (b) which must be advertised or which requires the support of the Western Australian Planning Commission or both,

the Council may refuse or approve the application in accordance with clauses 16, 17, or 39 respectively.

(5) Without limiting the scope of the Council's discretion to determine an application under subclause (3), the Council is to have regard to—

- (a) The provisions of this Scheme and of any other written law applying within the Scheme area including the Metropolitan Region Scheme;
- (b) any relevant planning policy;
- (c) any relevant precinct plan;
- (d) any Statement of Planning Policy of the Western Australian Planning Commission;
- (e) any planning study approved by the Council;
- (f) any submission accompanying or related to the application;
- (g) the orderly and proper planning of the locality;
- (h) the conservation of the amenities of the locality; and
- (i) the design, scale and relationship to existing buildings and surroundings of any proposed building or structure.

*NOTE:* Applications for demolition are dealt with in clause 39.

#### 37.—DETERMINATION OF APPLICATION FOR AN UNLISTED USE

(1) Subject to subclause (2), the Council may refuse or approve an application which involves an unlisted use.

(2) The Council cannot grant planning approval for a development which involves an unlisted use unless—

- (a) the advertising procedure referred to in clause 35 has been followed; and
- (b) it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in clause 36 (5).

*NOTE:* Unlisted uses are described and identified in clause 16.

#### 38.—DETERMINATION OF NON-COMPLYING APPLICATIONS

(1) In this clause—

- (a) an application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy or in the relevant Precinct Plan), where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; and
- (b) a non-complying application does not include an application involving a prohibited use.

(2) Subject to subclause (3), the Council may refuse or approve a non-complying application.

(3) The Council cannot grant planning approval for a non-complying application unless—

- (a) if so required by the Council under clause 35 (2), the application has been advertised; and
- (b) the Council is satisfied by an absolute majority that—
  - (i) if approval were to be granted, the development would be consistent with—
    - the orderly and proper planning of the locality;
    - the conservation of the amenities of the locality; and
    - the statement of intent set out in the relevant Precinct Plan; and
  - (ii) the non-compliance would not have any undue adverse affect on—
    - the occupiers or users of the development;
    - the property in, or the inhabitants of, the locality; or
    - the likely future development of the locality.

#### 39.—DETERMINATION OF APPLICATION FOR DEMOLITION

(1) In considering an application for or involving demolition, the Council is to have regard to the matters listed in clause 36 (5) and—

- (a) may defer consideration of the application until—
  - (i) it has granted planning approval for subsequent development of the relevant site;
  - (ii) it has issued a building licence for that development; and
  - (iii) it is satisfied that the subsequent development will commence;
- (b) may approve the application, subject to conditions including—
  - (i) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;
  - (ii) the screening of the site during redevelopment; and
  - (iii) where the development that has been approved has not been substantially commenced for a total period of more than six months, the landscaping of or other treatment of the site to the satisfaction of the Council; or
- (c) may refuse the application.

## 40.—NOTICE OF COUNCIL DECISION

(1) As soon as is practicable after making a decision in relation to an application, the Council is to give to the applicant, in writing, generally in the form prescribed in Schedule 5—

- (a) notice of the approval or refusal;
- (b) the reason or reasons for the approval or refusal; and
- (c) the conditions, if any, to which approval is subject.

*NOTE:* The prescribed form of the Notice of Council Decision is set out in Schedule 5 of the Scheme Text.

## 41. TERM OF PLANNING APPROVAL

- (1) Subject to subclause (2), a planning approval is valid from the date on which the Council resolved to grant planning approval until expiry of the period, if any, imposed by the Council under clause 42.
- (2) A planning approval is to lapse if the development has not been substantially commenced before the expiration of two years, or such further period as the Council may determine, from the date on which the Council resolved to grant planning approval.

## 42.—TEMPORARY PLANNING APPROVAL

- (1) The Council may, in granting planning approval, limit the period during which the development may be carried out where—
  - (a) it considers that development in excess of that period might adversely affect the amenities of the locality or the orderly and proper planning of the locality; or
  - (b) for any other reason it considers that approval ought to be granted for a limited or trial period.

## 43.—DEEMED REFUSAL

- (1) Subject to subclauses (2) and (3), an application is taken to have been refused where notice of planning approval is not given to the applicant by the Council within—
  - (a) 60 days of the receipt of the application; or
  - (b) such further time as may be agreed in writing between the applicant and the Council within that period of 60 days.

- (2) Subject to subclause (3), an application in respect of any place which—
  - (a) is listed in the Register of Places of Cultural Heritage Significance; or
  - (b) is being considered, under clause 25 or 26, for the purposes of being declared to be significant and worthy of conservation,

is taken to have been refused where notice of planning approval is not given to the applicant within;

- (c) 90 days of the receipt of the application; or
- (d) such further time as may be agreed in writing between the applicant and the Council within that period of 90 days.

- (3) Nothing in this clause prevents the Council from making a decision about an application after the expiry of the periods referred to in subclauses (1) and (2).

*NOTE:* An applicant for planning approval has a right of appeal where there has been a deemed refusal (see clause 45).

## 44.—REVOCATION OF PLANNING APPROVAL FOR HOME OCCUPATIONS

If, in the case of a planning approval granted for a Home Occupation, a notice served under clause 52 (1) is not complied with, the Council may, without further notice to the owner or occupier, revoke its planning approval.

*NOTE:* Where planning approval has been revoked under this clause, a fresh application for planning approval must be submitted to and approved by the Council before any development which was the subject of the revoked planning approval can be continued or recommenced.

## 45.—APPEALS

(1) Subject to the provisions of the Act, an applicant for planning approval has a right of appeal against the exercise by the Council of a discretion to—

- (a) impose a condition of planning approval; or
- (b) refuse to grant planning approval.

*NOTES:* 1. The appeal provisions are set out in Part V of the Town Planning and Development Act 1928.

2. An appeal may be either to the Minister for Planning or to the Town Planning Appeal Tribunal.

**PART 5—MISCELLANEOUS**

- 46. Planning Policies
- 47. Amendment of Other Scheme Documents
- 48. Agreements and Dealings with Land
- 49. Delegation
- 50. Compensation
- 51. Election to Purchase and Valuation

## 46.—PLANNING POLICIES

- (1) The Council may make planning policies, which are to—
  - (a) relate to an aspect or aspects of development control or any other matter relevant to this Scheme; and



- (b) apply to all or a part of the Scheme area.
- (2) In preparing a draft planning policy, the Council is to have regard to—
  - (a) the purpose for which land is set aside under this Scheme;
  - (b) the orderly and proper planning of the locality;
  - (c) the conservation of the amenities of the locality;
  - (d) any strategies, studies or objectives adopted by the Council; and
  - (e) any other matters it considers to be relevant.
- (3) The procedure for Council advertising and adopting a planning policy requires the Council to undertake a town planning scheme amendment in accordance with the provisions set out in Section 7 of the Act.
- (4) A planning policy adopted by the Council may be altered or rescinded only by following the procedure set out in this clause for making and adopting a planning policy.

#### 47.—AMENDMENT OF OTHER SCHEME DOCUMENTS

- (1) Council may only amend or revoke a Scheme document with the exception of a Council register in accordance with the procedures applying to a town planning scheme amendment set out in Section 7 of the Act.
- (2) An amendment to a Council Register may be made by resolution of the Council.

*NOTES:* 1. The reference to the Act is to the Town Planning and Development Act 1928.  
2. The Interpretation Act 1984 defines “amend” to include “replace, substitute, in whole or in part, add to or vary”.  
3. The detailed provisions applying to a town planning scheme amendment are contained in the Town Planning Regulations 1967 made under the Town Planning and Development Act 1928.

#### 48.—AGREEMENTS AND DEALINGS WITH LAND

- (1) For the purpose of carrying out this Scheme and ensuring compliance with it, the Council may—
  - (a) enter into any agreement with any owner, occupier or other person having an interest in land affected by this Scheme;
  - (b) acquire any land within the Scheme area; and
  - (c) deal with or dispose of any land which it has acquired.

#### 49.—DELEGATION

- (1) The Council may, either generally or in a particular case or in a particular class of cases, by resolution passed by an absolute majority of the Council, delegate to—
  - (a) a Committee of the Council; or
  - (b) an Officer of the Council,any power conferred or duly imposed on the Council under this Scheme.

*NOTE:* Sections 58 and 59 of the Interpretation Act 1984 apply to the construction and scope of this delegation power.

#### 50.—COMPENSATION

- (1) Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act resultant from the making of, or the making of an amendment to the Scheme is six (6) months from the date of publication of the Scheme or the Scheme Amendment in the Government Gazette.
- (2) Where, in respect of any application for planning approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

*NOTES:* 1. The reference to the Act is to the Town Planning and Development Act 1928.  
2. The “Gazettal date” is defined in Schedule 1.

#### 51.—ELECTION TO PURCHASE AND VALUATION

- (1) Where compensation for injurious affection is claimed pursuant to clause 50, the Council may, at its option elect to acquire the land so affected instead of paying compensation.
- (2) Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall give notice of that election to the claimant by notice in writing within three (3) months of the claim for compensation being made.
- (3) Where the Council elects to acquire land as provided in subclause (1), if the Council and the owner of the land are unable to agree as to the price to be paid for the land by the Council, the price at which the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause (4).
- (4) The value of the land referred to in subclause (3) shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined—
  - (a) by arbitration in accordance with the Commercial Arbitration Act 1985; or
  - (b) by some other method agreed upon by the Council and the owner of the land,and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

(5) The Council may deal with or dispose of land acquired for a Council reserve pursuant to the preceding subclause (4) or upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

## PART 6—ENFORCEMENT

- 52. Notices
- 53. Authorised Entry
- 54. Offences

### 52.—NOTICES

(1) A notice required to be given by the Council under section 10 (1) of the Act is to be a 28 day notice signed by the Chief Executive and sent by registered post to the owner and to any occupier or lessee of the premises affected by the notice.

(2) The Council may recover expenses under section 10 (2) of the Act in any manner in which it is from time to time entitled to recover rates levied by it under the Local Government Act 1960.

*NOTE:* The reference to the Act is to the Town Planning and Development Act.

### 53.—AUTHORISED ENTRY

(1) An officer authorised by the Council may, with any assistance required, enter at any reasonable time any building or land to determine whether the provisions of this Scheme have been or are being observed.

(2) An authorised officer exercising the power of entry under subclause (1) or any other person accompanying an authorised officer who—

- (a) finds a person committing; or
- (b) on reasonable grounds suspects a person of having committed,

a breach of a provision of this Scheme, may ask that person for his or her name and address.

(3) A person who—

- (a) in any way opposes the exercise of an authorised officer's power of entry; or
- (b) when asked to do so under subclause (2), refuses to state his or her name or address or states a false name or address,

commits an offence.

(4) A person who gives or is suspected of giving a false name or address to the person making the enquiry under subclause (2) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

### 54.—OFFENCES

(1) Subject to Part 4 of this Scheme, a person shall not erect, alter or add to a building or use or change the use of any land or building, or permit or suffer any land or building to be used, or the use of any land or building to be changed for any purpose—

- (a) other than a purpose permitted or approved of by the Council in the Zone in which that land or building is situated;
- (b) unless all approvals, consents or licences required by this Scheme or any other law have been granted or issued;
- (c) unless all conditions imposed upon the grant or issue of any approval, consent or licence required by this Scheme or any other law have been and continue to be complied with; and
- (d) unless all standards laid down and all requirements prescribed by this Scheme or determined by the Council pursuant to this Scheme with respect to that building, or the use of that land or building have been and continue to be complied with.

(2) Where the Council has granted planning approval for the development of land on a condition which involves the maintenance or continuance of the state or condition of any place, area, matter or thing a person shall not use or permit or suffer the use of that land for any purpose while the state or condition of that place, area, matter or thing is not being maintained or continued in accordance with that condition.

*NOTE:* A person who fails to comply with a provision of this Scheme is guilty of an offence and is subject to the penalty set out in Section 10 (4) of the Town Planning and Development Act 1928.

## SCHEDULES

- Schedule 1.—Definitions
- Schedule 2.—Additional Uses
- Schedule 3.—Application for Planning Approval
- Schedule 4.—Advertisements Requiring Planning Approval
- Schedule 5.—Notice of Council Decision
- Schedule 6.—Register of Places of Cultural Heritage Significance

### SCHEDULE 1:—DEFINITIONS

1. In this Scheme, unless the contrary intention appears—

“**absolute majority**” in relation the Council, means a total majority of the members for the time being of the Council, whether present and voting or not;

- “Act”** means the Town Planning and Development Act 1928;
- “additional use”** means a use, in respect of a specific site, listed in Schedule 2 to which clause 17 applies;
- “advertisement”** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purpose of an advertisement, announcement or direction and includes any hoarding or similar structure used or adapted for use, for the display of advertisements and “advertising” has a correlative meaning;
- “aged or dependent persons’ dwelling”** means an independently constructed dwelling for the purpose of accommodating a person who is aged 55 years or over or is a person with a recognised form of handicap requiring special accommodation provisions for independent living or special care.
- “amenities”**, depending on its context, means—
- the expectations of those living and working in an area about the quality of their environment including its pleasantness, character, beauty, harmony in the exterior design of buildings, privacy and security; or
  - facilities providing use, convenience or enjoyment;
- “amusement facility”** means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use;
- “application”** means an application for planning approval;
- “approved plan”** means any plan that—
- forms part of an application for which planning approval has been granted; and
  - has been endorsed with the approval of the Council;
- “building”** includes a structure erected or placed on land;
- “caretaker’s dwelling”** means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site;
- “car park”** means premises used primarily for parking private vehicles or taxis whether or not—
- as a public or private car park; and
  - for reward,
- but does not include—
- any part of a public road used for parking or for a taxi rank, or
  - any premises used for the display of vehicles for sale;
- “Chief Executive”** means the Chief Executive or Deputy Chief Executive of the Council;
- “commercial”** means any activity involving any form of purchase, hire or sale of goods or services;
- “Commonwealth agency”** includes a Commonwealth Minister, department, body or officer and an agency or instrumentality of the Crown in right of the Commonwealth;
- “community uses”** means those uses, in a particular locality, which provide services or facilities, such as health or social services or meeting facilities, to those who live or work in that locality;
- “conservation”** has the same meaning given to it in the Heritage of Western Australia Act 1990;
- NOTE:* Under the Heritage of Western Australia Act 1990, “conservation” is defined to mean, in relation to any place—
- “the management of that place in a manner that will—
- enable the cultural heritage significance of that place to be retained; and
  - yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting”.
- “conservation area”** means an area declared by the Council under clause 26 of this Scheme;
- “consulting rooms”** means premises used for the investigation and/or treatment of physical or mental injuries or ailments (not including a hospital) in the practice of a profession by a person who is a legally qualified medical practitioner, dentist, physiotherapist, podiatrist or similar, but does not include a masseur and does not include a premises practising therapeutic massage or similar services;
- “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 may include, but which may extend beyond normal trading hours and provide associated parking. The buildings associated with a convenience store shall not exceed 300m<sup>2</sup> gross leasable area;
- “Council”** means the Council of the Town of Victoria Park;
- “Council register”** means—
- register of places of cultural heritage significance;
  - register of non-conforming uses; and

(c) any other register kept by the Council under this Scheme;

**“cultural heritage significance”** has the same meaning given to it in the Heritage of Western Australia Act 1990;

*NOTE:* The Heritage of Western Australia defines “cultural heritage significance” to mean, in relation to a place—“the relative value which that place has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations”.

**“day care centre”** means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988;

**“development”** has the same meaning as is given to it in the Act;

*NOTE:* Section 2 (1) of the Town Planning and Development Act 1928 defines “development” to mean—

“the development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works and, in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, also includes any act or thing that—

(a) is likely to change the character of that place or the external appearance of any building; or

(b) would constitute an irreversible alteration of the fabric of any building”.

**“discretionary use”** means a use described in clauses 13 and 15;

**“dwelling”** has the same meaning given to it in the Residential Planning Codes;

*NOTE:* Clause 1.3.1 of the Residential Planning Codes defines “dwelling” to mean—“a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—

- a single person,
- a single family,
- no more than six (6) persons who do not comprise a single family”.

**“educational establishment”** means a school, college, university, technical institute, kindergarten, academy or other educational centre, but does not include an institutional building;

**“fast food outlet”** means premises where food is prepared and sold—

(a) to be taken away; or

(b) for consumption on those or adjacent premises—if the operation of the premises is likely to attract considerable vehicular traffic to those premises for short periods;

*NOTE:* The related definition of “restaurant” is set out later in this schedule.

**“floor area of a building”** means—

(a) for a private residential building—the ratio of the gross total areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all of the floors the areas shall be measured over any walls but shall not include lift shafts, stair or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of the wheeled vehicles at or below ground level, lobbies or amenities common to more than one dwelling or private open balconies;

(b) for a non-private residential building—the gross total area of—

(i) each of the floors of a lodging house; or

(ii) those parts of each of the floors used for residential purposes of a hotel, a motel, a serviced apartment, a private hotel, an educational establishment, an institutional building or a hospital which accommodates members of the staff of the hospital,

including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floorspace in basements, private car parks and any portion of an open balcony which portion is of not more than 2.4 metres in depth provided that the longest open side of the balcony has no enclosure other than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it forms an exclusive part; and

(c) for a non-residential building—the gross total area of each of the floors of the building including the area of car parking spaces in public fee-paying car parks but shall not include the area of private car parks, the areas of lift shafts, stairs, toilets, amenities, plant rooms and the thickness of any external walls;

**“frontage”** means the boundary line or lines between land and the street or streets upon which that land abuts;

**“Gazettal date”** means the date on which this Scheme is published in the Government Gazette;

**“general industry”** means an industry other than a cottage, extractive, hazardous, light or noxious industry;

**“grouped dwelling”** has the same meaning given to it in the Residential Planning Codes;

*NOTE:* Clause 1.3.1 of the Residential Planning Codes defines “grouped dwelling” to mean—“a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise”.

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

**“Health Act”** means the Health Act 1911;

**“height”** when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level at the top of the eaves, parapet or flat roof, whichever is the highest, but does not include—
  - (i) any lift plant, water tower or similar utility or service, not exceeding 3.0 metres in height; or
  - (ii) any architectural feature or decoration (other than a free-standing sign) not used for any form of accommodation which may be approved by the Council;

**“heritage agreement”** means an agreement entered into under clause 28 of this Scheme and section 29 of the Heritage of Western Australia Act;

**“Heritage of Western Australia Act”** means the Heritage of Western Australia Act 1990;

**“home occupation”** means the carrying on or any business conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed but does not include the sale or hire of any goods;

**“hospital”** means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital;

**“hotel”** means premises providing accommodation for the public the subject of a hotel licence under the Liquor Licensing Act 1988 and may include a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act;

**“industry”** means the carrying out of any process for or incidental to—

- (a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale or the breaking up or demolition of any article or part of any article;
- (b) the winning, processing or treatment of minerals;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods for human or animal consumption—being a process carried on in the course of trade or business, whether or not for gain, but the term does not include operations connected with—
- (e) the carrying out of agriculture;
- (f) site work on buildings, works or land; and
- (g) in the case of the manufacture of goods referred to in paragraph (d), the preparation of food for sale on the premises of a shop;

**“land”** has the same meaning given to it in the Act;

*NOTE:* Section 2 (1) of the Town Planning and Development Act 1928 defines “land” to include—land tenements and hereditaments and any interest therein, and also houses, buildings, and other works and structures”.

**“landscaped area”** means any area developed by the planting of lawns, garden beds, shrubs or trees and includes any area developed with rockeries, ornamental ponds, swimming pools, barbecue areas or children’s playgrounds and includes any other area approved by the Council as landscaped area;

**“light industry”** means an industry—

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

**“local area traffic management”** means the management of traffic on residential or other streets;

**“lodging house”** has the same meaning given to it in the Health Act;

*NOTE:* Section 3 (1) of the Health Act defines “Lodging-house” to mean—“any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 4 persons, exclusive of the family or the keeper thereof, for hire or reward; but the term does not include—

- (a) premises licensed under a publican’s general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911;

- (b) premises used as a boarding school approved under the Education Act 1928; or
- (c) any building comprising residential flats”.

