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TOWN PLANNING AND DEVELOPMENT ACT 1928

CITY OF MANDURAH

TOWN PLANNING SCHEME No. 3

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
CITY OF MANDURAH
TOWN PLANNING SCHEME No. 3

Ref: 853/6/13/12, Vol. 10.

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 City of Mandurah Town Planning Scheme No 3 on 15 July, 1999—the Scheme Text of which is published as a Schedule annexed hereto.

K. HOLMES, Mayor.
S. GOODE, Chief Executive Officer

TOWN PLANNING AND DEVELOPMENT ACT 1928

CITY OF MANDURAH

DISTRICT TOWN PLANNING SCHEME No. 3

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

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TOWN PLANNING AND DEVELOPMENT ACT 1928

CITY OF MANDURAH

DISTRICT TOWN PLANNING SCHEME No. 3**PART 1—PRELIMINARY****1.1 CITATION**

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

1.2 RESPONSIBLE AUTHORITY

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

1.3 SCHEME AREA

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

1.4 CONTENTS OF SCHEME

The Scheme comprises—

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

1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts—

- PART I—PRELIMINARY
- PART II—RESERVES
- PART III—ZONES
- PART IV—SPECIFIC ZONE REQUIREMENTS
- PART V—GENERAL DEVELOPMENT REQUIREMENTS
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1.6 SCHEME OBJECTIVES

The purpose of this Scheme is to—

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

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

General objectives in support of the vision statement are—

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

- (h) to provide clear mechanisms for public consultation with open, accessible, and responsive planning processes.
- (i) to improve and make provision for additional public transport within the City of Mandurah

1.7 REVOCATION OF EXISTING SCHEMES

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

- City of Mandurah Scheme No 1A published in the *Government Gazette* on 28 December 1983.
- The Shire of Mandurah Town Planning Scheme No 11 published in the *Government Gazette* on 5 October 1984.
- The Shire of Mandurah Town Planning Scheme No 10 published in the *Government Gazette* on 26 June 1981.

1.8 INTERPRETATION

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

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

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

PART 2—RESERVES

2.1 SCHEME RESERVES

The land shown as Scheme Reserves on the Scheme Map, hereinafter called ‘Scheme Reserves’ are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder: The reservations within the District shall be as set out below in this clause.

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

2.1.1 Scheme Reserves

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

2.1.2 Uses of Scheme Reserves

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

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

but shall not be used otherwise for any other purpose.

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

2.1.3 Prohibition of Certain Work on Scheme Reserves

Except as otherwise provided in this Part no person shall on any land comprising or forming part of any Scheme Reserve commence or carry out any development without first applying for and obtaining approval in writing of the Council and without affecting the generality of the foregoing no person shall without such approval—

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

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

2.1.4 Right to Grant Approval or Refuse

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

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

2.1.5 Dealing With Applications

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

2.1.6 Regard for Ultimate Purpose

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

2.1.7 Development Standards on Reserved Land

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

2.1.8 Acquisition of Reserves and Compensation

2.1.8.1 This clause applies to land which is—

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

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

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

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

2.1.9 Rights of Disposal

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

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

2.1.10 Primary Distributor Roads

2.1.10.1 The Primary Distributor Roads delineated on the Scheme Map are important regional roads which form the region's primary road network. They connect major points of traffic generation and carry most long distance movements. Access points and adjacent development need to be controlled and future alignments protected to ensure the roads' traffic function is not impaired. Access points require approval under the *Main Roads Act 1930*. With regard to Primary Distributor Roads the following shall apply—

- (a) A person shall not without the approval of the Council carry out any development on land designated as a Primary Distributor Road.
- (b) The Council shall refer an application for Development Approval on land designated as a Primary Distributor Road or on a lot abutting land so designated to Main Roads Western Australia for comment and shall have regard to that Department's comments in considering the application.