“**lot**” has the same meaning given to it in the Act;

*NOTE:* Section 2 (1) of the Town Planning and Development Act 1928 defines “Lot” to mean—  
“a defined portion of land depicted on a plan or diagram publicly exhibited in the public office of the Department of Land Administration, or deposited in the Office of Titles or Registry of Deeds and for which a separate Crown Grant or Certificate of Title has been or can be issued; or depicted on a subdivisional plan or diagram, whether so exhibited or deposited or not, but which is, whether before or after the coming into operation of the Town Planning and Development Act Amendment Act 1956, approved by the Commission and includes the whole of the land the subject—

- (a) of a crown Grant issued under the Land Act 1933; or
- (b) of a certificate of title issued under the Transfer of Land Act 1893; or
- (c) of a survey into a lot pursuant to a direction given under section 17 of the Land Act 1933; or
- (d) of a part-lot shown on a plan of subdivision or diagram deposited in the Department of Land Administration, Office of Titles, or Registry of Deeds; or
- (e) of a conveyance registered under the Registration of Deeds Act 1856.”

“**massage rooms**” means premises used by a masseur or which provides therapeutic massage or similar services;

“**Metropolitan Region Scheme**” means the Metropolitan Region Scheme made under the Metropolitan Region Town Planning Scheme Act 1959;

“**Metropolitan Region Scheme reserve**” means land reserved under the Metropolitan Region Scheme;

“**Minister**” means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning;

“**motel**” means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988* may have been granted.

“**motor vehicles and marine sales premises**” means any land or buildings used for the display and sale of new or second hand motor-cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site;

“**multiple dwelling**” has the same meaning given to it in the Residential Planning Codes.

*NOTE:* Clause 1.3.1 of the Residential Planning Codes defines “multiple dwelling” to mean—  
“a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other”.

“**net floor area**”, for the purpose of determining car parking requirements under the parking policy, has the same meaning as “floor area of a building”, but does not include any area of public fee paying car parks;

“**non-conforming use**” means a use of land which, although lawful immediately prior to the coming into operation of this Scheme, is a prohibited use;

“**noxious industry**” means an industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Act 1986 (as amended);

“**nursing home**” means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms;

“**office**” means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking;

“**open air sales and display**” means the use of land for the display, sale or hire of goods or equipment in the open air;

“**owner**” in relation to any land includes the Crown in right of the State and the Commonwealth and every person who jointly or severally, whether at law or in equity—

- (a) is entitled to the land for any estate of 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 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, whether as a beneficial owner, trustee, mortgagee in possession or otherwise;

“**permitted use**” means a use described in clauses 13 and 15;

“**place**” for the purposes of Division 2 of Part 3 dealing with places of cultural heritage significance, has the same meaning as given to it in the Heritage of Western Australia Act, 1990;

*NOTE:* Section 3 (1) of the Heritage of Western Australia Act 1990 defines “place” to mean—  
“an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes—

- (a) an area of land situated below low water mark on the sea shore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary,

(b) any works or buildings situated there, their contents relevant to the purposes of this Act and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and

(c) as much of the land beneath the place as is required for the purposes of its conservation”.

“**planning approval**” means approval, with or without conditions, granted by Council in respect of an application, to begin or continue development;

“**planning policy**” means a planning policy made by the Council under clause 46;

“**plot ratio**” means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located;

*NOTE:* The “floor area of a building” is defined earlier in this Schedule.

“**precinct**” means an area or neighbourhood of limited size having—

(a) a similar use or other characteristics; and

(b) specified boundaries.

“**precinct plan**” means a document setting out the planning intentions for a particular precinct;

“**premises**” includes lands and buildings;

“**prohibited use**” means a use described in clauses 13 and 15;

“**public authority**” has the same meaning given to it in the Act;

*NOTE:* Section 2 (1) of the Act defines “public authority” to mean—

“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”.

“**public utility**” means any works or undertaking constructed or maintained by a public authority, Commonwealth agency or municipality to provide water, sewerage, electricity, gas, drainage, communications or other similar services;

“**public worship—place of**” means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution;

“**register of non-conforming uses**” means the register kept in accordance with clause 19;

“**register of places of cultural heritage significance**” means the register kept in accordance with clause 27;

“**research and development**” means scientific and industrial research and the development, production and assembly of products associated with that research;

“**residential building**” has the same meaning given to it in the Residential Planning Codes.

*NOTE:* Clause 1.3.1 of the Residential Planning Codes defines “residential building” to mean— a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation—

- temporarily by two or more persons, or
- permanently by seven or more persons,

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

“**Residential Planning Codes**” means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No.1 prepared under 5AA of the Act;

“**restaurant**” means premises where food is prepared and sold principally for consumption on those or adjacent premises but does not include a fast food outlet;

*NOTE:* A “fast food outlet” is defined earlier in this Schedule.

“**restricted premises**” means any premises used or designed primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange or the exhibition, display or delivery of—

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902; or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“**retail**” means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet;

“**retail floor area**” means the floor area of each of the floors of a building used for the display or sale of goods but does not include floor areas used for concealed storage, food preparation, a workshop or a toilet;

“**Scheme area**” means the area defined in clause 4 of this Scheme;

“**Scheme text**” means the document to which this Schedule is attached and includes this and all other Schedules;

“**Scheme zone**” means an area, identified in clause 12 (1), for which permitted uses are described in the Zoning Table;

“**serviced apartment**” means a building or buildings which include self-contained units for transient accommodation;

“**service station**” means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking;

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

*NOTE:* The Interpretation Act 1984 defines “sell” to include barter, exchange, offer to sell and expose for sale”.

“**showroom**” means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment;

“**single house**” has the same meaning given to it in the Residential Planning Codes;

*NOTE:* Clause 3.1.1 of the Residential Planning Codes defines “single house” to mean—

“an independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning Development Act”.

“**storey**” means that portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling above it but does not include any portion of a building used solely for car parking and having 50% or more of its volume below natural ground level;

“**street alignment**” means the boundary between the land comprising a street and the land abutting it, but, where a new street alignment is prescribed, means the boundary between that land and that new street alignment;

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

“**Town**” means the Town of Victoria Park established as a municipality under the Local Government Act;

*NOTE:* The division of the municipality of the former City of Perth was effected by S.9 of the City of Perth Restructuring Act 1993.

“**Town of Victoria Park Scheme reserve**” means land reserved under this Scheme and shown on a Precinct Plan as a Town of Victoria Park Scheme reserve;

“**transport depot**” means any premises used—

(a) for the garaging of vehicles used or intended for use for the carriage of goods for hire or reward; or

(b) for the transfer of goods from one such vehicle to another such vehicle whether or not the land or the building is also used for the maintenance and repair of the vehicles;

“**unlisted use**” has the meaning given to it in clause 16 of the Scheme Text;

“**warehouse**” means a building wherein goods are stored and may be offered for sale by wholesale;

“**Western Australian Planning Commission**” means the Commission established by Section 4 of the Western Australian Planning Commission Act 1985;

“**Zoning Table**” means the table set out at the end of clause 15;

2. In this Scheme, unless the contrary intention appears, a reference to—

(a) land, includes part of the land;

(b) premises, includes part of the premises; and

(c) a building, includes part of the building;

*NOTE:* The reference to “this Scheme” in clauses 1 and 2 includes all the Scheme documents listed in clause 3 (1) of the Scheme text.

#### SCHEDULE 2:—ADDITIONAL USES

Ref. No.	Land Particulars	Permitted Uses	Development Standards/Conditions



SCHEDULE 3:—APPLICATION FOR PLANNING APPROVAL

## TOWN OF VICTORIA PARK APPLICATION FOR APPROVAL

PLEASE TICK WHICH APPROVAL IS BEING SOUGHT & FILL IN THE APPROPRIATE SECTION(S) ONLY:

Planning Approval <input type="checkbox"/>	Building Licence <input type="checkbox"/>
Demolition Licence <input type="checkbox"/>	Sign Licence <input type="checkbox"/>

---

**PROPERTY DETAILS:**

Lot No.\*  House/Street No.\*  Location No.\*  Plan or Diagram\*   
 Certificate of Title:  Vol.\*  Folio\*  Lot Area (m<sup>2</sup>)\*   
 Title Encumbrances\*   
 Street Name  Suburb   
 Nearest Street Intersection\*   
 Ward\*   
*\*Note: These details must be provided to assist in the processing of this application.*

---

**OWNER DETAILS:**

Name   
 Address    Postcode   
 Phone (Work)  (Home)  Fax   
 Contact Person   
 (Clearly Print)  
 Landowner(s)   Date   
 Signature(s)   Date   
*The signature of the landowner(s) is required for Planning Approval. This application will not proceed without that signature.*

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**APPLICANT DETAILS:** (To be completed only if different from the owner)

Name   
 Address    Postcode   
 Phone  Fax   
 Contact Name   
 Signature(s)  Date

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**PLANNING APPROVAL:**

Existing Building / Land Use   
 Approx. Cost of Development  Est. Date of Completion   
 Description of Development / or Proposed Use

SCHEDULE 3:—APPLICATION FOR PLANNING APPROVAL

<input type="checkbox"/> <b>PLEASE TICK</b> Is this a new Application <input type="checkbox"/> or the result of a Previous Approval <input type="checkbox"/>								
<input type="checkbox"/> <b>BUILDING LICENCE:</b> Description of Works: _____ _____ Builder: Name _____ Address _____ Registration No. _____ Phone _____ Fax _____ Building Details: Area (m <sup>2</sup> ) _____ Outbuildings Area (m <sup>2</sup> ) _____ Contract Value \$ _____ Building Height _____ Signature: _____								
<input type="checkbox"/> <b>DEMOLITION LICENCE:</b> Type of Building/Structure _____ Number of Storeys _____ Rat Bait Certificate Issued Yes <input type="checkbox"/> No <input type="checkbox"/> Type/Date Laid _____ Whole or Part Demolition - Details _____ Demolition Contractor: Name _____ Address _____ Phone _____ Fax _____ Signature _____								
<input type="checkbox"/> <b>SIGN LICENCE:</b> Applicant: Name _____ Address _____ Type of Sign _____ Position _____ Dimensions _____ Materials _____ Illumination - Internal/External _____ Wording/Illustration (Plan/Design attached) _____								
<input type="checkbox"/> <b>RECEIPT DETAILS:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Receipt No. _____</td> <td style="width: 50%;">Preliminary Fee \$ _____</td> </tr> <tr> <td>Planning Fee \$ _____</td> <td>BCITF \$ _____</td> </tr> <tr> <td>Building Fee \$ _____</td> <td>Works Bond \$ _____</td> </tr> </table>			Receipt No. _____	Preliminary Fee \$ _____	Planning Fee \$ _____	BCITF \$ _____	Building Fee \$ _____	Works Bond \$ _____
Receipt No. _____	Preliminary Fee \$ _____							
Planning Fee \$ _____	BCITF \$ _____							
Building Fee \$ _____	Works Bond \$ _____							
<input type="checkbox"/> <b>OFFICE USE ONLY:</b> Metropolitan Region _____ Scheme Form 1 _____ Serial No. _____	<b>APPLICATION NO:</b> _____ / _____	<b>DATE RECEIVED:</b> _____						

SCHEDULE 4:—ADVERTISEMENTS REQUIRING PLANNING APPROVAL

Type of Advertisement	Locations
Roof Signs, Balloons and Blimps	All properties within the municipal district of the Town

## SCHEDULE 5:—NOTICE OF COUNCIL DECISION

Date: .....

File No:.....

Serial No:.....

THIS IS NOT A BUILDING LICENCE

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

TOWN OF VICTORIA PARK TOWN PLANNING SCHEME NO. 1

**NOTICE OF PLANNING APPROVAL/REFUSAL**

PROPOSAL: .....

LOCATION: .....

NAME OF OWNER OF LAND ON WHICH THE DEVELOPMENT IS PROPOSED: .....

SURNAME/COMPANY NAME: .....

OTHER NAMES: .....

ADDRESS: .....

Approval to commence development in accordance with the Application for Planning Approval dated .....and the approved/refused plans date stamped ..... was **APPROVED/REFUSED** by the Council, at its Meeting held on ....., in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the attached conditions/and having regard to the matters it is required to consider by the Schemes generally and in particular for the following reasons—

**NOTE:** SHOULD THE APPLICANT BE AGGRIEVED BY THIS DECISION A RIGHT OF APPEAL MAY EXIST UNDER THE PROVISIONS OF THE TOWN PLANNING SCHEME OR THE METROPOLITAN REGION SCHEME.

This approval is valid for a period of.....months only. If development is not commenced within this period a fresh approval must be obtained before commencing or continuing the development.

.....  
CHIEF EXECUTIVE OFFICER.....  
DATE

## SCHEDULE 6:—REGISTER OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

This Register contains places of cultural heritage significance. Places will be added to the Register occasionally and the Council's Planning Department should be contacted to confirm whether or not a place is being considered for inclusion on the Register.

It should be noted that the Register contains the following three types of listings

- individual places;
- groups of places; and
- precincts.

Where a letter appears after the address of a place it signifies that the place is either part of a group of places (G), a precinct (P) or both (PG).

Location	Place	Estimated Date of Construction	Entry into Register of Places of Cultural Heritage Significance	Heritage Council of WA—Register of Heritage Places & Date of Listing
No. 314 Albany Hwy, Victoria Park	Broken Hill Hotel	1899	Gazettal date of Town Planning Scheme No 1	
No. 414-420 Albany Hwy, Victoria Park	Victoria Park Post Office	1913 to c1955	Gazettal date of Town Planning Scheme No 1	Permanent Listing—10 October 1995
No. 990 Albany Hwy, East Victoria Park	Edward Millen Home (Hillview)	1912	Gazettal date of Town Planning Scheme No 1	
No.1 Cargill Street, Victoria Park	Victoria Park Primary School	C1894 to 1940	Gazettal date of Town Planning Scheme No 1	Permanent Listing—27 February 1996
No. 86 Mackie Street, Victoria Park	'Devenish House' (formerly known as 'Forrest Farmhouse')	1890	Gazettal date of Town Planning Scheme No 1	

**ADOPTION**

Adopted by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 9th day of August 1994.

J. A. E. LEE, Mayor.  
J. M. BONKER, Chief Executive Officer.

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**FINAL ADOPTION**

Adopted for final approval by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 11<sup>th</sup> day of August 1998 and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of:

J. A. E. LEE, Mayor.  
J. M. BONKER, Chief Executive Officer.

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**RECOMMENDED FOR FINAL APPROVAL**

P. SEWELL, for Chairman of the Western Australian  
Planning Commission.

Date 19/8/98.

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**FINAL APPROVAL GRANTED**

G. KIERATH, Minister for Planning.

Date 20/8/98.

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## TOWN OF VICTORIA PARK

**TOWN PLANNING SCHEME No. 1**

## POLICY MANUAL

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#### **1. HOW IT WORKS**

##### **What is a policy manual and what does it contain?**

The Policy Manual is a schedule of planning provisions adopted by the Council to assist in the preparation of applications for planning approval and the provisions are used as a basis for assessing such applications. Together with the Scheme Text and the Precinct Plans, the Manual forms the Town Planning Scheme. All three components are relevant in determining planning applications and should be consulted. The Precinct Plans refer to policies contained in the Manual.

##### **How is the information organised?**

The Policy Manual is divided into six sections, including this introduction. The remaining sections are organised as follows—

- 2.0 Outlines the general planning procedures concerning planning applications.
- 3.0, 4.0, 5.0 Contain general planning requirements, specialised policies, studies and development and design guidelines.
- 6.0 Provides a register of non-conforming uses.

Note:

The register cannot be compiled until the gazettal of the Town Planning Scheme; it is listed for future reference as the Scheme Text requires the formulation of this register.

##### **How can I obtain copies of policies?**

Copies of individual policies or the entire Policy Manual can be obtained from the Planning Department.

##### **How do I know if I have the latest version of a policy?**

The policies contained in this Manual may be amended or replaced from time to time, or may be under review. Also, it is envisaged that policies will be added to the Policy Manual. To confirm you have the most recent version of a policy, please contact the Planning Department.

##### **What if I have any queries?**

The Council's planning staff will be able to assist with—

- which policies you will need;
- explanation of policies;
- information about amendments or new policies; and
- information about special studies.

If you should have any queries about planning or related matters please contact the Council's Planning Department.

## 2. GENERAL PLANNING PROCEDURES

### 2.1. APPLICATIONS FOR PLANNING APPROVAL

#### 2.1.1. AIM

- (a) The aim of this Policy is to detail the requirements to be fulfilled for the submission of an application for planning approval.

#### 2.1.2. POLICY

- (a) For the purposes of the Scheme an application for planning approval shall be generally in the form set out in Schedule 3 of the Scheme Text and be accompanied by such information as is required to enable the Council to reach a decision.
- (b) The specific requirements for each application will vary with the nature of the proposal, its complexity and location. Typically, the following will be required with each application—
  - (i) lot boundaries, dimensions, easements, site and north point;
  - (ii) the details of services/improvements in the street verge including trees, power poles, foot-paths, manholes and bus stops;
  - (iii) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the land;
  - (iv) the location of existing and proposed crossovers;
  - (v) the location of pedestrian walkways;
  - (vi) the location, number, dimensions and layout of all car parking spaces to be provided;
  - (vii) the location and dimensions of any area to be provided for the loading and unloading of vehicles carrying goods to and from the land and the means of access to and from those areas—
  - (viii) the location of landscaped areas including the surveyed location of any existing mature trees;
  - (ix) existing and finished contour levels of the site, adjoining sites and finished floor levels of any buildings; and
  - (x) elevations of any building proposed to be erected, altered, or retained.
- (c) In addition, the Council may require any other plan or information which it considers necessary in order to properly determine the application.
- (d) Where it is proposed only to change the use of a site or premises it may be sufficient to provide in addition to the application form, a plan, properly dimensioned and scaled, of the site, including any buildings, showing how it is proposed to use the site, and also including any proposed changes to the site and/or buildings.

### 2.2. PUBLIC NOTIFICATION/ADVERTISING PROCEDURE

#### 2.2.1. AIM

- (a) The aim of this Policy is to set out the procedures to be fulfilled for the notification of the public and advertising of any matter relating to the Scheme, but not set out elsewhere.

#### 2.2.2. POLICY

- (a) For the purposes of the Scheme, an application which requires advertising shall be advertised in one or more of the following ways—
  - (i) by placing an advertisement or advertisements in a newspaper circulating, at least weekly, in the area in which the land subject of the application is located;
  - (ii) by placing a sign or signs displaying notice of the proposed development in a prominent position or positions on the land so that it can be clearly read from the adjoining streets;
  - (iii) by posting a notice by mail to those owners and occupiers of land as are nominated by the Council; and
  - (iv) in any other way or ways which, in the opinion of the Council, is or are appropriate in all circumstances.

#### 2.2.3. ADDITIONAL MATTERS

- (a) The Council is either to prescribe generally or to determine in each particular case the advertising details.
- (b) For the purposes of this policy a notice to be published in a newspaper, forwarded to owners and occupiers or to be placed on site shall be in the format set out in the attached notice form.
- (c) The applicant shall incur the costs related to and be required to produce evidence of having fulfilled the procedures of this policy, with the exception of posting of notices by mail which will be undertaken by the Council.
- (d) An advertisement to be placed in a newspaper shall be advertised once a week for three consecutive weeks. The size of such advertisement(s) should be sufficient for people to read it clearly.
- (e) The notice to be placed on a sign should consist of lettering 50mm high for the heading and 40mm high for the remainder on a sign being at least 600mm x 850mm. The sign(s) should be in place the same day as the first advertisement is published in a newspaper (where the Council requires a notice in a newspaper and on site) and must remain in place for at least seven days.



- (f) Notices to be posted to owners/occupiers are to be sent during the first week in which the newspaper advertisement appears (where there is a requirement to also place an advertisement in a newspaper).

2.2.4. APPENDIX

- (a) Notice Form.

**NOTICE FORM**

**TOWN OF VICTORIA PARK TOWN PLANNING SCHEME NO 1**

**NOTICE OF APPLICATION TO USE OR DEVELOP LAND**

Notice is hereby given that (1) .....  
 has applied to the Town of Victoria Park for approval to (2) .....

.....  
 .....

on land situated at (3) .....

.....  
 .....

being (4) .....

Any person wishing to comment upon this proposal should do so in writing to the Chief Executive Officer, Town of Victoria Park, Locked Bag No 437 Victoria Park 6979, no later than (5) .....

.....

- (1) Insert name of applicant.
- (2) Insert the particulars of the proposed land use or development.
- (3) Insert the postal address of the land subject of the application.
- (4) Insert the title description of the land subject of the application.
- (5) Insert the date which should be not less than three weeks after the date when the advertisement first appears in the newspaper.

**3. RESIDENTIAL DEVELOPMENT POLICY**

**3.1. RESIDENTIAL DESIGN GUIDELINES**

**3.1.1. PURPOSE OF THE GUIDELINES**

The Council of the Town of Victoria Park provides these guidelines for the benefit of residents (existing and potential), landowners, developers and their designers. The guidelines describe design opportunities, and their purpose is to provide a degree of certainty for all stakeholders by guiding the design of new housing development so that it is compatible with existing housing in Victoria Park and the desired character for the area, improves the quality of the residential environment of the streets, and ensures an attractive and sustainable living environment for new residents.

The guidelines should be referred to, and Council's Town Planning and Buildings staff consulted, at the earliest stage of development ideas. The objectives and the guidelines contained within this policy will be used by Council technical staff to assist in evaluating applications requiring Council's approval.

The guidelines are not intended to be a formula or to stifle high standards of innovative design but more to encourage good quality design. The guidelines are divided into two categories being essential and discretionary. The essential guidelines are non-negotiable and Council will require adherence to these requirements whereas the discretionary guidelines will allow variations to prevent the reproduction of any one type of housing and to encourage individual designs.

**3.1.2. RESIDENTIAL CHARACTER**

It is clear that the residential areas of the municipality are not uniform in their visual character. However, most dwellings fall within identifiable "precincts", often clearly bounded by physical features, within which common building forms and unifying streetscape elements combine to establish a recognisable visual character of a local scale.

The suburbs of the Victoria Park municipality have a maturity that results from the existence of many older buildings, and established private landscape and street trees.

It is a principal aim of these guidelines to reinforce local residential character in situations where a particular character can be readily established and is clearly of a desirable form.

For the purposes of these guidelines, the term "character" refers to the product of built and natural elements of a locality which collectively distinguish it from other, nearby localities. Within a definable precinct these basic elements appear in sufficient quantities as to produce a unifying effect.

The basic elements which contribute to the character of a locality can include, amongst other things, building form/scale/height/materials and orientation, private plantings, setbacks, street width and geometry, street plantings and street furniture. Both street character and building character should be respected by new development.

### 3.1.3. SCOPE OF THE GUIDELINES

The guidelines have been prepared for general application to all residential development—single, grouped, and multiple dwellings such as flats—within the Town of Victoria Park.

### 3.1.4. RELATIONSHIP OF THE GUIDELINES TO THE R-CODES

All residential development is required to comply with the provisions of the Residential Planning Codes which form part of the Town Planning Scheme. These guidelines are intended to supplement the requirements of the Codes and the Scheme documents including the Precinct Plans and Planning Policies.

### 3.1.5. OBJECTIVES

The design of new residential development will be tested against the following objectives. New housing development should—

- strive to accommodate existing character dwellings on sites the subject of new development, and complement the traditional residential areas of the Town;
- contribute positively to the street environment in terms of function, quality, and appearance, as well as the safety and security of the street user;
- not impact adversely upon neighbouring residential development, nor upon the quality of living for existing occupants;
- create a pleasant living environment for the occupants of new developments;
- strive to achieve a high degree of sustainability through energy conscious site design, building design and materials choice;
- strive to achieve excellence through sound architectural and site design.

### 3.1.6. GUIDELINES

To signify the relative importance of each design element, the following guidelines will be divided into two categories—Essential and Discretionary.

(E) Essential—these aim to ensure that the integrity of the built form is protected and the scale of new development is compatible with that in the locality. These controls are non-negotiable. The Council will require adherence to matters relating to the public interface between the house and the street.

(D) Discretionary—these recommendations allow certain variations to occur which are aimed at preventing the reproduction of any one type of housing, and aim to strongly encourage individual designs and site finishes.

#### 3.1.6.1. Retention of Buildings

- (a) Buildings of good quality, architectural character, and particularly those listed in the Municipal Inventory, are to be retained wherever possible. (D)
- (b) Council can exercise some flexibility in its development requirements to encourage the retention of existing dwellings, (for example, setbacks, access widths, open space requirements, etc.) Applicants should also explore the options available to share vehicular accessways with neighbours.
- (c) A Demolition Licence for structurally sound residential buildings will not be issued until a Planning Approval is issued for the site. (E)
- (d) Where an existing dwelling(s) is to be retained and a new dwelling(s) is to be constructed elsewhere on the lot, the new dwelling(s) shall be compatible with the existing dwellings in the street and with their predominant elements in terms of materials, colours, scale, form and roof pitch. (E)

#### 3.1.6.2. Complementing the Existing Streetscape—General

- (a) The design of new development will be required to respect existing development within the street. (E)
- (b) A new building does not have to imitate its neighbours exactly. It can be completely modern in design, but the broad effects should be similar. Variety and interest can be achieved by the use of contemporary designs and materials. (E).

#### 3.1.6.3. Form, Mass and Proportion

- (a) Roof shapes, heights, pitches and materials shall match with housing predominating in the street, with a minimum roof pitch of 25 degrees in any instance. A skillion roof as an extension of an original roof form is acceptable. (E)
- (b) The height of eaves on the front elevation shall be similar to housing predominating in the street. (E)
- (c) Where a two storey development (new or addition) is proposed the second storey shall respect the building form and design of existing housing in the street. (E)
- (d) Traditional patterns of building will be encouraged, such as the use of verandahs, overhanging roof eaves, and an outlook onto the street. (D)
- (e) Floor levels should be similar to neighbours. Excessive pad heights and excavations will be discouraged. (D)

#### 3.1.6.4. Siting and Orientation

- (a) Dwelling frontages shall be parallel to, and orientated towards, the street in order to retain traditional streetscape characteristics. A blank wall facing the street is unacceptable. The location of the front door shall be at the front of the dwelling, or if at the side, be obvious from the street. (E)

- (b) Internal and external living areas should be orientated towards the north. (D)
  - (c) Main private open space areas should be located to the rear of a dwelling. (D)
- 3.1.6.5. Building Materials
- (a) Building materials shall be similar in appearance to surrounding dwellings in terms of form and quality. (E)
  - (b) Where a dwelling is built behind an existing or new dwelling, those parts of the rear dwelling visible from the street shall reflect in appearance some common design elements with the front dwelling and those dwellings located on either side of the front of the subject lot, such as colours and textures of building materials. (E)
  - (c) The use of the most common building materials used traditionally in the area will be encouraged, including;
    - red/orange brick, rendered masonry, or weatherboard walls;
    - galvanised iron or colorbond custom orb profile steel, or clay tiled roofs in terracotta. (D)
- 3.1.6.6. Fences
- (a) High front fences (greater than 1,200 mm) shall be “open” in appearance to identify the property boundary without creating a barrier to the street, or creating an internal security problem. Front fence forms such as brick or masonry piers with lattice/picket/wrought iron infill are acceptable. (E)
  - (b) The use of “super six” or fibre cement sheet fencing in front of the building line will not be accepted. This includes boundary fences of corner sites, except for single houses on corner lots where there is no other housing facing the secondary street. (E)
  - (c) The design of a front fence should preferably reflect the style and character of the dwelling located behind it. (D)
  - (d) Low front fences (less than 1,200 mm) can be open or solid. (D)
  - (e) The solid portion of a fence or wall excepting piers is to be a maximum height of 600 mm above natural ground level, with the upper portion of the fence/wall to be of open construction. A solid portion of the front wall may be allowed on the front boundary if it takes up less than 50% of that street frontage. (This will only be considered in a grouped dwelling development where the only private open space to the front dwelling is located facing the street). (D)
  - (f) Applications for solid fencing up to a maximum height of 1,800 mm may be considered on their merits where lots have frontage to high volume traffic roads classified under the Town of Victoria Park Functional Road Hierarchy as Primary Distributor or District Distributor (A & B). (D) (Applicants should be aware that high fences have a very limited impact on sound reduction, and have a negative impact on house security).
  - (g) Materials should preferably be traditional timber, brick, rendered masonry, or timber post and rail with wire mesh infill. (D). (The latter was a very common form of fencing early in the settlement of the district, and will be strongly encouraged in new development.)
  - (h) Using vegetation alone to delineate the front and side boundaries, such as a hedge, is generally acceptable. (D)
- 3.1.6.7. Planting
- (a) Existing trees on a site, especially mature trees should be preserved wherever possible (D).
  - (b) Council street trees should be retained, but if the removal of a tree is proved absolutely necessary in order to provide a vehicular crossover to the development site, then the developer must fund the replacement of the tree with a suitable advanced specimen, to the Council’s satisfaction. (D)
  - (c) In situations where mature trees cannot be preserved, or are not already established on a site, planting should be used to assist in climate control. In particular, the planting of trees to provide shade to paved areas and west-facing windows and walls is strongly encouraged. (D)
  - (d) The planting of traditional species which complement the existing vegetation of the area is strongly encouraged. (D) (Applicants can seek technical advice from Council before deciding upon a planting theme.)
  - (e) An in-ground, reticulated, planted strip of at least 750 mm in width should be provided along the side boundary adjacent to any shared internal vehicular accessway. (D)
  - (f) The owners of new residential developments will be encouraged to establish and maintain the street verge areas immediately adjacent to their property to a standard considered satisfactory to the Council. This may include the provision of a reticulated watering system. (D)
  - (g) The front setback area should be developed as a predominantly soft landscaped garden. The planting of trees as well as low shrubbery will be encouraged. (D)
- 3.1.6.8. Climate Control (Energy Efficiency)
- (a) A new building form that contributes both to the traditional pattern of the streetscape and incorporates good passive solar principles is the most desirable form of development. (D)
  - (b) New housing and alterations should take into account orientation, layout, shading, building materials, insulation levels, window size and location, planting, heating, cooling and ventilation. (D)
  - (c) Where possible, dwellings should be sited to gain maximum benefit from the climate by;
    - locating doors and windows to take advantage of cooling summer breezes from the south and south-west; (D)

- protecting west and east-facing windows and walls from direct summer sun; (D)
  - providing wide eaves, verandahs, and appropriate planting; (D)
  - orientating internal and external living spaces to the north. (D)
- (d) New development should not deny solar access to neighbours' primary outdoor living areas. (D)
- (e) Developers should limit the extent of paved areas, which if overdone can lead to problems of excessive glare and heat reflection. (D)
- (f) Permeable ground treatments (e.g. to driveways) should be used wherever possible to minimise rainwater runoff to the street. (D)

#### 3.1.6.9. Vehicle Access and Car Parking

- (a) A carport will be permitted in the front setback area where there is no alternative location reasonably available. The structure should be located in such a manner that it has the minimum visual impact upon the existing dwelling behind, and be orientated so that vehicles are parked at a right angle to the access street. (D)
- (b) Rolladoors or similar carport doors will not be permitted on carport structures located within front set back areas. (E)
- (c) Carparking structures shall reflect the style and materials of existing and proposed new dwellings—especially roof pitch. (E)
- (d) Vehicle crossovers shall be of the minimum practical width. (E)
- (e) The use of existing crossovers is recommended where practicable. (D)
- (f) Vehicle crossovers should be of minimum number. (D)
- (g) The sharing of crossovers and internal driveways with adjoining developments will also be encouraged. (D)
- (h) Internal vehicular accessways should be shared by all units on the site. (D)
- (i) Internal vehicular accessways should be of a minimum 3.0 metres in width. (This excludes the width of the planted strip.) (D)
- (j) Access to corner sites from busy streets is to be avoided by using the secondary street where possible. (D)

#### 3.1.6.10. Privacy and Overlooking

In a predominantly single storey residential neighbourhood, a two storey dwelling may be perceived to be overlooking the adjoining properties. However, windows facing an adjoining property may be stairwell windows, and these are not areas normally in regular use during daylight hours and are therefore of limited concern in terms of overlooking. Conversely, windows from an upstairs lounge or living room would be considered likely to cause a greater impact on the amenity of adjoining lots.

Various situations arise which may cause adverse impact on the amenity of adjoining property. Setbacks as required by the R Codes are not always an appropriate solution to the issue of overlooking and privacy. The use of screening, appropriate design of dwellings, types of window, and existing site conditions such as topography and landscaping must also be considerations in reducing overlooking.

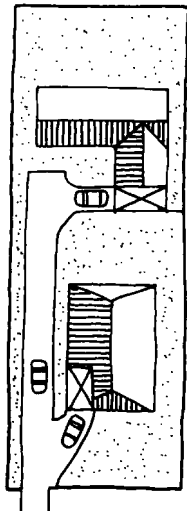
- (a) Wherever possible, visual privacy should be provided between neighbouring dwellings by; (D)—
- (i) providing adequate screening between: windows, balconies and outdoor areas;
  - (ii) offsetting the location of facing windows;
  - (iii) avoiding direct overlooking into neighbouring primary outdoor living areas;
  - (iv) appropriate planting;
  - (v) using obscure glass or glass blocks;
  - (vi) building dwelling walls up to property boundaries (where appropriate); and
  - (vii) maintaining floor levels of a uniform height relative to the finished ground levels over the site; and setting windows at a higher than normal level.
- (b) Wherever possible acoustic privacy should be provided between neighbouring dwellings by; (D)
- (i) the thoughtful location of windows and doors;
  - (ii) placing blank walls or non-habitable rooms along driveways;
  - (iii) not siting private open space areas adjacent to each other;
  - (iv) locating 'quiet areas' away from neighbours' activity areas;
  - (v) the use of suitable insulating materials; and
  - (vi) using bottom-opening windows.

#### 3.1.6.11. Security

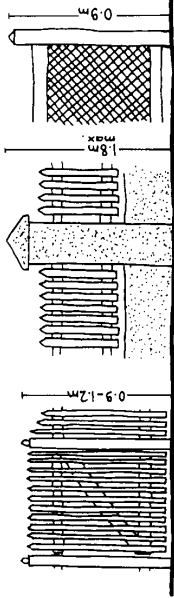
- (a) New dwellings should have; (D)
- (i) a highly visible front entry;
  - (ii) an open front fence (if a front fence is wanted);
  - (iii) secure fencing or boundary definition to all other sides of the property; and
  - (iv) adequate lighting to all major dwelling entries, and in the case of multiple developments, access routes and open spaces as well.
- (b) Screening of external doorways and windows by planting is not encouraged. (D)
- (c) Having front windows overlooking the street is strongly encouraged. (D)
- (d) Individual dwelling unit numbers should be prominently displayed. (D)

## PREFERRED FORMS OF DEVELOPMENT

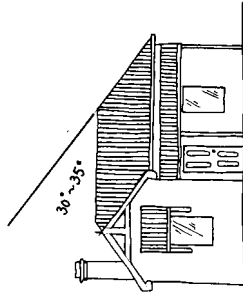
The following sketches set out some of the desirable design principles contained within the guidelines



By integrating the garage space into this front dwelling a useable private open space area can often be created at the rear of the front dwelling. The garage of the rear dwelling also functions in this instance as a buffer between the two properties

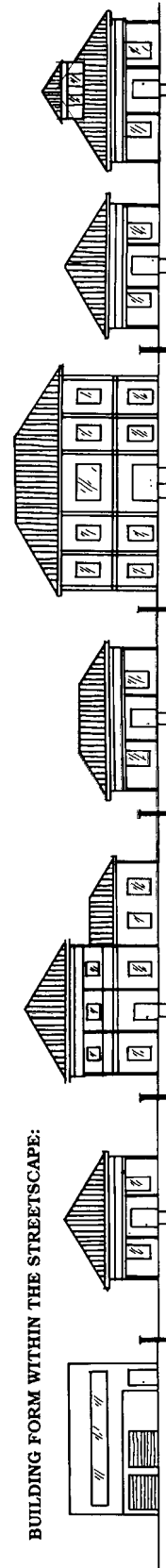


The design of a front fence should preferably reflect the design and character of the dwelling located behind it. Low front fences can be open or solid. High front fence should be "open" in appearance; for example; brick or masonry piers with picket/wrought iron infill.



Roof pitches of 30 to 35 degrees are common in older Victoria Park dwellings. Roof pitches shall match with housing predominating in the street, with a minimum roof pitch of 25 degrees in any instance

### BUILDING FORM WITHIN THE STREETSCAPE:



This dwelling is clearly out of scale and of a form at odds with its original neighbours

Original dwelling

The scale and massing of this new dwelling has attempted to complement the streetscape

Original dwelling

The scale and bulk of this new dwelling dominates the street and is intrusive as a result

Original dwelling

This second storey addition has been built into the roof space with only a minimal change in the overall scale and form of the original structure

### **3.2. ANCILLARY ACCOMMODATION**

#### **3.2.1. OBJECTIVES**

- (a) To detail guidelines for the development of ancillary accommodation provided for under the provisions of the Residential Planning Codes.
- (b) To ensure that the development of ancillary accommodation conforms with the existing scale and character of the locality.
- (c) To minimise the impact of the ancillary accommodation on adjoining properties.

#### **3.2.2. POLICY**

- (a) Proposals for ancillary accommodation should be in compliance with the following provisions—
- (b) Where the unit is to be attached to the existing dwelling direct internal access between the existing dwelling and the new unit is to be provided;
- (c) Where the unit is to be a separate structure, a weather protected pedestrian connection between the existing dwelling and the additional unit is to be provided; and
- (d) The total area of the additional unit, including the area of the connecting structure (measured over the enclosing walls), shall not exceed 70 square metres.
- (e) The Council will not grant approval for such a development unless—
- (f) The Council is satisfied that the ancillary accommodation is to be occupied by a member or members of the occupier's family; and
- (g) The Council is provided with a statutory declaration signed by the owner of the property and by the person or persons for whom the ancillary accommodation is to be constructed, stating that the ancillary accommodation is for use by that person or persons and will be used for no other purposes or by other persons. Such a statutory declaration shall be subject to annual renewal.

### **3.3. DEVELOPMENT OF AGED OR DEPENDENT PERSONS' DWELLINGS**

#### **3.3.1. AIM**

- (a) To ensure that aged or dependent persons' dwellings are developed in locations and designed in a manner that takes into consideration the diverse and special needs of aged or dependent persons.

#### **3.3.2. POLICY**

- (a) When considering development applications for aged or dependent persons' dwellings in the Town consideration is to be given to the following—
  - (i) an 'aged or dependent person', as defined in the Residential Planning Codes, is someone who is aged 55 years and over or has a recognised handicap or disability requiring special accommodation.
  - (ii) each dwelling should be occupied by at least one aged or dependent person. The Council will therefore require as a condition of approval that—
    - each dwelling is occupied by at least one Aged or Dependent Person or the surviving spouse of that person; and
    - the registered strata plan of the development endorse the occupancy requirement above.
- (b) The Council may grant a density bonus of up to 50 per cent for developments of aged or dependent persons' dwellings, subject to one of the following criteria being satisfied—
  - (i) the development accommodates specialised facilities on-site, such as medical consulting rooms, specialised nursing and personal care services or social and recreation facilities; and
  - (ii) the development is within a 300 metre radius of a district or neighbourhood shopping centre which provides a range of services and facilities that are considered to adequately cater for the day to day needs of aged or dependent persons and where access to those services is not unduly restricted for aged or dependent persons.
- (c) Aged or dependent person dwelling proposals should take into account the diverse and special needs of their occupants in the areas of location, support services and design. The Council, therefore, requires developers to demonstrate that the proposal addresses these needs and the following matters will be taken into consideration.