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

2.1.11 District Distributor Roads

District Distributor Roads are the principal feeders and collectors between Primary Distributor Roads and other important roads. They serve secondary traffic generators and carry traffic travelling from one neighbourhood to another as well as some local traffic. Access points need to be regulated and adjoining development should be set back to secure health and safety standards. With regard to District Distributor Roads the following will apply—

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

2.1.12 Road Widenings

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

In dealing with the application Council may;

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

PART 3—ZONES

3.1 CLASSIFICATION

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

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

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

3.2 ZONING TABLES

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

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

- 'P' means that the use is consistent with the objectives of the Scheme and may be developed after Council has granted planning approval.
- 'AA' means that the use may be developed after Council has granted planning approval. Council may consider firstly giving notice in accordance with Clause 7.3.
- 'SA' means that the use may be developed after Council has granted planning approval after giving notice in accordance with Clause 7.3.
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by Council.
- 'X' means a use that is not permitted by the Scheme.

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

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

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

3.3 ADDITIONAL USES

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

3.4 SPECIAL USE ZONES

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

PART 4—SPECIFIC ZONE REQUIREMENTS

4.1 CITY CENTRE ZONE

4.1.1 Purpose and Intent of Zone

The intent of the City Centre Zone is to encourage development of the Mandurah City Centre as the Peel Region's core Cultural and Commercial Service Centre, comprising major office developments, service and tourist facilities. A strong component of infill residential development will be encouraged to integrate with commercial development within the Zone.

4.1.2 Permitted Uses and Development Standards

The permissibility of uses permitted in the City Centre Zone and the relevant development and subdivision standards are specified in Zoning Table 1.

4.1.3 Specific Provisions

4.1.3.1 *Maximum Retail Floorspace*

Development in the City Centre Zone may be permitted to expand to a level commensurate with Mandurah's status as a Regional Centre. The amount of retail floorspace that is permitted at any time to develop shall relate to the resident population within the catchment area of the Regional centre. Council may require the submission of a commercial viability report in conjunction with applications for commercial development to prove there is sufficient population in the catchment area to warrant the expansion.

4.1.3.2 *Tourist Retail Facilities*

Apart from retail facilities that service the day-to-day needs of the resident population Council encourages the development of retail facilities in this zone that service the needs of tourists. Retail facilities that are developed shall be primarily tourist related catering for the demands of short term residents in tourist facilities. Where the retail facility provides a tourist facility it may be provided over and above the retail floorspace limit specified in the relevant retail strategy.

4.1.3.3 *Office Development*

- (a) Given the primacy of the Regional Centre all future office development will be promoted and encouraged by Council to be located in the City Centre Zone and not in district or local centres.
- (b) Council may permit reciprocal parking for offices provided that an adequate level of onsite parking exists as determined by Council.

Council encourages offices to be east of Sholl Street. Offices to the west of Sholl Street shall only be permitted above ground floor level.

4.1.3.4 *Cash In Lieu—Car Parking and Landscaping*

Notwithstanding other car parking requirements, within the City Centre Zone Council may accept a cash payment in lieu of the provision of car parking spaces or landscaping in accordance with Council's

adopted Policy, which from time to time is applicable to the Scheme Area. Separate trust funds will be established for the management of cash-in-lieu contributions for parking and landscaping.

4.1.3.5 *Car Parking Agreements*

Within the City Centre Zone the Council may enter into agreement with landowners so that the Council may provide the whole or portion of the parking area required to be provided for development as set out in the Zoning Table.

4.1.3.6 *Residential Development*

Council may permit residential development to an R80 density and will encourage mixed use development with a residential component at an R80 standard in the City Centre Zone, provided that it can be demonstrated that the proposal will contribute to the overall amenity of the area. In considering such proposals Council shall have particular regard to measures taken to minimise any potential conflict between residential and non-residential uses.

4.1.3.7 *Bed and Breakfast Accommodation*

Bed and breakfast accommodation may be permitted to be operated from single houses in the City Centre Zone but only where the development in the opinion of the Council—

- (a) does not adversely affect the amenity of the area;
- (b) provides a tourist facility; and
- (c) complies wholly with all other Scheme requirements and any relevant policy of Council.