#### **3.3.3. LOCATION CRITERIA**

- (a) Assessment of the development application will take into consideration the availability of health and commercial services. The development should be conveniently located and within easy walking distance (preferably on a relatively flat gradient of 1:20), or accessible by regular special transport or direct public transport to community facilities, to facilities such as shops, medical facilities, post office and banks. A location plan of surrounding community facilities should be submitted with the application.

#### **3.3.4. SUPPORT SERVICES**

- (a) Developers of aged or dependent persons' dwellings are to provide information relating to on-site or external support services to be provided to residents in order to satisfy the Council that

there will be adequate and on-going provision of such services to residents. The following services should be addressed—

- (i) emergency response system;
- (ii) social/recreational facilities;
- (iii) household assistance;
- (iv) personal care assistance;
- (v) community transport service;
- (vi) medical/para-medical facilities;
- (vii) home nursing; and
- (viii) parking.

#### 3.3.5. Design

- (a) Conventional housing does not fall within the category of aged or dependent persons' dwellings. It is not intended, however, that the developments look like institutional dwellings.
- (b) The dwelling design and site layout should minimise difficulties associated with limited mobility and movement of aged and dependent persons, and should provide a sense of security. Submitted plans should be annotated to show features that address the following essential areas—
  - (i) where possible access to the dwellings shall be at ground level. Entries should be wheelchair accessible and the use of steps shall be avoided (ramps may be used). The site gradient should not exceed the ACROD standards;
  - (ii) car parking should be conveniently located adjacent to the dwellings. Carports and garages should be wide enough to accommodate persons entering and exiting vehicles with the aid of a wheelchair or walking frame. Generally, a minimum of one car parking bay per unit should be provided on-site;
  - (iii) doorways and internal passageways should be wide enough or capable of being easily widened, to accommodate wheelchairs and walking frames;
  - (iv) bathroom and toilets should be designed to be able to accommodate grab rails designed in accordance with Australian Standard 1428.1;
  - (v) non slip finishes should be provided in bathroom, toilet and laundry areas;
  - (vi) power points, switches and door handles should be conveniently located; and
  - (vii) security features should be incorporated in the dwelling and open space areas should be well lit.

### 3.4. HOME OCCUPATION

#### 3.4.1. AIM

- (a) To provide guidelines for the use of residential premises for a home occupation.

#### 3.4.2. OBJECTIVES

- (a) To ensure that the use of land for any home occupation is small in scale, unobtrusive and compatible with surrounding buildings and uses.
- (b) To protect the character of the locality.
- (c) To ensure that the home occupation does not have a prejudicial affect on the amenity of the locality by reason of any form of emissions or increased numbers of vehicle movements.

#### 3.4.3. POLICY

- (a) Any development application for a home occupation should not require the use or impose a load on any public utility greater than that ordinarily required by a residential dwelling.
- (b) No person conducting a home occupation shall—
  - (i) employ more than one person other than an occupier of the dwelling;
  - (ii) permit any vehicle which is used in connection with the home occupation to be kept on the land unless—
    - (c) The vehicle is not more than 6 metres long, 2 metres wide and 2.3 metres high; and
    - (d) The vehicle cannot be seen from any street when parked.
- (e) Place or permit to remain on the land any advertisements, advertising hoarding, illuminated sign or other advertising device or erection, with respect or in connection with the home occupation; and
- (f) Use for the purposes of the home occupation an area of the lot greater than 20 square metres.

### 3.5. NON-RESIDENTIAL USES IN OR ADJACENT TO RESIDENTIAL AREAS

#### 3.5.1. INTRODUCTION

- (a) The Council recognises that certain non-residential uses can co-exist with and integrate into residential areas without adversely affecting residential amenity. In order to control the

development of non-residential uses in residential areas the Council has prepared this Policy to guide it in the decision making process.

#### 3.5.2. AIM

- (a) To ensure non-residential uses in or adjacent to residential areas are compatible with existing nearby dwellings.

#### 3.5.3. POLICY

- (a) Non-residential development on land which abuts land which is or may be used for residential purposes shall only be permitted where the nature of the non-residential use will not cause undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable on residential areas.
- (b) Non-residential development in residential areas is required to comply with the setback and plot ratio development standards for grouped dwellings of the relevant R-Code. For the purposes of this policy a major opening is a window, door or other opening which can affect privacy of nearby residences or future residences. For the purposes of this policy a plot ratio of 0.5:1 shall apply in the R20, 30 and 40 Code areas. Twenty five per cent (25%) of the site area shall be landscaped. Front setback areas shall be landscaped.

### **3.6. RESIDENTIAL USES IN NON-RESIDENTIAL AREAS**

#### 3.6.1. INTRODUCTION

- (a) It is possible to develop housing amongst many areas which are primarily of a non-residential (commercial) nature. The residents of housing developed in such areas can benefit from the proximity to various services, facilities and attractions often available in non-residential areas and can contribute to after hours activity. This Policy has been prepared to provide guidelines for residential development in non-residential areas.

#### 3.6.2. POLICY

- (a) The Council encourages the development of residential uses in non-residential areas as a means of achieving a diversity of uses which are close to services and attractions and generate after hours activity.
- (b) In considering an application for a residential development within a non-residential area, the Council shall have regard to—
  - (i) protecting the character and ensuring non-residential uses are able to conduct their normal day to day activities without undue influence from residential uses;
  - (ii) ensuring residential uses are not developed where it will result in significant unacceptable disturbance to residents resulting in a reduced level of amenity, acknowledging that residential uses in non-residential areas should expect a different level of amenity to that available in a residential area; and
  - (iii) the provisions of the Residential Planning Codes and development standards of the Scheme.
- (c) Where residential uses are to be developed in conjunction with non-residential uses, the development should have regard to Council's Policy on 'Mixed Residential/Commercial Development'.

### **3.7. MIXED RESIDENTIAL/COMMERCIAL DEVELOPMENT**

#### 3.7.1. INTRODUCTION

- (a) In a number of areas the Scheme encourages residential uses to be developed in conjunction with non-residential activities.

#### 3.7.2. AIM

- (a) To ensure that, where residential and non-residential uses are developed on the site, the activities are compatible so that each can function without undue interference from another use, and developed in such a manner that the amenity of all uses is safeguarded.

#### 3.7.3. POLICY AREA

- (a) Where permitted under the precinct provisions.

#### 3.7.4. ADDRESS, ACCESS AND SERVICING

- (a) The address and entry points for the residential use must be separate from other uses and readily identifiable. All necessary rubbish bin areas, letterboxes, drying areas and similar facilities and services must be separately provided for residential uses.

#### 3.7.5. AMENITY AND SECURITY

- (a) A high level of amenity and security should be ensured for all uses, particularly residential. All development should be designed to avoid problems such as overlooking, overshadowing and nuisances. In addition maximum advantage should be taken of available views and favourable orientation for residential development.

#### 3.7.6. PARKING

- (a) Car parking shall be provided as required under the Scheme and precinct requirements. Parking for the residential use shall be separate from parking for other uses. Access to car parking spaces shall be available for all uses at all time.



### 3.7.7. SETBACKS

- (a) Setbacks for residential development shall be provided as required under the Scheme and precinct requirements. For the purpose of determining the distance between non-residential and residential buildings or parts of buildings, both shall be treated as though they are residential and set back accordingly. Likewise, windows, doors and similar openings in non-residential buildings shall be treated, for the purposes of calculating setbacks, as though they are major openings in residential buildings.

### 3.7.8. OPEN SPACE

- (a) Open space shall be provided for residential uses as required under the Scheme. For the purposes of calculating the amount of required open space for single houses and grouped dwellings, the 'site' (area) shall be that portion of the site set aside for residential purposes. Where multiple dwellings are provided above non-residential uses only balcony space needs to be provided in accordance with the 'B' standard of the Residential Planning Codes.

## 3.8. STRUCTURES WITHIN SETBACKS IN RESIDENTIAL AREAS

### 3.8.1. AIM

- (a) The aim of this Policy is to determine the circumstances and requirements relating to the construction of carports and outbuildings within designated setback areas.

### 3.8.2. POLICY

- (a) Notwithstanding the provisions of the Residential Planning Codes, the Council may allow the construction of carports within the front, rear or side setback area, where such development is unlikely to adversely affect the amenity of the adjoining property, the street or the locality in general. Such proposals will only be approved where they comply with the following provisions—
- (i) in all residential dwelling types, a carport without doors may be located within the front setback such that the columns are set back a minimum of 1500mm and the eaves are set back a minimum of 500mm from the street alignment, provided that there is no alternative location reasonably available on the site where the carport could be located;
  - (ii) where a proposed carport is located to the side or rear boundary, such a carport may be so located that its supports are on the boundary line, provided that no part of the roof structure is nearer to the boundary line than 450mm. Supports must be not more than 350mm in width or breadth. Where a carport is located on a side or rear boundary line, any dividing fence forming a side wall of the carport must be no higher than 1800mm; and
  - (iii) the total area of outbuildings on a lot shall not exceed 70 square metres provided that a minimum of 50% of the total site is designated as open space.

Note: adjoining owners/occupiers are required to be contacted in accordance with Clause 1.5.10 of the Residential Planning Codes in all cases where the provisions in part (i) above are to be used.

## 3.9. CHILD DAY CARE CENTRES WITHIN RESIDENTIAL AREAS

### 3.9.1. AIM

- (a) To provide an appropriate planning framework from which planning decisions can be made regarding the location and design of child day care centres within established residential areas.
- (b) Definition: A "child day care centre" means land used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 but does not include an Institutional Home.

### 3.9.2. POLICY

- (a) Child day care centres should generally be encouraged to locate near commercial, community or recreation areas, but where applications for such uses are received within established residential areas, the following criteria should be taken into account—
- (i) Size and Shape of Site  
the site is to have a regular shape, with a minimum lot area and effective frontage of 1,000 square metres and 20 metres respectively to provide the opportunity for design aimed at minimising the impact on surrounding properties.
  - (ii) Amenity  
the design of the building is to have a domestic appearance. In order to minimise noise impact on surrounding properties, Council should require erection of suitable fencing, orientation of openings to rooms which may create unreasonable noise levels, such as play areas, away from adjacent residential properties, and the provision of suitable setbacks. Where car parking is provided between the building and street alignment(s) a minimum 2.0 metre wide landscaping strip to be established thereafter maintained along the street alignment(s).
  - (iii) Parking and Traffic  
the on-site parking provision to be one bay/adult employee plus one bay/five children being cared for, at any one time. In addition, to the car bays required for parking, a separate area shall be provided for the adequate setting down and picking up of children. Traffic

associated with the child day care centre is not to unreasonably reduce the function and safety of the adjacent roads.

Note: a day nursery for five children or less does not require planning approval.

### **3.10. VEHICULAR ACCESS TO DWELLINGS VIA A RIGHT-OF-WAY**

#### **3.10.1. AIM**

- (a) Determination of the circumstances under which the Council may permit vehicular access to be provided to a residential dwelling via a right of way.

#### **3.10.2. POLICY**

- (a) The Council may allow for sole vehicular access to be provided to a residential dwelling via a right of way provided that—
  - (i) the subject property has a legal right of carriageway over the subject right of way;
  - (ii) the subject right of way is trafficable;
  - (iii) separate pedestrian access is provided for such dwelling units to the street alignment of a minimum width of 1.2 metres;
  - (iv) the right-of-way is a minimum width of 3.0 metres;
  - (v) a carport/garage or car bay shall be located in order to provide a minimum access manoeuvring dimension of 5 metres.
- (b) A sight line truncation of two metres by two metres shall be provided at the property boundary and the right-of-way boundary to ensure adequate visibility. The area within the sight line shall be maintained clear of obstructions above the height of 0.75 metres. Open fences may also be permitted depending on the construction materials.

### **3.11. RAPHAEL RESIDENTIAL PRECINCT DESIGN GUIDELINES**

#### **3.11.1. INTRODUCTION**

- (a) The Council, in recognition of the historic, architectural and environmental integrity of the residential area surrounding Raphael Park, has prepared the following guidelines for future development within the locality. The area subject of the Design Guidelines is Precinct 5—Raphael Precinct under Town Planning Scheme No. 1.
- (b) These Guidelines are intended to supplement the requirements of the Residential Planning Codes and the Scheme documents including the Precinct Plans and Planning Policies.
- (c) Where there is inconsistency between these Precinct Design Guidelines and the Residential Design Guidelines, the Precinct Design Guidelines shall apply.

#### **3.11.2. AIM**

- (a) The aim of the guidelines is to assist property owners, developers and others intending to do building works in the Precinct, to develop in a manner which complements and enhances the existing character of the area. The guidelines define the important elements of original residential development in the locality, which collectively give the Precinct its special character. In addition to typical building design elements and use of materials, the guidelines make reference to the scale, massing and orientation of new development.
- (b) It is noted that the guidelines are not intended to advocate the exact reproduction of historic housing styles in the locality—this approach could result in development which creates a false impression or interpretation of age or a particular style.

#### **3.11.3. HISTORY**

- (a) The area comprising the Precinct was first subdivided into small lots in 1887. Residential development followed with the majority of construction taking place between the early 1900's and 1930. Raphael Park was established as a gift in perpetuity from Mr Raphael to the children of Victoria Park. At the time, stately Moreton Bay Fig trees, Norfolk Island pines and other trees were planted around the perimeter.
- (b) Furthermore, the park was enclosed with a picket fence and impressive gates at each corner. Three different housing styles were constructed in the suburb; early Victorian/Australian Colonial, Federation/Edwardian and to a lesser extent, Californian Bungalows.

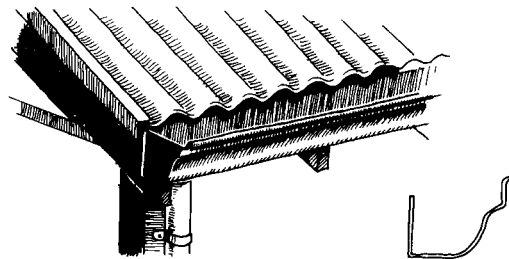
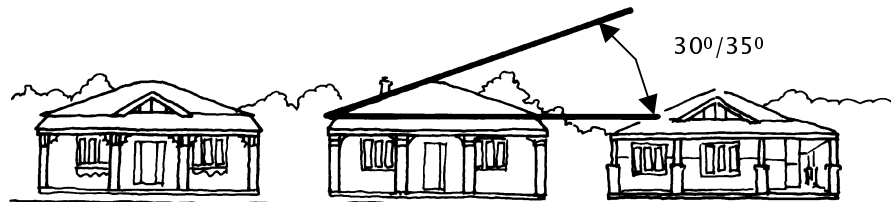
#### **3.11.4. PRINCIPAL DESIGN ELEMENTS**

- (a) The character of the precinct is a product of two main factors—
  - (i) principal design elements and architectural features which characterise and contribute to the significance of the existing older building stock; and
  - (ii) the large number of original buildings in the locality, which collectively, comprise unique streetscapes, some of which are almost intact.
- (b) The following guidelines provide a brief description of original design details from which the principal design elements and their relative importance in maintaining and enhancing the character of the locality have been identified. In a bid to signify the importance of a particular design aspect, the guidelines for each element have been divided into two categories — Essential and Discretionary.
  - (E) Essential: these aim to ensure that the integrity of the built form is protected and the scale of new development is compatible with that in the locality. These controls are non-negotiable. The Council will require adherence to matters relating to the public interface between the house and the street.

- (D) Discretionary: these recommendations allow certain variations to occur which are aimed at preventing the reproduction of any one type of housing, and aim to strongly encourage individual designs and site finishes.

### 3.11.5. ROOFS

- (a) Roofs were originally constructed of corrugated iron (painted red, dark green or left silver) or Marseilles style terracotta tiles and were generally pitched above 35°. They were uncluttered by attachments common today, such as air conditioners and solar hot water systems. Verandahs usually extended across the whole front of the house or across part of the front of the house with a return down one side. They were often denoted by a change in pitch.



- (b) Ogee style guttering and round down pipes provided roof drainage. Chimneys were tall and topped with brick corbelling or chimney pots.
- (i) roof shapes, heights, pitches and materials shall match with housing predominating in the street, with a minimum roof pitch of 30° in any instance. A skillion roof as an extension of an original roof form is acceptable.(E)
  - (ii) roof attachments will generally not be permitted where they will be visible from the street. If a roof attachment requires a front location, it may be permitted provided the Council considers that it is relatively unobtrusive.(D)
  - (iii) ogee-style gutters, round down pipes and verandahs are recommended.(D)
  - (iv) gables, when included in roof design, should be centred above windows in the front elevation as well as building projections.(D)

### 3.11.6. WALLS

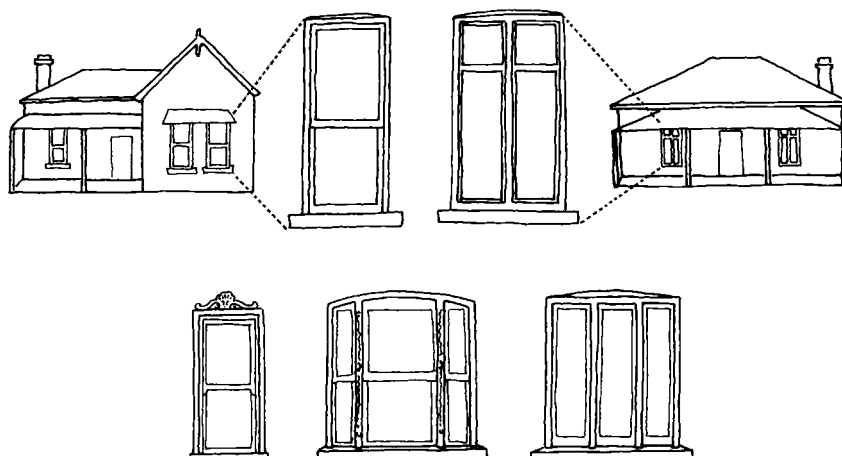
- (a) Walls were generally greater than 32 courses high (approximately 2.75 metres) and were built using red ochred bricks with lime mortar. Rendered bands or sections and tuck pointing were common features.



- (i) the visible wall height for single storey development shall be similar to housing predominating in the street with a minimum wall height of 2.75m in any instance.(E)
- (ii) the visible wall height for two storey development shall be a minimum height of 5.5m in any instance.(E)
- (iii) walls should preferably be red brick with off-white mortar. Alternate wall finishes used in early 20th century construction, such as rendered or bagged brickwork or walls of sandstone or limestone are considered suitable.(D)

### 3.11.7. WINDOWS

- (a) Original windows were timber framed and had a strong vertical emphasis, that is, they give a long narrow appearance. Windows not under a verandah were commonly fitted with awnings which matched the roof style and materials.