4.1.3.8 *Tourist Orientated Uses*

Council encourages tourist orientated uses in the City Centre Zone in selected locations but only where the development in the opinion of the Council—

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

4.1.4 **General Provisions**

In assessing development applications for the City Centre Zone Council shall have regard to and may attach conditions relating to—

- (a) the Mainstream Mandurah study and any other study undertaken for the area;
- (b) any policy or policy plan adopted by Council;
- (c) consolidation of car parking in public and decked car parking facilities;
- (d) cash in lieu of the provision and construction of car parking;
- (e) variation of car parking requirements in accordance with Council's development incentives policy;
- (f) cash in lieu of landscaping requirements;
- (g) integration of developments and the creation of a comprehensive pedestrian network;
- (h) upgrading of the traffic system and road widenings, specifically the widening of the eastern side of Sutton Street and the future widening of Sholl Street either side of Tuckey Street;
- (i) architectural and landscape design in accordance with Council's policy and guidelines;
- (j) impact and uniformity of signage;
- (k) provision of access for the disabled and the safe and convenient movement of pedestrians;
- (l) accordance with Council's skyline policy; and
- (m) the provision of shelter to pedestrians in the form of colonnades, canopies over footpaths, awnings over doorways and arcades.
- (n) The location of public transport transit stops in respect to vehicle crossovers.

4.2 **COMMERCIAL ZONE**

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

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

4.2.2 **Permitted Uses and Development Standards**

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

4.2.3 **Specific Provisions**

4.2.3.1 *Retail Floorspace*

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

4.2.3.2 *Offices*

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

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

4.2.3.3 *Residential Development*

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

4.2.3.4 *Height Limit*

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

4.3 HOTEL ZONE

4.3.1 **Purpose and Intent of Zone** (Refer to Table 3)

The Hotel Zone is intended principally to control development on Lots 329-337 and Lot 570 Ormsby Terrace, so as to ensure it is appropriate for such a key site.

4.3.2 **Permitted Uses and Development Standards**

The permissibility of uses in the Hotel Zone and the relevant development and subdivision standards are specified in Zoning Table 3.

4.4 SERVICE COMMERCIAL ZONE

4.4.1 **Purpose and Intent of Zone** (Refer to Table 4.)

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

4.4.2 **Permitted Uses and Development Standards**

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

4.4.3 **Specific Provisions**

Development will be required to comply with the Pinjarra Road Policy Statement.

4.5 RESIDENTIAL ZONE

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

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

4.5.2 **Permitted Uses and Development Standards**

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

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

4.5.3 **Specific Provisions**

4.5.3.1 *Bed and Breakfast Accommodation*

Bed and breakfast accommodation shall be permitted to be operated from single houses in the Residential Zone but only where the development in the opinion of the Council—

- (a) does not adversely affect the amenity of the area;
- (b) provides a tourist facility;
- (c) has been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses and no significant objections have been received during this period; and
- (d) complies wholly with all other Scheme requirements and any policies of Council.
- (e) includes the owner or operator residing within the dwelling.

4.5.3.2 Special Requirements to R0.5 to R1 Coded Areas

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

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

4.5.3.3 Special Requirements for R0.5 to R1 Coded Areas

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

- Subdivision will be in accordance with an Outline Development Plan and Technical Guidelines adopted by Council and approved by the Western Australian Planning Commission.
- Except to the extent necessary for the construction of approved buildings, driveways and fire-breaks, no land shall be cleared without the prior written approval from Council.
- The Council may, as a condition of any approval granted under the Special Provisions (b) require the owner or occupier of the land to plant and maintain to its satisfaction trees and shrubs to promote the natural setting of the area.
- Notwithstanding the provisions of the Scheme and what may be shown in the Outline Development Plan and Technical Guidelines specified in (a) the Western Australian Planning Commission may approve a minor variation to the subdivisional design but there shall be no further breakdown to the lots so created.
- Where Council approves proposed development either—
 - subject to a condition requiring a building envelope; or
 - on the basis of an application which includes the provision of a building envelope;

the building envelope applies and prevails over other provisions of the Scheme to the extent of any inconsistency.