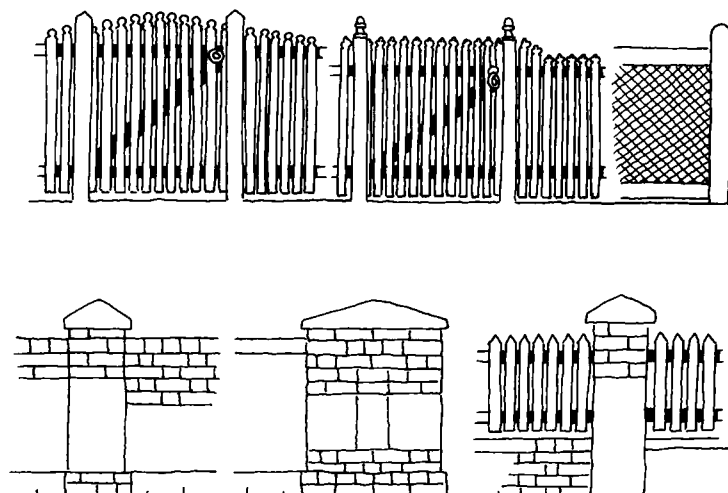


#### Typical narrow window styles

- (i) windows visible from the street must reflect traditional proportions and style and be of timber frame construction or other frames of appropriate dimensions such as wide frame powder coated aluminium.(E)
- (ii) windows must be located such that a portion of the wall (minimum of 3 courses) is visible above the window.(E)
- (iii) if large windows are used, mullions and transoms should be used to create a tall vertical effect.(D)

#### 3.11.8. FENCES

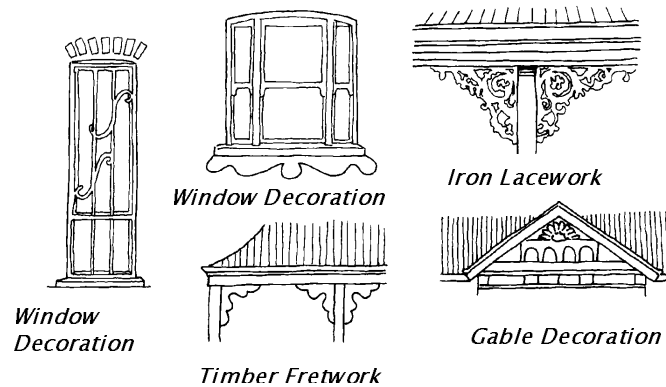
- (a) Fences, when provided along the front boundaries of properties, were of medium height—approximately 1.0-1.2 metres high, and were built of timber pickets, brick or post and rail construction with cyclone mesh. Fences provided a measure of privacy whilst allowing the front elevation of the house to be viewed from the street. This visibility should be maintained.



- (i) high front fences (greater than 1,200mm) shall be “open” in appearance to identify the property boundaries without creating a barrier to the street, or creating an internal security problem. Front fencing forms such as brick or masonry piers (maximum width 350mm) with wrought iron or similar open style metal construction infill are acceptable.(E)

#### 3.11.9. ORNAMENTAL DETAILS

- (a) Features contributing to the attractiveness of houses constructed in the precinct and included finials, decorative gables, timber fretwork around verandahs, turned posts, rendered window sills and feature plaster work. Front doors were usually solid panelled with a stained glass feature.
- (b) It is noted that the selective use of decorative features characterised the different building styles in the Precinct.



- (i) If ornamentation is used it must respect the style of the proposed construction .(E)
- (ii) Original ornamentation should be retained wherever possible.(D)
- (iii) Ornamentation of new buildings should be avoided if it is difficult to reproduce accurately. It is better to adopt a simple style than to inaccurately use original details which may detract from the appearance of a building.(D)

#### 4. DEVELOPMENT AND DESIGN POLICY

##### 4.1. PEDESTRIAN WALKWAYS

###### 4.1.1. AIM

- (a) The aim of this Policy is to set out the standards to be applied in regard to the minimum width of arcades and pedestrian walkways to facilitate safe and convenient pedestrian movement throughout the Municipality.

###### 4.1.2. POLICY

- (a) The minimum width of arcades and pedestrian walkways shall be determined by the Council on the basis of their location and status and whether or not they contain shops or other activities likely to attract pedestrians.
- (b) The minimum width for arcades and pedestrian walkways shall be as follows—
 

Arcades with shops on both sides	4.0 metres
Arcades with shops on one side	3.5 metres
Pedestrian access, no shops	3.0 metres
Arcades with bifurcation (two sections)	3.5 metres

##### 4.2. CONTROL AND LOCATION OF AMUSEMENT CENTRES

###### 4.2.1. OBJECTIVES

- (a) To ensure that the future location of amusement centres is in harmony with surrounding buildings and land use activities.
- (b) To provide an appropriate planning framework from which planning decisions can be made regarding the location and control of amusement centres.

###### 4.2.2. POLICY

- (a) The Council will not grant planning approval to the establishment of amusement centres where the activity will be detrimental to the amenity of, and out of character or harmony with the locality, by reason of its appearance, its environmental impact, its character or the likelihood of its generating behaviour offensive to others in the area.
- (b) In the District Centres and Local Centres—
  - (i) amusement centres shall retain the appearance of a traditional shop front (that is, fixed glazing and single or double self-closing entry/exit doors; and
  - (ii) the Council shall not support the clustering of amusement centres and similar activities.
- (c) In other parts of the Municipality where amusement centres may be granted planning approval by the Council—
  - (i) amusement centres shall be provided with self-closing entry/exit doors; and
  - (ii) the building frontage to amusement centres shall be designed to be compatible with the surrounding buildings and land use activities.
- (d) All applications for amusement centres shall be subject to the advertising procedure of the Town Planning Scheme.
- (e) Any proposal to install three or more amusement machines in premises open to the public but for which the predominant use is other than as an amusement centre shall be subject to a planning application.

- (f) In determining an application for the establishment of an amusement centre or the installation of amusement machines within other premises open to the public, the Council shall have regard to the following and may attach conditions regarding—
- (i) the objectives of the policy;
  - (ii) the hours of operation, appearance and design of the premises;
  - (iii) the nature of activities and behaviour likely to be generated by the premises; and
  - (iv) the provision made for the parking of bicycles on the premises.

#### **4.3. SHADING CO-EFFICIENT FOR TRANSLUCENT MATERIALS IN BUILDING CONSTRUCTION**

##### **4.3.1. AIM**

- (a) To ensure that the future provision of translucent materials in building construction is compatible with the existing and/or proposed building and provide protection to pedestrians and building users from climatic conditions.

##### **4.3.2. POLICY**

- (a) As a general policy in respect to the use of translucent materials in building construction, (excluding glazed windows and doors) the minimum shading co-efficient in the horizontal position of 0.40 is stipulated.

#### **4.4. CONTROL AND LOCATION OF ADVERTISING BALLOONS AND BLIMPS**

##### **4.4.1. AIM**

- (a) To ensure that the future location of advertising balloons and blimps on private property is compatible with the character of surrounding buildings and land use activities.
- (b) To provide an appropriate framework from which planning decisions can be made regarding the location and control of advertising balloons and blimps.

##### **4.4.2. POLICY**

- (a) In determining an application for an advertising balloon or blimp, the Council shall have regard to the following—
- (i) advertising balloons and blimps shall only be permitted on a private property for the purpose of identifying the use on site or for activities associated with that use;
  - (ii) advertising balloons and blimps shall only be permitted on properties where it can be demonstrated that having regard to the character of the area in which they will be situated, they will not adversely affect the visual amenity of that location or adjacent areas. More specifically—
    - advertising balloons and blimps shall only be permitted on commercial premises where the device will not have a significant detrimental impact on surrounding residential dwellings;
    - particular attention shall be given to preserving the visual amenity of commercial areas characterised by a unique built form comprising historical and architecturally significant building stock and other precincts/locations considered by the Council as being of environmental, townscape or landscape value;
  - (iii) all applications for balloons and blimps are subject to an application for planning approval under the requirements of the Town of Victoria Park Town Planning Scheme No. 1 and approval shall be for a maximum period of 30 days only; and
  - (iv) advertising balloons and blimps should be adequately secured to the satisfaction of the Manager Environmental Health and Building Services.

#### **4.5. ROOF SIGNS**

##### **4.5.1. AIM**

- (a) To control the number and type of roof signs permitted in order to protect the visual amenity of those areas in respect of which permission is sought to erect such signs.

##### **4.5.2. POLICY**

- (a) The general policy in respect of the erection of signs, the construction of new signs or the alteration to the dimensions of existing roof signs is as follows—
- (i) no roof signs should be permitted to be erected on buildings except where such signs may be seen to be designed as an integral part of the design of the building and are for the purpose of identification of the building, its ownership or the major activities carried on within it;
  - (ii) pending the formation of more detailed criteria, roof signs other than those identified in (i) above, should only be permitted where it can be demonstrated that having regard to the character of the area in which they are to be situated, they would not adversely affect its amenities or those of other areas;

- (iii) in accordance with the Street Frontage Design Guidelines—District Centres and Commercial Areas along Albany Highway roof signs are generally not acceptable along Albany Highway; and
- (iv) all roof signs are subject to an application for planning approval under the requirements of the Town of Victoria Park Town Planning Scheme No 1.

#### **4.6. INDUSTRIAL USES IN PROXIMITY TO RESIDENTIAL AREAS**

##### **4.6.1. AIM**

- (a) To ensure that industrial uses in the vicinity of residential areas do not unduly impact on the residential amenity of those areas.

##### **4.6.2. POLICY**

- (a) Where applications for planning approval for new industrial uses or extensions to existing industrial uses are submitted the following Policy provisions will be taken into consideration—
  - (i) the potential impact of the development on the surrounding residential areas and in particular the ability of the development to satisfy the recommended buffer distances in Publication No. AQ/86 of the Environmental Protection Authority (revised July 1990 entitled 'Recommended Buffer Instances for Industrial Residual Air Emissions');
  - (ii) the scale and nature of the proposed use, including the potential impact of proposed hours of operation;
  - (iii) the impact of vehicle/truck movements associated with the activity through surrounding areas;
  - (iv) provision for parking of cars, including—
    - the parking of vehicles being repaired outside buildings on the site; and
    - separation of off-loading facilities from visitor and staff parking;
  - (v) the impact of lighting on external areas of surrounding properties;
  - (vi) proposed potential for creating waste and proposed methods of waste disposal; and existing and proposed landscaping, aesthetic appearance of buildings and development from the street, including proposed signage.
  - (vii) in determining such applications the Council should—
    - refuse any application which involves spray painting within a minimum distance from residential areas as specified by the Department of Environmental Protection Standards; and
    - impose conditions on any planning approval limiting the movement of delivery vehicles and activities outside buildings to within the hours of 7.00am to 7.00pm Mondays to Fridays and 8.00am to 12 noon Saturdays, ensuring that lighting of any external areas does not adversely affect the amenity of adjoining properties.

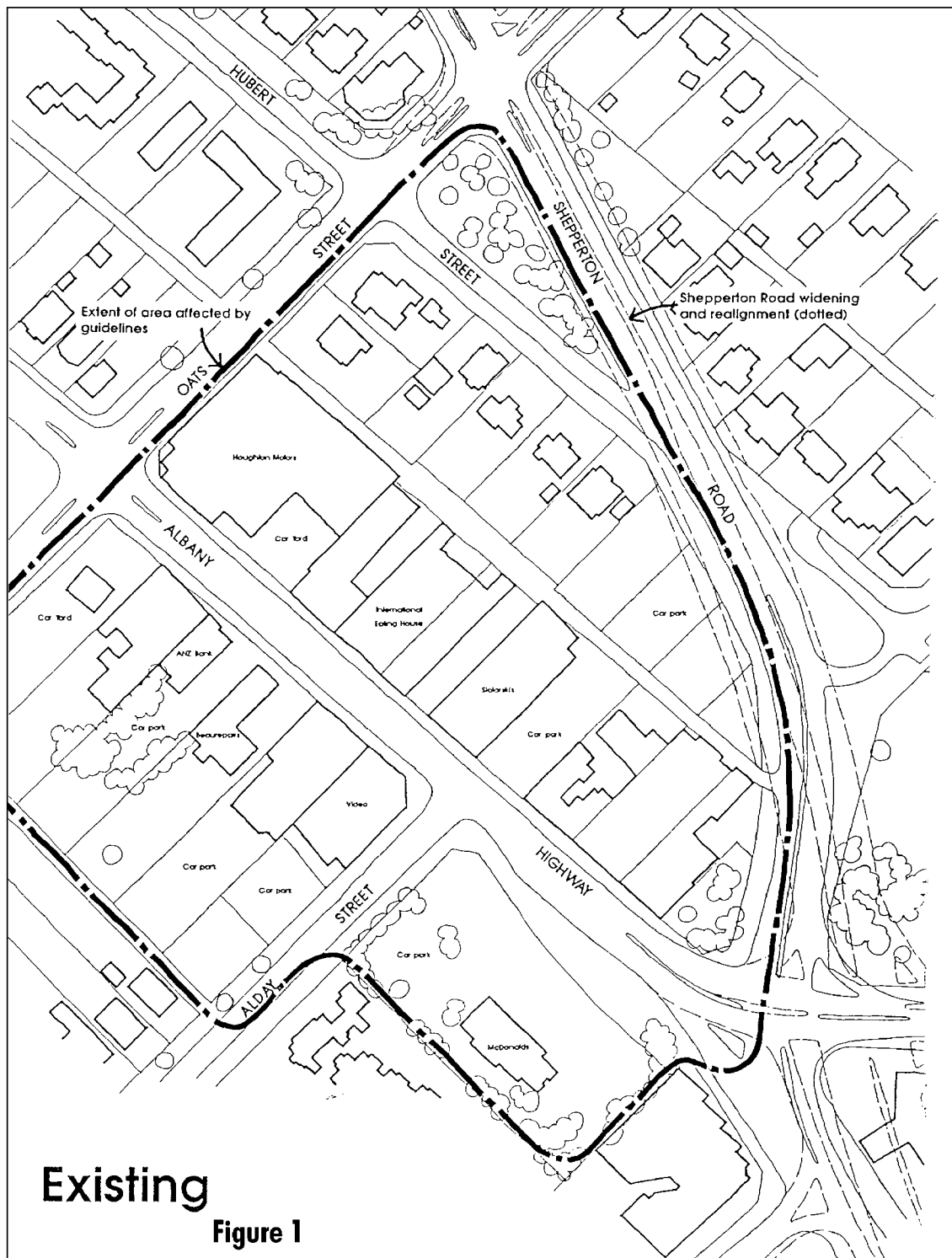
#### **4.7. EAST VICTORIA PARK GATEWAY SHOPPING AREA DESIGN GUIDELINES**

##### **4.7.1. INTRODUCTION**

- (a) The subject area will be consolidated as a node for retail and commercial uses for both local and regional populations. It is to serve as the southern 'gateway' to the Albany Highway retail/commercial strip and to the Town of Victoria Park.
- (b) This document is to provide guidance to developers. It is envisaged that the document will help integrate the activities in this area with its immediate surrounds and in particular with the Albany Highway area.
- (c) The guidelines are flexible and are intended to encourage development in accordance with the overall desired framework for this part of the Town of Victoria Park.

##### **4.7.2. OBJECTIVES**

- (a) The objectives relating specifically to the East Victoria Park Gateway Shopping Area include—
  - (i) to maintain and enhance the traditional "strip" retail character of Albany Highway;
  - (ii) to improve the visual amenity of the area;
  - (iii) to consolidate activities into a node of retail oriented commercial and shopping uses;
  - (iv) to revitalise and support the economic competitiveness of the area;
  - (v) to treat the area as the southern "gateway" to the Town of Victoria Park and Albany Highway;
  - (vi) to provide a pleasant, attractive and convenient pedestrian environment, and network at ground level;
  - (vii) to achieve a cohesive built environment integrating new buildings with the existing buildings; and
  - (viii) to provide and maintain an appropriate level of parking and accessibility to the centre.



#### 4.7.3. MOVEMENT AND PARKING

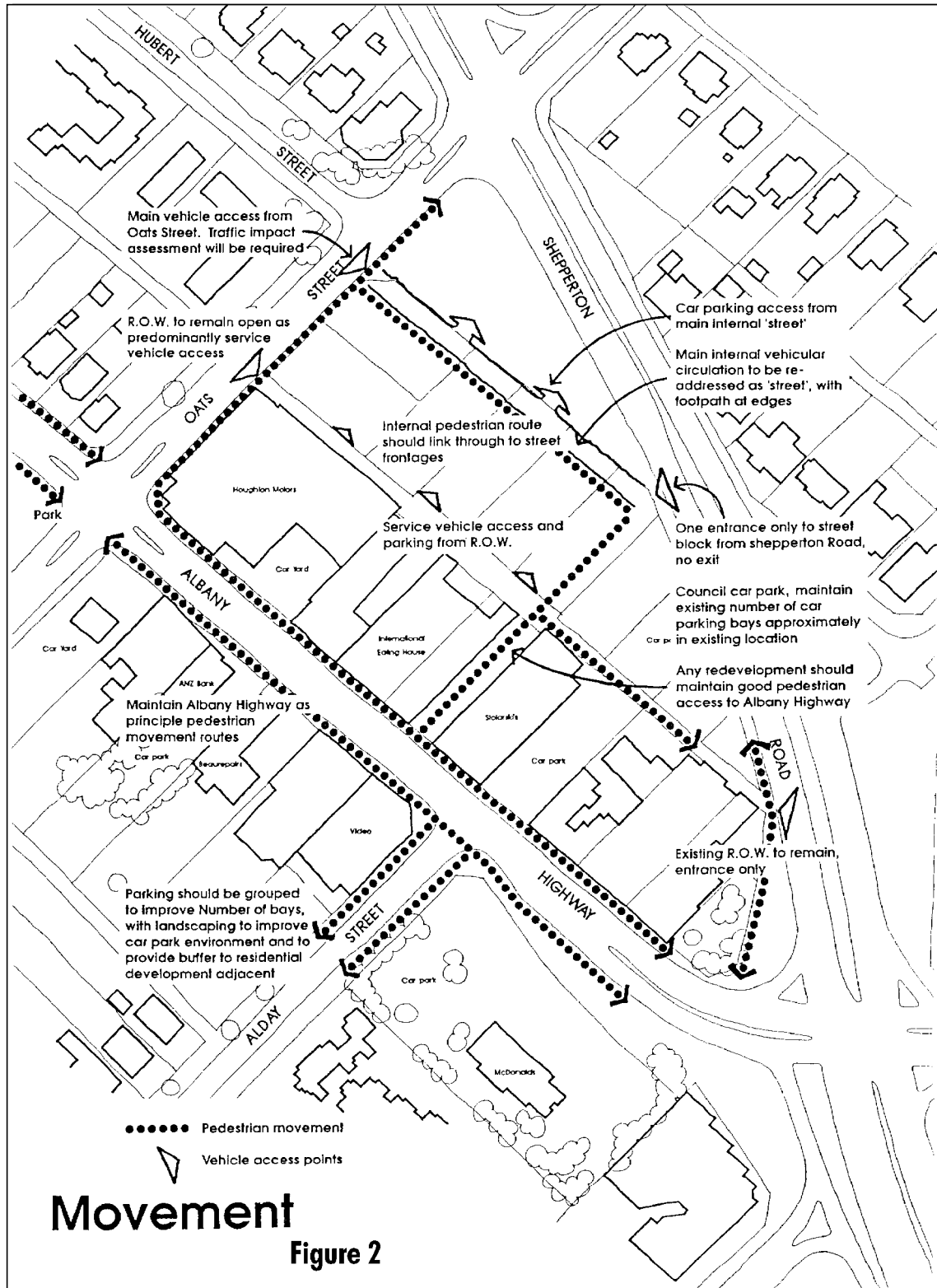
- (a) Future public and private development must take steps to ensure that unnecessary traffic and congestion problems are avoided. The principal requirements relating to pedestrian and vehicle movement in the area are set down in Figure 2. In addition to the matters noted on Figure 2 the following requirements will be taken into consideration.

##### 4.7.3.1. Pedestrian Movement

- (a) The pedestrian network should provide a continuous, safe and attractive link between the various commercial activities and to the parking areas.
- (b) Any comprehensive redevelopment of land should accommodate through pedestrian movement along a main pedestrian footpath adjacent to building frontages, and should maintain or develop the potential for pedestrian access to Albany Highway.
- (c) Development adjacent to footpaths and other pedestrian areas should provide an attractive and interesting frontage to the route. Blank walls, exhaust vents, mechanical equipment and visible vehicle servicing areas should be avoided adjacent to pedestrian ways.

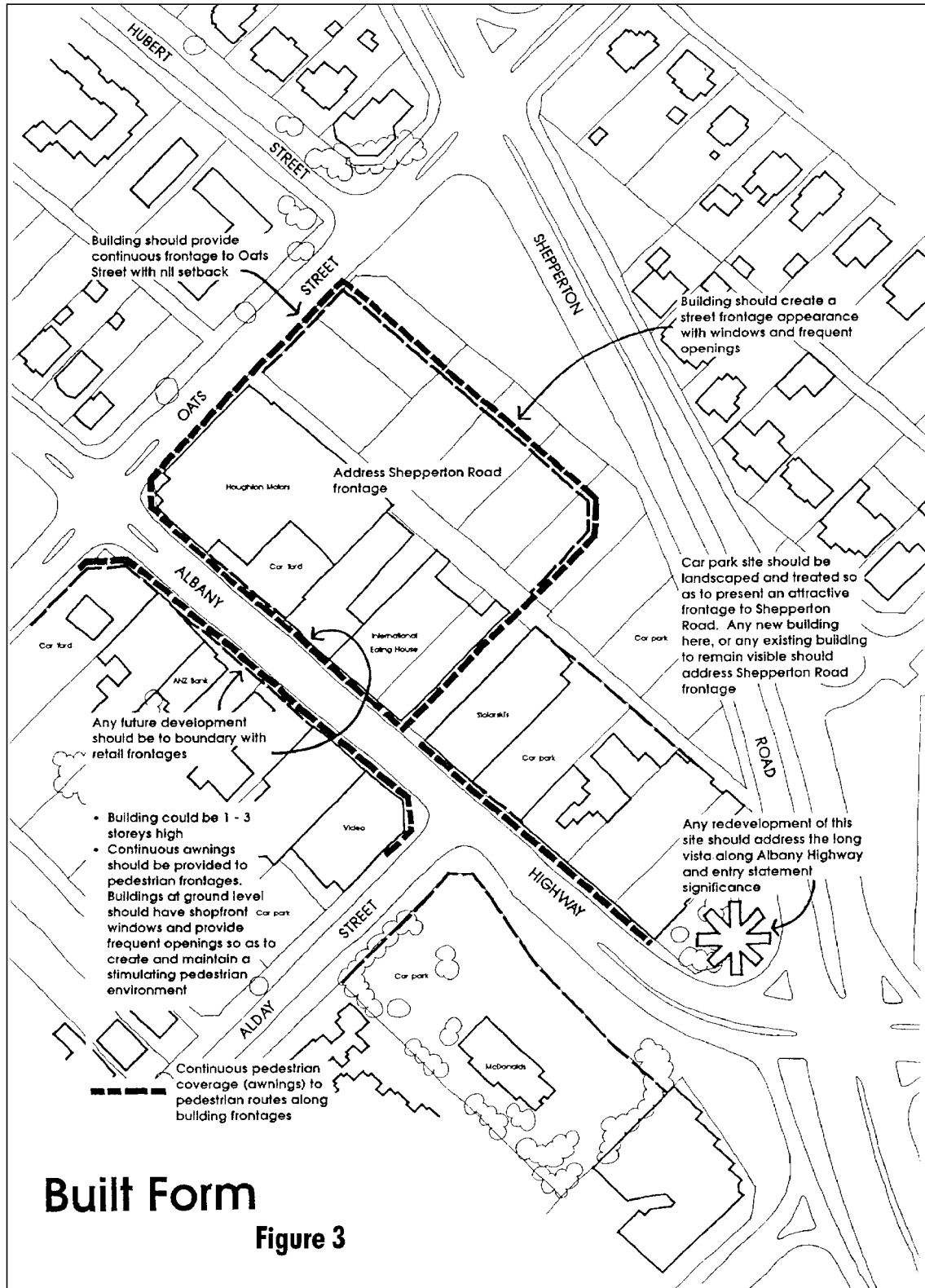


- (d) A high level of pedestrian access is to be maintained throughout the area, especially from the Council's No.37 carpark through to Albany Highway.
  - (e) Pedestrian routes shall be given priority over vehicles at all internal crossing points.
  - (f) Pedestrian routes shall be well lit (at night), without steps or obstructions so as to cater for all customers including disabled and elderly.
  - (g) Seating should be provided at shaded and attractive locations along these pedestrian routes.
- 4.7.3.2. Vehicle Movement
- (a) Rights-of-way should be upgraded to provide good access for car parking areas and service areas. Care must be taken to ensure that rights-of-way are treated in a manner that enhances the commercial environment.
- 4.7.3.3. Access from Shepperton Road
- (a) In addition to the right-of-way, only one further entry point from Shepperton Road between Albany Highway and Oats Street is appropriate, in line with Main Roads WA requirements. No egress is permitted directly onto Shepperton Road.
  - (b) Access from and egress onto Oats Street should ideally be through one consolidated crossover in addition to the existing right-of-way.
- 4.7.3.4. Parking
- (a) Redevelopment of any land shall meet the Town Planning Scheme requirements for the provision of parking. Some relaxation of the parking requirements may be considered where the imposition of these requirements on small, individual developments would detract from achieving the objectives for the area. In such instances the Council may seek a financial contribution where it is considered to be appropriate.
  - (b) No car parking within a front setback will be permitted other than to Shepperton Road frontages.
  - (c) Vehicular access directly to Albany Highway will not be permitted where an alternative means of access to the site exists. Combining new parking areas with existing areas and access points shall be given priority.
  - (d) Any proposed multi-storey car park must comply with the built form objectives for the area. Blank exterior walls that front any road or pedestrian way are not permitted. Landscaping must also be incorporated into the design of multi-storey carparks.
- 4.7.4. STREETSCAPE AND BUILT FORM
- (a) The principal requirements relating to the streetscape and built form are set down in Figure 3.
  - (b) The existing traditional "strip" form of development along Albany Highway will be maintained and enhanced. New development shall be built to provide a continuous frontage with a nil setback.
  - (c) Any redevelopment must be compatible with the existing built form. Where applicable, development shall have regard to adjacent residential development.
- 4.7.4.1. Shepperton Road Frontage
- (a) Development with a frontage to, or visible from Shepperton Road shall be set back so as to allow a landscaped buffer strip consistent with the intended boulevard nature of Shepperton Road.
- 4.7.4.2. Height Limits
- (a) Buildings shall be of an appropriate scale and should be 1-3 storeys in height. Higher buildings may be permitted where all other guidelines are met and where such building heights do not conflict with the built form objectives for the area.
- 4.7.4.3. Signage
- (a) Signage for buildings that front onto Albany Highway should be consistent with the traditional pattern of being located at the front windows and/or awnings (where provided).
  - (b) Sign colour, material, form, shape, illumination, size and detail can be varied to add interest to the area.
  - (c) Minimal signage will be permitted fronting Shepperton Road so as to minimise potential traffic hazards.
  - (d) Roof and pylon signs are not considered appropriate within this area.
- 4.7.5. LANDSCAPING
- (a) The principal requirements relating to landscaping are set down in Figure A.
  - (b) High quality landscaping should be used throughout the area to enhance the image of the shopping centre, and to improve the pedestrian amenity, particularly in car parking areas.
  - (c) On-street and verge landscaping within the area is proposed to be undertaken by the Council with an overall landscaping theme established for the area. Landscaping should be used to provide adequate buffers between commercial and adjacent residential uses. Where landscaping is to be provided on sites along Albany Highway it should be provided with the aim of presenting a street frontage in lieu of buildings, and/or providing a high quality setting for buildings or activities on the site, appropriate to the nature of the shopping centre.

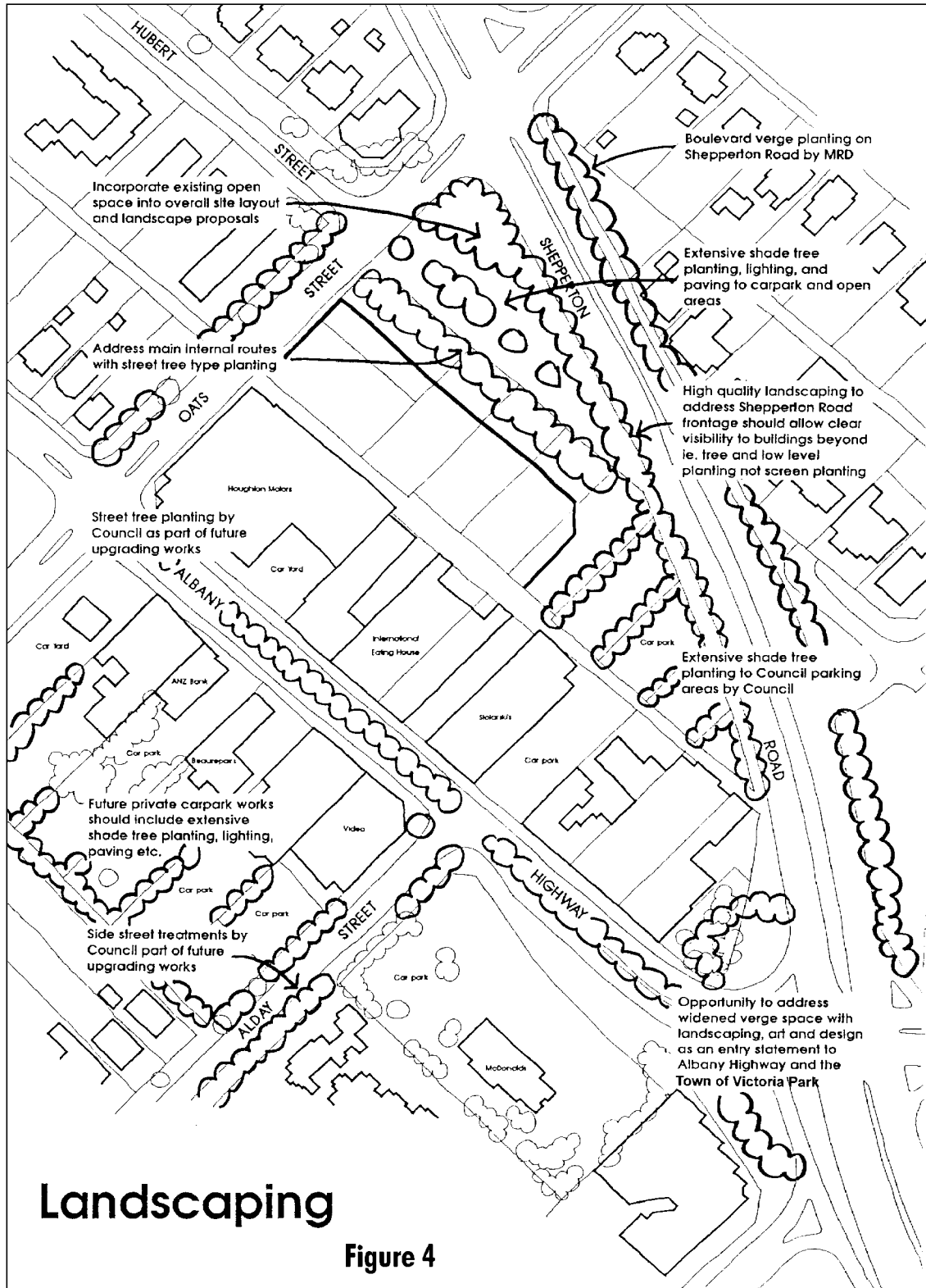


# Movement

Figure 2



**Built Form**  
**Figure 3**



# Landscaping

Figure 4

#### 4.7.5.1. Shepperton Road Frontage

- (a) Landscaping should be in the form of trees and low level painting that will not block views between the road and buildings at eye level.

#### 4.7.5.2. Other Street Frontages

- (a) Any car parking or open areas facing streets (with the exception of Shepperton Road) should be further enhanced with extensive tree planting, lighting, paving, etc, so as to present a quality street frontage. Particular attention should be given to those areas facing residential lots.

#### 4.7.5.3. Car Parks

- (a) Extensive shade tree planting will be required for car parking areas along with paving, lighting and seating. Screen planting (eg hedges) is not appropriate other than around servicing yards and areas.

#### 4.7.5.4. Other Planting

- (a) Substantial edge planting should be used as a buffer where commercial or retail zoned lots are adjacent to residential lots.

#### 4.7.5.5. Lighting and Paving

- (a) All external lighting of buildings should be designed in such a manner as to complement the character of the streetscape. Care must be taken to ensure that external lighting does not spill onto adjoining sites (especially residential sites). Lighting should be provided to all internal streets for pedestrian safety and amenity and to enhance the streetscape.
- (b) Paving should be used to enhance and identify pedestrian and vehicular accessways and should be treated in a manner complementary to footpaths within the public area.

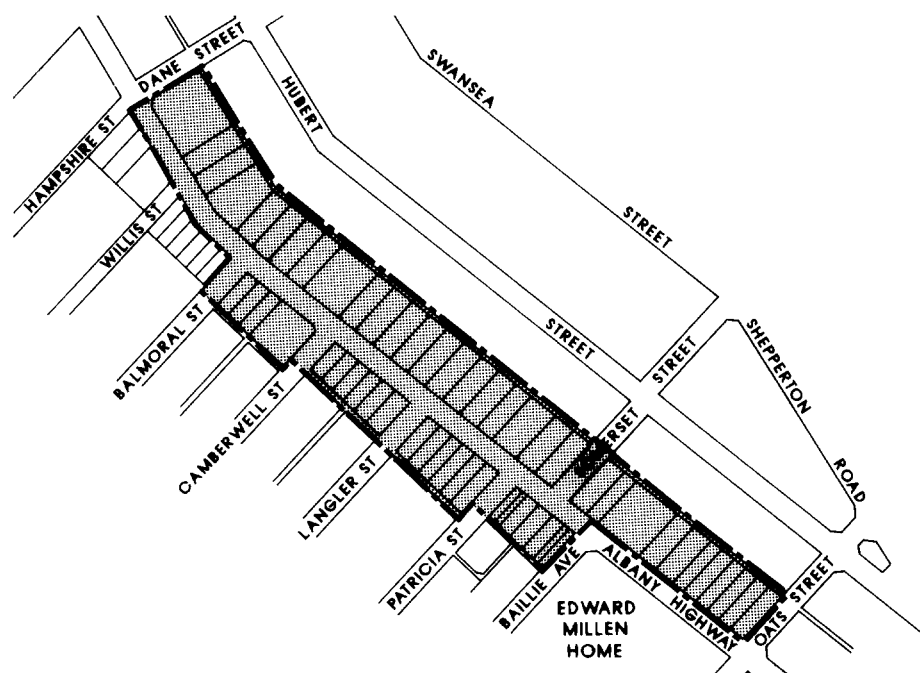
#### 4.7.5.6. Landscaping Plan

- (a) A detailed landscaping plan will be required for developments. The plan must include details of planting, lighting, paving, and/or seating where proposed. The design of the planting component must comply with the general guidelines outlined within this document. Information provided shall include all plants clearly labelled and located, proposed numbers, sizes and spacing of plants, and details of soil improvement and reticulation.

### 4.8. ALBANY HIGHWAY RESIDENTIAL/COMMERCIAL DESIGN GUIDELINES

#### 4.8.1. INTRODUCTION

- (a) The Council is encouraging an increase in the residential population of the part of Albany Highway between Dane and Oats Street (see plan below). This is intended to add variety and vitality to the area and provide accommodation close to existing services along the Highway. The residential component of this area is therefore intended to be the predominant land use.
- (b) The area accommodates a significant number of existing commercial uses including caryards, shops, offices, repair workshops, a tavern and a service station. In recognition of this the Council is prepared to consider appropriate new commercial uses in this area, where combined with a residential use. Stringent landuse and development control guidelines are intended to minimise any undesirable impact of commercial development upon residential development.



#### 4.8.2. OBJECTIVES

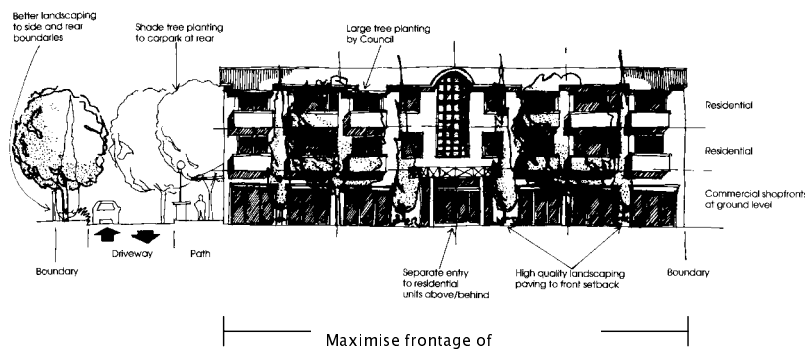
- (a) Encourage mixed residential and non-residential development.
- (b) Protect the amenity of existing and future residential uses.
- (c) Encourage development consistent with the style and character of adjacent commercial areas along Albany Highway, and complementary to adjacent residential development.

#### 4.8.3. TOWN PLANNING SCHEME

- (a) This area is subject to the usual provisions of the Town Planning Scheme, including the residential and parking requirements. The zoning of the area is Residential/Commercial. The permitted uses are described in the Town Planning Scheme.
- (b) Under Town Planning Scheme No. 1 (Albany Highway Precinct—P11) a non-residential use is only permitted if combined with a residential use. The maximum permitted plot ratio of such a combined development is 1.0. The non-residential component is not permitted to exceed 33% of plot ratio or the constructed floorspace, whichever is the lesser.

#### 4.8.4. SETBACKS

- (a) The front setback from Albany Highway should be 3 metres and may be landscaped and/or used as a pedestrian space. The Council may consider some variation to this setback where necessary. Nil front setbacks are not acceptable and it is desired to give the area character of its own, distinctive from other commercial and shopping areas along the Highway. All other residential setbacks shall be in accordance with the Residential Planning Codes.



#### 4.8.5. DESIGN AND LAYOUT

- (a) The non-residential part of any development should face Albany Highway. This is intended to maintain the traditional orientation of commercial uses towards Albany Highway and minimise the impact on the amenity of surrounding residential uses. The ground floor of buildings fronting Albany Highway should be used for display activities. Display windows should use non reflective glazing. The residential component of any development should be above or behind the non-residential part.
- (b) Buildings should maximise the street frontage of a site by minimising side setbacks. Facades should be articulated to create interest and variety and minimise the visual impact of the building scale. Heights of buildings can be 2-3 levels, or more if the development meets the objectives for the area.

##### 4.8.5.1. Landscaping

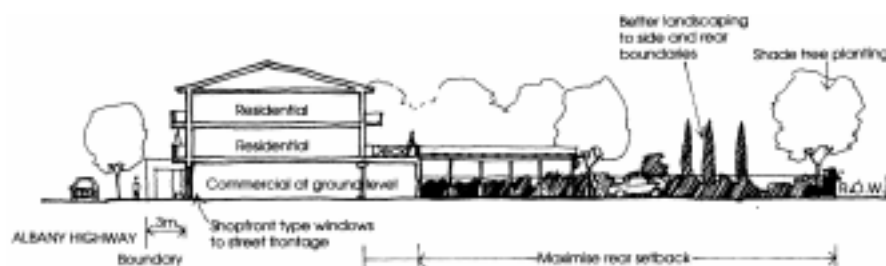
- (a) Landscaping should be used to buffer and screen the residential component, provide shade and shelter and visually enhance the streetscape. Most of the landscaping should be substantially related to the residential component.

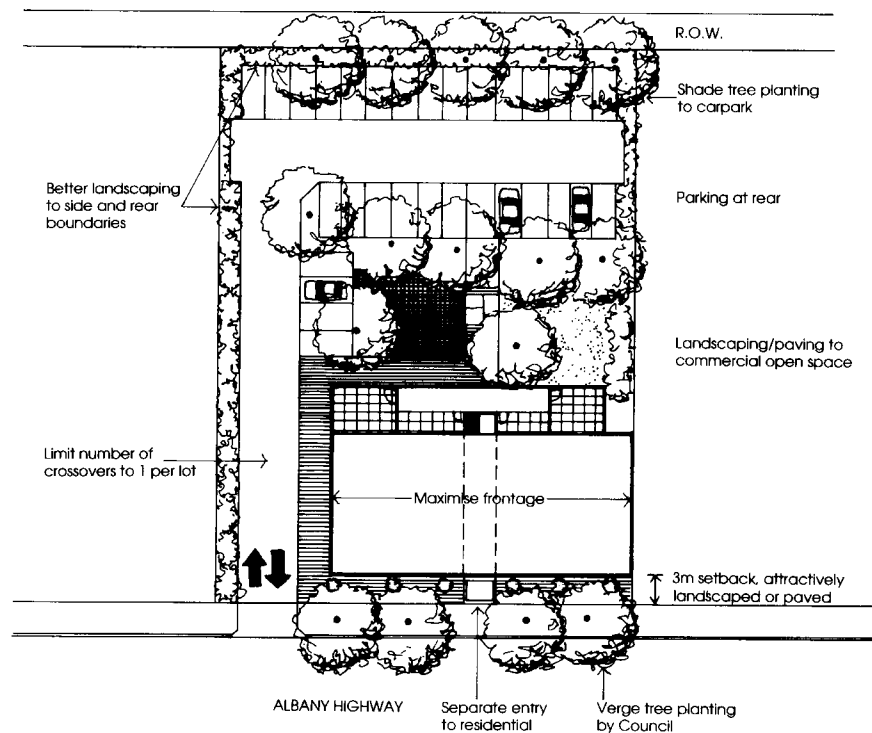
#### 4.8.6. VEHICULAR ACCESS

- (a) Vehicular access to Albany Highway should be limited to existing crossovers. Access from rights of ways may be permitted if there is minimal negative impact on adjacent residential uses.

#### 4.8.7. CAR PARKING

- (a) Car parking areas are not permitted to front Albany Highway. Each residential dwelling shall be provided with at least one exclusive car parking bay that is independent of non-residential parking areas. Other residential car bays can be combined and shared with non-residential parking areas, where agreed to by the Council.





#### 4.9. STREET FRONTAGE DESIGN GUIDELINES—DISTRICT CENTRES AND COMMERCIAL AREAS ALONG ALBANY HIGHWAY

##### 4.9.1. INTRODUCTION

- (a) As part of the Council's objective to attract more people to these areas, this Policy focuses on the contribution made by buildings to the character and comfort of the immediate pedestrian environment of the shopping and commercial areas along Albany Highway and adjoining side streets.

##### 4.9.2. AIM

- (a) This Policy is to assist owners, occupiers and designers to carry out renovations or new developments for all uses in predominantly shopping areas, in order to provide appropriate building frontages of high quality design.
- (b) This Policy aims to assist the Council as a basis for making decisions on developments.

##### 4.9.3. POLICIES

- (a) Location of frontages
- (b) Activities adjacent to the frontage
- (c) Facade design
- (d) Security
- (e) Heritage buildings
- (f) Lighting
- (g) Colours
- (h) Signage
- (i) Awnings and Verandahs
- (j) Plant Management
- (k) Alfresco dining on public footpaths

##### 4.9.4. DEFINITIONS

- (a) Shopfronts—are that part of a building fronting public footpaths within this area and include shops, real estate agents, travel agents, banks, hairdressers, medical and dental centres, etc.
- (b) Notable Buildings—are those buildings which have special architectural or historic interest within the context of the streetscape and/or the surrounding Precinct's historic development. They are buildings that have heritage value whether formally listed or not.
- (c) Traditional—that which has been accepted from generation to generation.

##### 4.9.5. OBJECTIVES

- (a) To recognise the needs of business operators to function effectively and to balance these needs with those of the community and users of the public domain.
- (b) To create a comfortable pedestrian environment within visually attractive, interesting and welcoming streetscapes that are representative of the locality and community, as befits these important suburban centres.

- (c) To ensure that all buildings will contribute in a positive manner to the area as a safe, secure and pleasant place to be at all times.
- (d) To conserve the variety of styles, ages and types of buildings, including shopfronts, that contribute to cultural interest, historical depth and value to the area and the streetscape.
- (e) To foster window shopping as a major activity, at least until midnight.
- (f) To ensure that new buildings complement and enhance the locality.
- (g) To ensure that all signs are in keeping with a pedestrian environment and the amenity of the immediate vicinity.

#### 4.9.6. POLICIES

##### 4.9.6.1. Introduction

- (a) All building frontages, shops, offices, warehouses and residential units contribute to the character, atmosphere and comfort of the surrounding public spaces. Buildings that are well presented, with interesting architectural or decorative detail, good lighting and with a sense of being inhabited or used regularly contribute to make people feel welcome and secure. Such buildings also reflect well on the owners and the area.
- (b) People stay out in lively urban places, remaining in the streets to sit, wait, watch, meet and talk. Buildings with irregular frontages or niches, where people can stand, sit or perch, support some of the street's social functions. Verandahs provide protection from the weather and make the street more comfortable for pedestrians. Thus buildings by their appearance and structure can contribute positively to making a shopping trip or a visit a pleasure.

##### 4.9.6.2. Location of Frontages

- (a) Explanation  
In urban areas such as town centres, streets enclosed closely by well designed buildings are more friendly, sheltered and secure. Streets where buildings are more aloof and the buildings themselves tend to dominate at the expense of pedestrian comfort.
- (b) Policy
  - (i) generally all buildings, including corner sites, should be built to the footpath and cover the full width of the site.
  - (ii) bank teller machines or fast food outlets should be set back sufficiently from the boundary to accommodate queues.
  - (iii) on adjoining side streets, away from the corner site, the setbacks should be as far as those of the nearest residential area.

##### 4.9.6.3. Activities Adjacent to the Frontage

- (a) Explanation  
All street level frontages should provide interest to the passing pedestrian.
- (b) Policy
  - (i) all street level frontages should provide displays or visible activity and a high degree of architectural design detail at a pedestrian scale.
  - (ii) vehicle parking areas and plant rooms or service areas are not acceptable on any Highway or corner site frontage. Nor should they be placed on side street frontages unless there is no alternative.

##### 4.9.6.4. Facade Design

- (a) Scale, proportion and details—explanation  
Large buildings with predominantly horizontal lines create a tiring and intimidating pedestrian environment, with a sense of endless distances to walk. Vertical facade rhythms/patterns and interesting details make the walk alongside feel shorter.
- (b) Policy
  - (i) the traditional predominant buildings on corner sites, should be built to the footpath and cover the full width of the site.
  - (ii) the scale should be in keeping with the traditional scale of the area and a pedestrian environment.
  - (iii) long straight, unrelieved, horizontal lines at awning or parapet level should be broken by interesting design devices to suit a pedestrian environment and the building. Any slope in the land should be reflected in stepped awnings and parapets.

##### 4.9.6.5. Facade Height

- (a) Explanation  
New development need not be exactly the same height as the old, however it should be in sympathy with the existing predominant height. New development should fit into the landscape, not dominate it.  
Street corners should be reinforced, buildings could be built slightly higher and/or could incorporate features such as a tower or turret to enhance their importance, an existing example would be the Broken Hill Hotel.
- (b) Policy
  - (i) any new development that is adjacent to a heritage or notable building should provide scale, proportions, parapet height, colour and amount of detailing similar to that building and so provide a harmonious context to that building.



- (ii) where a heritage or notable building is a landmark building, such as the Broken Hill Hotel, any adjacent new building should not overwhelm it.

#### 4.9.6.6. Windows/Glazing

##### (a) Explanation

Shopfronts have a major impact on the quality and vitality of adjacent public footpaths and open spaces. Shopfronts change frequently, with new users and new images. Many changes however fail to meet the environmental/social needs of the shop's location. For example, a new shop on the Highway installs a roller door, effectively cutting out window shopping after hours. Window shopping is a major attraction for visiting the Highway in the evening and supports adjacent restaurants.

In addition it is important that glazing itself, by tinting or reflection does not obscure views into buildings from street level, thus contributing to an environment that is indifferent even hostile to the pedestrian.

##### (b) Policy

- (i) at least 60% of the total length of the facade along the footpath should be transparent. The continuity of glazing should be broken to provide interest by solid (opaque) vertical panels, framework and/or strong visual displays.
- (ii) a high level of detailing or decoration in design, structure, colour and materials, should be provided to enhance the interest from the street.
- (iii) windows, including shop windows, should be designed in the style of the building and detailed to provide interest for the pedestrian. Interesting stall risers, facia and shopfront frame work should be provided.
- (iv) roller doors of solid material, including see through acrylic are not acceptable.
- (v) reflective or heavily tinted glazing is not encouraged on any building.

#### 4.9.6.7. Entrance

##### (a) Explanation

Buildings with obvious and visible access (from the footpath) to upper and basement floors add an extra dimension to the street, appearing more friendly and accessible.

##### (b) Policy

- (i) entrances to a building or shop should be clearly visible and should not be obscured by columns, planting or other features. Major doorways should be evident as such, with minor entrances also easily seen.
- (ii) predominant traditional entrance patterns in any street should be maintained and reinstated. Access to all new buildings should reflect the traditional access pattern of the street.
- (iii) any existing front access to floors above ground level or to basements should be retained to encourage potential residential and/or mixed uses on these floors and enhance the integration of different uses by easy access.
- (iv) major entrances should include access for people of limited mobility. Access will be required as under the Building Code of Australia.

#### 4.9.6.8. Security

##### (a) Explanation

Security is of importance, however it should not contribute to making the street feel fortified and hostile to the pedestrian.

##### (b) Policy

- (i) new developments / shopfronts should incorporate protection into the structure itself as permanent security bollards are generally not acceptable on the footpath.
- (ii) additional security precautions should be designed, as a decorative element or as unobtrusively as possible, in keeping with the buildings' architectural style and materials.

#### 4.9.6.9. Roller Doors

##### (a) Policy

- (i) roller doors/shutters of any solid material, including clear acrylic, are not acceptable on front ground floor facades.
- (ii) open metal roller grills, providing they comply with the above and allow for window shopping or internal lights (offices etc.) to be seen are acceptable.

#### 4.9.6.10. Bollards

##### (a) Policy

Permanent footpath bollards to provide security for a shopfront are generally not acceptable.

#### 4.9.6.11. Heritage Buildings

##### (a) Explanation

Older buildings with their varied ages and styles are an asset that provide cultural interest and integrity to the locality's visible historical development.

The current list of buildings protected under the Town Planning Scheme is not exclusive. Due to the need for constant monitoring and updating of the list of heritage buildings, new buildings are periodically included in the Town Planning Scheme as their value becomes apparent.

(b) Policy

- (i) all recognised heritage buildings should retain any original shopfronts, entries or foyers. Front entries and stairs to floors above or to basements below a shopfront should be retained to encourage an appropriate mixing of activities, particularly residential on the upper floors.
- (ii) notable building facades should be treated with the same respect accorded a heritage building, including treatment of shopfronts.
- (iii) should it be necessary to replace or insert a shopfront, or other part of the facade, to a heritage or notable building then that shopfront/part should be designed to be in sympathy with the style, proportions, scale (both vertical and horizontal), materials, detailing and use of materials in and of that building.

4.9.6.12. Lighting

(a) Explanation

All lighting should be in keeping with the character of the shopping area and should not impinge on the surrounding residential areas.

(b) Policy

- (i) shopfronts should allow a clear view into the shop or window display and should be lit after hours until midnight.
- (ii) any recessed areas within a building frontage or any access way between buildings should be well lit at all times.
- (iii) strobe lighting, to attract attention, is not appropriate in these areas.
- (iv) rear car parking for public use should be well lit, but with regard for the amenity of adjacent residential areas.

4.9.6.13. Colours

(a) Explanation

The use of complementary and naturally occurring colour will enhance and distinguish the unique character of Victoria Park and East Victoria Park as urban places rather than mere collections of buildings.

(b) Policy

- (i) buildings that impinge on a landscaped 'natural' environment such as the Swan River foreshore or Read Park, should seek to complement the landscape with colour.
- (ii) colour should be used so that every building is different and interesting but not at the expense of its neighbours.
- (iii) unpainted brick walls on heritage and notable buildings should not be painted.
- (iv) on older buildings, including heritage buildings, where a brick facade has been previously painted, any new colour scheme should differentiate between brick, render and wood surfaces. Thus the original pattern of the facade can be reinstated through the use of colour.

4.9.6.14. Signage

(a) Explanation

Well designed and placed signs can be an excellent introduction to a business. Often a proliferation of overlarge signs threatens to engulf streets. This causes a sense of visual chaos and a loss of the local character and identity. Others are like a crowd of people all yelling at once and not one stands out to be remembered. Others cause obstruction on the public footpath.

(b) Policy

- (i) all buildings should clearly display their street numbers, in a large typeface, as required under the Local Government Act.
- (ii) all signs should be in keeping with the character of the building and the surrounding locality.
- (iii) signs should not obscure—
  - architectural detailing including windows;
  - views of the buildings to which they are attached; or
  - views of neighbouring buildings.
- (iv) signs attached to a building should be restricted to ground floor level, under awnings and the fascia of an awning. A sign above this level might be approved, if it is in keeping with the architecture; does not obscure or duplicate existing signs; and allows space on the frontage to accommodate the identity of other occupiers.
- (v) roof top signs are generally not acceptable.
- (vi) signs on heritage and other notable buildings above ground floor level may be permitted if the sign occupies an architectural space, such as a window or recessed area, traditionally used for signs. The sign should look as if it is made in the traditional manner.
- (vii) signs attached to heritage buildings should be erected with extreme care so as not to damage old brick, render or timber work, whether painted or not.
- (viii) neon and animated light signs may be appropriate in areas where night-time entertainment is a major use but not in or close to other areas where neighbouring residential amenity could be adversely affected.

- (ix) all signs require a licence from the Council's Building Department. Signage should comply with the relevant By-laws and Policies.

#### 4.9.6.15. Awnings and Verandahs

##### (a) Explanation

The prime function of verandahs is the protection of the pedestrian from the weather. Their use is encouraged. Verandah posts may be unacceptable in some places, for example where the footpath is already cluttered with traffic light poles, major road signs and bus shelters/seating etc.

##### (b) Policy

- (i) continuous weather protection along footpaths is to be provided.
- (ii) verandah roofs should be of solid light impenetrable material and should provide full shade and shelter from sun, wind and rain.
- (iii) if verandahs are provided they, and their supports, if any, should be designed to complement the building's architecture and scale.
- (iv) the retention of well established shade trees should have priority over new awnings/verandahs, which should be set back to accommodate existing mature street trees.
- (v) support posts for verandahs should be set 600mm in from the kerblines.
- (vi) verandahs and awnings must comply with the relevant By-laws.

#### 4.9.6.16. Plant Management

##### (a) Explanation

The importance of shade and green plants both to the aesthetics and the comfort of the environment cannot be overestimated. The careful use and maintenance of trees, pot plants and or creepers with pots and/or appropriate frames to give care and distinction to a business frontage is encouraged.

##### (b) Policy

- (i) large shade tree planting should be provided for any customer car parking to the rear of the property. One shade tree to every 4 car bays.
- (ii) shade trees chosen, for rear car parks, should be species appropriate for the purpose.

#### 4.9.6.17. Alfresco Dining on Public Footpaths

##### (a) Explanation

Alfresco dining can contribute to making the street an enjoyable and welcoming place to be. It should however not be put in place at the expense of pedestrian use of the public footpath.

##### (b) Policy

- (i) alfresco dining should be confined in front of the applicants premises leaving a 2.5m strip parallel and adjacent to the kerb clear for pedestrians.
- (ii) applications must be submitted to Council for any proposed Alfresco Dining on public footpaths or verges for assessment and determination.

## 5. PARKING AND ACCESS POLICY

### 5.1. PARKING POLICY

#### 5.1.1. INTRODUCTION

- (a) This Policy consolidates the Council's parking requirements, and outlines its approach to the provision of parking facilities for non-residential and residential uses in the Municipality.
- (b) The Council's approach to the provision of parking is based on the need to maintain high environmental standards and to facilitate the development of parking facilities that are regarded as valuable community facilities. To achieve these ideals the Council's parking policy addresses not only the matter of parking supply, but also traffic movement, access to services, the appearance and safety of parking areas and the impact of these facilities on pedestrians, cyclists and the surrounding environment. The principles and provisions outlined below are aimed at improving the safety and comfort of pedestrians, motorists and residents while keeping in mind the need for convenient access to services and facilities.

#### 5.1.2. AIM

- (a) To facilitate the development of adequate parking facilities and safe, convenient and efficient vehicle and bicycle access for pedestrians, cyclists and motorists.

#### 5.1.3. OBJECTIVES

- (a) To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand.
- (b) To ensure that the environmental and amenity objectives of the Town Planning Scheme, as outlined in the Scheme Text, are not prejudiced.
- (c) To maintain a high standard of secure and attractive parking facilities.
- (d) To provide guidance on the development and design of parking facilities.

#### 5.1.4. POLICY AREA

- (a) This Policy applies to the entire area of the Municipality.

## 5.1.5. PRINCIPLES

- (a) Off-street parking should be provided at a rate that adequately meets the demand generated by a particular use or activity as determined by the Council. An oversupply of parking for a particular use will not be supported as this discourages the use of public transport facilities and is contrary to the objective of efficient management of parking facilities. Public parking should be provided where there is a demonstrated need or where off-street parking cannot be provided.
- (b) The amenity of areas surrounding parking facilities should be safeguarded. Parking facilities should complement their surroundings and provide a convenient service, without causing undue disruption to surrounding uses. The development of facilities of the highest standard of design, layout and landscaping is expected.
- (c) Parking facilities should be located so they do not dominate the surroundings or intrude into residential areas, public spaces or landscaped features of the environment. Off-street parking areas should generally be located and designed so they are an integral part of the development for the site. Disabled and cyclist parking facilities should be visible and conveniently located.
- (d) Efficient and safe vehicular access to residences, services and facilities should be balanced with the maintenance of a convenient and safe environment.
- (e) Parking facilities should be maintained to a high standard, in terms of lighting, paving, draining, landscaping and layout, ensuring that the use of these facilities does not visually detract from the locality or impede pedestrian movement and vehicle circulation. Every effort should be made to reduce the apparent size and visual monotony of parking areas and to conveniently locate these parking areas in relation to the facilities they serve.
- (f) The design, operation and location of parking facilities should aim to address personal and vehicular security matters, by providing clear and direct access through parking areas, and effective signs and lighting.

## 5.1.6. POLICY

## 5.1.6.1. Provision of Parking for Non-Residential Uses

- (a) Parking bays should be provided at the rate specified in the following table for non-residential developments, unless otherwise approved by the Council.
- (b) Note: Parking requirements shall be calculated by rounding to the nearest whole number.
- (c) Where the number of bays proposed for a non-residential or residential development is less than the number required, the Council may approve the development, if it can be demonstrated that nearby off-street parking facilities are available to cater for the parking requirements, or a portion of the parking requirement of the use proposed, and that, if necessary, satisfactory agreements have been made to enable those facilities to be used for that purpose.

## 5.1.6.2. Land Use Parking Requirements

- (a) Note: Net floor area is the space within a building used for the general operations of the occupying use. Facilities ancillary to the main purpose (such as toilets, access ways, stairs, plant rooms and private car parking bays) are generally excluded.
- (b) Net floor area equates to the area of a building determined for plot ratio calculation. This is defined under plot ratio in the 'Definitions' section of the Scheme Text.

ACTIVITY/USE	NUMBER OF PARKING BAYS
Shop	1 for every 10 square metres of retail floor area. "Retail floor area" means the floor area of each of the floors of a building used for the display and sale of goods but does not include floor areas used for concealed storage, food preparation, a workshop or a toilet.
Banks and Building Societies	1 for every 40 square metres of net office/administration area, plus 1 for every 10 square metres of net retail banking floor area.
Open air retail nursery	1 for every 50 square metres of nursery area.
Office/administration	1 for every 40 square metres of net floor area.
Health clinic, medical consulting rooms, veterinary clinic	4 per consulting room
Hospitals administration, consulting rooms, treatment rooms/ areas	1 for every 40 square metres of net floor area.
Hospital ward areas	1 for every 3 beds (licensed) Licensed beds (as defined by the Health Department of WA)
Showroom	3 for the first 150 square metres net floor area and thereafter 1 for every 75 square metres of net floor area or part thereof.

ACTIVITY/USE	NUMBER OF PARKING BAYS
Open air display	1 for every 100 square metres of display area.
Warehouse/industry	3 for the first 150 square metres of net floor area and thereafter 1 for every 75 square metres of net floor area or part thereof.
Public assembly, night clubs, theatres and cinemas	1 for every 4.5 square metres of net floor area.
Amusement centres and Betting agency	1 for every 10 square metres of net floor area
Health studio, squash courts and tennis courts	1 for every 30 square metres of net floor area and 3 for every court.
Indoor bowling centre	1 for every 30 square metres of net floor area.
Indoor cricket	1 for every 60 square metres of net floor area.
Restaurant	1 for every 4.5 square metres of sit down dining area.
Fast food outlet	1 for every 4.5 square metres of sit down dining area, plus 1 for every 4 square metres of counter/queuing area, other than dining area.
Licensed drinking areas:	
Bar areas	1 for every 2 square metres of net drinking area.
Lounge and Outdoor areas	1 for every 4.5 square metres of net seating area.
Commercial accommodation (e.g. hotel, motel, private hotel, lodging house, hostel, serviced apartments)	1 for every bedroom or 1 for every 3 beds provided whichever is the greater. (NOTE: Administration, dining, drinking areas, as per above standard)
Caretaker's residence	1 for every residence.
Institutional home/nursing home	1 for every 40 square metres of net administration/office floor area and consulting/treatment areas, plus 1 for every 3 beds provided or 1 for every 1.5 bedrooms whichever is the greater.
Technical schools and tertiary institutions	1 for every staff member and 1 for every 6 students.
Child care facilities	1 for every 5 children. In addition to the car bays required for parking, a separate area shall be provided for the adequate set down and picking up of children.

#### 5.1.6.3. Provision of Parking for Residential Uses

(a) The number, location and layout of parking areas for all residential developments shall be in compliance with the provisions of the Residential Planning Code classification for the area together with the following provisions and exceptions—

- (i) where visitor parking is provided it should be marked permanently as such and located so that it is easily accessible or its location is visible from the street entrance to the property;
- (ii) clause 3.2.2 and 4.3.1(b) (visitor parking) of the Residential Planning Codes are to be waived in circumstances where implementation of such is likely to be counterproductive, resulting in a poor design of the parking layout;
- (iii) clause 3.2.5 and 4.3.4 (off-site parking) of the Residential Planning Codes shall not be applied. All parking for a particular residential development shall be provided on the same lot as the development; and
- (iv) clause 4.3.5 (car parking requirements for multiple dwellings) of the Residential Planning Codes relating to the use of off-site parking shall not be applied.

#### 5.1.6.4. Specific Purpose Bays

- (a) The Council may require the provision of bays marked exclusively for the use of motor cycles, bicycles, delivery and service vehicles, taxis, buses and coaches and courier services, where the nature of the development requires specific purpose bays. The Council will determine the number of bays to be marked for bicycles and the vehicles listed above depending on the nature of the development, however, the following rates should be used as a guide—
  - (i) in addition to the parking bays required for child care facilities, a separate area shall be provided for the adequate setting down and picking up of children.
- (b) The Council will also require the provision of bays marked exclusively for use by disabled drivers at the rate specified in the Building Code of Australia.

#### 5.1.6.5. Reciprocal and Combined Parking

- (a) Reciprocal and combined parking are defined as follows—
 

Reciprocal parking—parking facilities serving separate uses or a mixed development, but not shared concurrently.

Combined parking—parking facilities shared concurrently by a mixed use development or separate developments on the one site.

#### 5.1.6.6. Reciprocal Parking

- (a) Reciprocal parking arrangements may be considered acceptable where the Council is convinced that demand for parking by the uses proposed will not coincide.
- (b) Where reciprocal parking is proposed the Council must be satisfied that—
  - (i) the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. easement, amalgamation, restrictive covenant or any other formal arrangement the Council may require);
  - (ii) parking demand both in the immediate and long term can be satisfied;
  - (iii) the uses being served by the parking arrangements are compatible (i.e. no overlap demand for parking facilities); and
  - (iv) a proposed change of use will comply with the reciprocal parking arrangements, or will satisfy the parking requirement by other means before approval is granted.

#### 5.1.6.7. Combined Parking

- (a) Parking for mixed use developments may be combined in one parking area, provided the total number of bays required under the provisions of this Policy are provided. If a mixed use development comprises a residential component each residential dwelling shall be provided with at least one exclusive bay. Access should be available at all times for all users and the Council may require bays to be marked for a particular purpose to ensure that access is not restricted.

#### 5.1.6.8. Cash-In-Lieu of Parking

- (a) Cash-in-lieu of parking shall be considered where developments have a shortfall of parking according to the requirements outlined in the above land use parking requirement table. The Council may accept money for this shortfall to provide bays in a nearby existing or proposed public parking facility. This Policy provision should not be seen to be replacing the developer's responsibility to provide on-site parking. The provision of an adequate supply of parking is the intent of this provision and as such the following matters apply—
  - (i) cash-in-lieu contributions shall only be permitted in localities where the Council is proposing to provide a public car park in the near future or where a public car park already exists;
  - (ii) cash-in-lieu contributions may comprise all or part of the on-site parking requirement for a development;
  - (iii) the contribution rate per bay shall be based on the estimated cost of the land (in the vicinity of the proposal), the cost of constructing the bay and any other related costs such as landscaping, lighting etc. Land costs will be as determined by the Council and include acquisition costs such as legal fees;
  - (iv) the contribution received from the applicant for proposed facilities shall be held in a Trust Fund of the Council for the purpose of acquisition of land for parking in appropriate areas or accepted by the Council as a contribution towards the cost of providing existing public parking facilities in the area. Contributions may consist of cash or land, or a combination of both, and must be made prior to the issue of a building license to the Trust Fund. Other means of payment may be suitable subject to Council agreement. Any bays for which a contribution has been provided shall be constructed in the locality where the development will generate the need for additional parking; and
  - (v) the Council will require, but not limit the use of the land on which parking facilities are provided to be used for that purpose. The bays provided as a result of cash-in-lieu contributions shall remain available to the public, be administered by the Council, and fees for parking may be imposed by the Council.

#### 5.1.6.9. Access

- (a) Vehicular access points to parking areas should be located and designed so that—
  - (i) entry/exit points minimise: traffic or pedestrian hazards, conflict with pedestrian/cyclist pathways, the impact on nearby residential uses, traffic congestion and interference with public transport facilities;
  - (ii) the number of entry/exit points is kept to a minimum. Where possible, new parking areas and vehicular access points shall be linked to existing parking facilities; and
  - (iii) access is obtained away from major traffic streets where possible, but not if this necessitates access from a residential street where undue disturbance to residential amenity would result.

#### 5.1.6.10. Traffic Movement

- (a) The Council will require traffic circulation and manoeuvring spaces within parking areas to be designed so that—
  - (i) adequate provision should be made to enable all vehicles to enter and leave the land in a forward direction where the Council believes that the nature of a development, its relation to adjoining streets or the nature of those streets makes it necessary to do so, and an access point from parking spaces to the street serves more than two spaces;
  - (ii) vehicles are able to queue, if necessary, within the parking area and not on the street; and
  - (iii) parking areas are not used as traffic thoroughfares to facilities that they do not serve.

#### 5.1.6.11. Safety

- (a) The Council will expect pedestrian, cyclist and motorist safety to be a priority in the design and operation of parking facilities, ensuring that—
  - (i) pedestrian pathways through a parking area are clearly defined, well lit and signposted, where required, with direct access to the street or facilities served;
  - (ii) traffic access to, and circulation within parking areas, is separated, where practicable, pedestrian and cyclist paths or pedestrian access points to or through a parking area; and
  - (iii) driver sight lines are not obstructed by signs, fencing or any other obstacle.

#### 5.1.6.12. Parking Facilities

- (a) The following matters should be taken into consideration in the design and construction of parking facilities—

##### 5.1.6.12.1. Design

- (a) Innovative approaches to the design of parking areas is expected in order to maintain amenity and encourage the use of parking areas for community activities in addition to parking, such as weekend markets, fairs, sporting activities and other entertainment activities.
- (b) Where multi-storey parking facilities are proposed they should—
  - (i) complement the surrounding built form, in terms of scale, height and character (built form development standards as specified in the precinct plans will apply); and
  - (ii) where they front the street should contain activities such as shops or similar uses to maintain pedestrian interest and activity at street level.
- (c) Private off-street parking should generally be located at the rear of developments, and in some precincts beneath developments. All parking areas must be paved and landscaped to a high standard, and in particular, surface (open-air) parking areas fronting a street should be landscaped or treated in other suitable ways to maintain to a high visual standard of development.
- (d) Where lighting is provided in parking areas the lights should not have a detrimental impact on adjoining residential uses, and should not be reduced in effectiveness due to overgrown vegetation or poor placement.
- (e) Large expanses of parking area should be avoided. Parking areas should be detached, into smaller groups of bays, separated by landscaping or other uses or activities, especially where these areas front the street.

##### 5.1.6.12.2. Landscaping

- (a) All non-residential parking areas should contain shade trees (species to be approved by the Council) generally at a rate of one tree for every four bays.
- (b) In residential areas any continuous row of parking or length of driveway shall be provided with planting areas, including shade trees, at the rate of one per eight bays (as specified in the Residential Planning Codes) or otherwise required by the Council.
- (c) The perimeter of all parking areas should be landscaped by a planting strip of at least 1.5 metres in width. In some circumstances a greater area of landscaping may be required, particularly where a parking area adjoins a residential property, an area of parkland or an open air recreation area.

##### 5.1.6.12.3. Signs

- (a) Signs in parking facilities should be for the purpose of providing information on parking operations and access. Signs should not obstruct pedestrian thoroughfares or driver vision.

##### 5.1.6.12.4. Adjoining Development

- (a) When considering the development of parking facilities the Council will take into consideration—
  - (i) the location of parking spaces and structures, lights and signs on the site and their affect on the amenities of adjoining development, including the potential affect if parking spaces should later be roofed or covered; and
  - (ii) the extent to which parking spaces are located within required building setback areas and the resulting visual impact on adjoining properties.

##### 5.1.6.12.5. Layout and Dimensions

- (a) Generally car parking spaces should be in accordance with the dimensions and layout outlined in Appendix A and B.
- (b) The owner and occupier of parking facilities shall ensure that parking areas are operated, laid out, constructed and maintained in accordance with the development approval for the site, and are clearly marked at all times to the satisfaction of the Council. Landscaping, in particular, should be maintained to a high standard. This may include the marking of bays exclusively for residential dwellings, staff, visitors, service vehicles, etc.
- (c) Enter and exit points and vehicle circulation patterns should be clearly indicated.

### 5.1.7. ADDITIONAL MATTERS

#### 5.1.7.1. Occasional Parking

- (a) The Council may support the use of land or buildings for occasional parking facilities in the case of special events or circumstances relating to a particular or regular use of a site. Council approval, however, will be required and special conditions of approval may apply.

## 5.1.7.2. Vacant Land

- (a) The Council does not support the use of vacant land or buildings for parking purposes unless occasional parking, as outlined in the above provision, has been approved.

## 5.1.7.3. Activities or Uses within Parking Areas

- (a) Private parking areas should not be used for any other purpose or activity other than for parking vehicles, motorcycles and bicycles associated with the approved use for the site. The Council will not support the use of such parking areas for activities which have not been approved for the site, or the use of parking areas to carry out activities approved and intended to be conducted in buildings on the site.
- (b) The Council may consider permitting the use of parking areas for weekend markets or other similar community activities or entertainment.

## 5.1.7.4. Kerbside Parking

- (a) Kerbside parking cannot be used to satisfy the parking requirements of a commercial or a residential development unless the Council is satisfied that parking demand can be met. The Council may also consider the parking requirement to be satisfied by kerbside parking bays where the provision of off-street parking would be detrimental to the amenity of the area or incompatible with the character or built form of the area.

## 5.1.7.5. Park and Ride Facilities

- (a) Subject to the provisions of this Policy park and ride facilities will be supported close to public transport stops to encourage the use of these services.

## 5.1.7.6. Traffic/Environmental Impact Statement

- (a) A traffic/environmental impact statement may be required where proposed parking facilities are likely to have a significant impact on the surrounding street system and uses.

## 5.1.7.7. Appendixes

- (a) A: Car parking bay and manoeuvring dimensions for non-residential development.
- (b) B: Car parking bay and manoeuvring dimensions for residential development.

**APPENDIX A: CAR PARKING BAY AND MANOEUVRING DIMENSIONS  
FOR NON-RESIDENTIAL DEVELOPMENT**

Parking Angle	Width of Bay (metres)		Length of Bay (metres)		Depth of Bay (metres)		Minimum Manoeuvring Depth (metres)		Minimum Total Depth (metres)	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Type of Access										
90°	2.4	2.4	5.4	5.4	5.4	5.4	6.0	6.0	11.4	11.4
	2.6	2.6	5.4	5.4	5.4	5.4	5.9	6.0	11.3	11.4
	2.7	2.7	5.4	5.4	5.4	5.4	5.8	6.0	11.2	11.4
75°	2.4	2.4	5.4	5.4	5.9	5.9	5.4	6.0	11.3	11.9
	2.6	2.6	5.4	5.4	5.9	5.9	5.3	6.0	11.2	11.9
	2.7	2.7	5.4	5.4	6.0	6.0	5.2	6.0	11.2	12.0
60°	2.4	2.4	5.4	5.4	5.9	5.9	5.2	6.0	11.1	11.9
	2.6	2.6	5.4	5.4	6.0	6.0	5.0	6.0	11.0	12.0
	2.7	2.7	5.4	5.4	6.0	6.0	4.8	6.0	10.8	12.0
45°	2.4	2.4	5.4	5.4	5.9	5.9	4.0	6.0	9.9	11.9
	2.6	2.6	5.4	5.4	6.0	6.0	3.6	6.0	9.6	12.0
	2.7	2.7	6.5	5.4	6.0	6.0	3.3	6.0	9.3	12.0
30°	2.4	2.4	5.4	5.4	4.8	4.4	3.3	6.0	8.1	10.4
	2.6	2.6	5.4	5.4	4.8	4.4	3.3	6.0	8.1	10.4
	2.7	2.7	5.4	5.4	4.8	4.4	3.3	6.0	8.1	10.4
0°	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0
Parallel Parking	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0
	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0

## NOTE—

- (1) Denotes one-way access to the car parking bay.
- (2) Denotes two-way access to the car parking bay.

## FOR THE PURPOSE OF THE ABOVE TABLE—

- (a) 'One-way' access means that access to the car parking spaces can only be obtained from one direction along the access driveway;
- (b) 'Two-way' access means that access can be obtained from either direction along a driveway; and
- (c) The particular measurements referred to shall be determined as indicated overleaf.



**APPENDIX B: CAR PARKING BAY AND MANOEUVRING DIMENSIONS FOR  
RESIDENTIAL DEVELOPMENT**

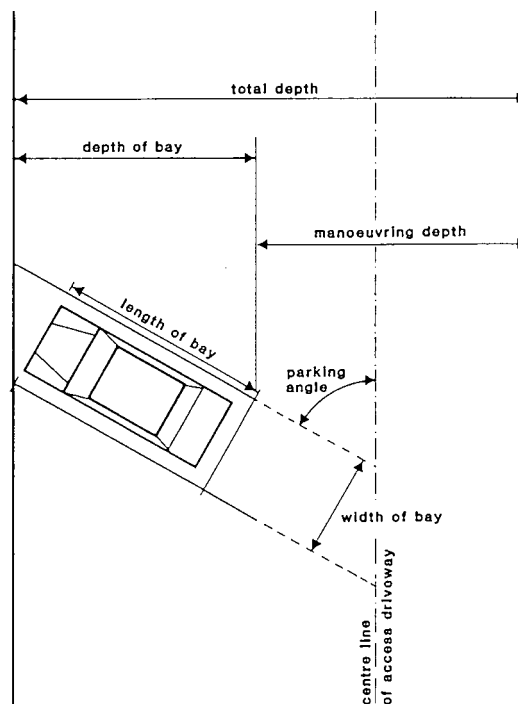
Parking Angle	Width of Bay (metres)		Length of Bay (metres)		Depth of Bay (metres)		Minimum Manoeuvring Depth (metres)		Minimum Total Depth (metres)		
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	
Type of Access											
90°	2.4	2.4	5.5	5.5	5.5	5.5	6.0	6.0	11.5	11.5	
	2.6	2.6	5.5	5.5	5.5	5.5	5.9	6.0	11.3	11.4	
	2.7	2.7	5.5	5.5	5.5	5.5	5.8	6.0	11.2	11.2	
75°	2.4	2.4	5.5	5.5	5.9	5.9	5.4	6.0	11.3	11.9	
	2.6	2.6	5.5	5.5	5.9	5.9	5.3	6.0	11.2	11.9	
	2.7	2.7	5.5	5.5	6.0	6.0	5.2	6.0	11.2	12.0	
60°	2.4	2.4	5.5	5.5	5.9	5.9	5.2	6.0	11.1	11.9	
	2.6	2.6	5.5	5.5	6.0	6.0	5.0	6.0	11.0	12.0	
	2.7	2.7	5.5	5.5	6.0	6.0	4.8	6.0	10.8	12.0	
45°	2.4	2.4	5.5	5.5	5.9	5.9	4.0	6.0	9.9	11.9	
	2.6	2.6	5.5	5.5	6.0	6.0	3.6	6.0	9.6	12.0	
	2.7	2.7	5.5	5.5	6.0	6.0	3.3	6.0	9.3	12.0	
30°	2.4	2.4	5.5	5.5	4.8	4.4	3.3	6.0	8.1	10.4	
	2.6	2.6	5.5	5.5	4.8	4.4	3.3	6.0	8.1	10.4	
	2.7	2.7	5.5	5.5	4.8	4.4	3.3	6.0	8.1	10.4	
0°	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0	
Parallel Parking	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0	
	3.0	3.0	6.7	6.7	3.0	3.0	3.0	6.0	6.0	9.0	

## NOTE—

- (1) Denotes one-way access to the car parking bay.  
 (2) Denotes two-way access to the car parking bay.

## FOR THE PURPOSE OF THE ABOVE TABLE—

- (a) 'One-way' access means that access to the car parking spaces can only be obtained from one direction along the access driveway;  
 (b) 'Two-way' access means that access can be obtained from either direction along a driveway;  
 (c) The particular measurements referred to shall be determined as indicated overleaf;  
 (d) Where a bay abuts a wall or other barrier the minimum width shall be not less than 2.8m; and  
 (e) Where tandem parking is permitted, the overall depth of the two bays shall be not less than 10m.



**5.2. LOADING AND UNLOADING****5.2.1. AIM**

- (a) To promote the development of high quality and efficient commercial and industrial areas.

**5.2.2. OBJECTIVES**

- (a) To ensure that adequate facilities for the loading/unloading of goods and commodities to and from vehicles are provided where the Council determines they are required.
- (b) To ensure that loading/unloading facilities do not adversely affect the amenity of adjacent areas.

**5.2.3. POLICY**

- (a) The design and location of loading/unloading areas shall be an integral part of the overall design and development of a site.
- (b) Loading/unloading areas should not be located adjacent to any adjoining residential uses.
- (c) The placement of signs indicating the location of and access to loading/unloading facilities may be required and are to be provided by the applicant.
- (d) In the case of comprehensive developments, which incorporate more than one property, combined loading/unloading areas may be considered necessary by the Council.
- (e) The Council shall have regard to and may apply conditions relating to the location, size, accessibility and hours of operation of loading/unloading areas.
- (f) On-site areas for the loading/unloading of vehicles carrying goods or commodities to or from premises shall be provided and maintained in accordance with the approved development for the site.

**6. REGISTERS****6.1. NON-CONFORMING USES**

- (a) This Register cannot be compiled until the gazettal of the Town Planning Scheme.

**ADOPTION**

Adopted by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 9th day of August 1994.

J. A. E. LEE, Mayor.  
J. M. BONKER, Chief Executive Officer.

**FINAL ADOPTION**

Adopted for final approval by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 11th day of August 1998 and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of—

Common Seal

J. A. E. LEE, Mayor.  
J. M. BONKER, Chief Executive Officer.

**RECOMMENDED FOR FINAL APPROVAL**

P. SEWELL, for Chairman of the Western Australian  
Planning Commission.

Date 19/8/98.

**FINAL APPROVAL GRANTED**

Date 20/8/98.

G. KIERATH, Minister for Planning.

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