4.5.3.4 Dual Coded Areas

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

4.5.3.5 Height Limit

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

4.6 INDUSTRY ZONE

4.6.1 Purpose and Intent of Zone (Refer to Table 6.)

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

4.6.2 Permitted Uses and Development Standards

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

4.6.3 Specific Provisions

4.6.3.1 Industries That Create Liquid Effluent

All industries within the Industry Zone that create liquid effluent are required to be connected to a reticulated sewerage system with approval from the Water and Rivers Commission or an alternative wastewater treatment and effluent disposal system where it is approved by the Health Department of WA, Water Corporation and the Department of Environmental Protection, unless otherwise exempt under Clause 5.7 of the Department of Planning and Urban Development Statement of Planning Policy No. 2.

4.6.3.2 Height Limit

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

4.7 RURAL-RESIDENTIAL ZONE

4.7.1 Purpose and Intent of Zone (Refer to Table 7.)

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

4.7.2 Permitted Uses and Development Standards

The permissibility of uses in the Rural-Residential Zone and the relevant development and subdivision standards are specified on Zoning Table 7. In addition to the provisions of Table 7, the special

requirements specified in Appendix 4 apply to those areas zoned Rural Residential and described in the Appendix.

4.7.3 Specific Provisions

4.7.3.1 Bed and Breakfast Accommodation

Bed and breakfast accommodation shall be permitted to be operated in the Rural-Residential Zone but only where the development in the opinion of the Council—

- (a) does not adversely affect the amenity of the area;
- (b) provides a tourist facility;
- (c) has been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses and no significant objections have been received during the advertising period; and
- (d) the proposal complies with all other Scheme requirements and any relevant policy of Council.
- (e) the owner or operator shall reside within the dwelling.

4.7.3.2 Tourist Orientated Uses

Council may permit tourist orientated uses in the Zone in selected locations but only where the development in the opinion of the Council—

- (a) does not adversely affect the amenity of the area;
- (b) provides a tourist facility;
- (c) there is no significant adverse environmental impact;
- (d) the proposal complies with all other Scheme requirements and any relevant policy of Council; and
- (e) has been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses and no significant objections have been received during the advertising period.

4.7.3.3 Subdivision Guide Plan and Technical Guidelines

4.7.3.3.1 Prior to approval of a subdivision of land in the Rural-Residential Zone by the Western Australian Planning Commission, Council shall require a Subdivisional Guide Plan and Technical Guidelines as set out in Clause 7.11, to be approved. Consideration will only be given after the Subdivisional Guide Plan and Technical Guidelines have been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses.

4.7.3.3.2 All subdivision and development shall accord with the Subdivisional Guide Plan and Technical Guidelines adopted by Council and approved by the Western Australian Planning Commission.

4.7.3.4 Height Limit

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

4.7.4 General Provisions

4.7.4.1 Notwithstanding the specific provisions relating to the Rural-Residential Zone the following shall apply to all new subdivision and development of land in that zone and shall be addressed in the Subdivisional Guide Plan and Technical Guidelines required under sub-clause 4.7.3.3.

- (a) No further subdivision shall take place unless it can be demonstrated by the proponent, based on land capability and the ability to overcome site constraints, that development will not adversely impact on the area and precinct objectives as specified in the City of Mandurah Local Rural Strategy.
- (b) Subdivisional lot sizes shall be no less than 2 hectares gross (1 hectare where reticulated water is provided) unless otherwise specified in Appendix 4. Lot sizes shall nevertheless be dependent upon the assessment of land capability and environmental constraints.
- (c) Building envelopes shall be specified minimising clearance of natural vegetation and ensuring integration of rural residential living in sensitive environmental and landscape areas. A maximum 2000m² building envelope shall be established unless otherwise specified in Appendix 4. Council may permit variations in size, setback and location of a building envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective of the Zone or the amenity of the Area.
- (d) The subdivider shall be required to undertake strategic revegetation of cleared or degraded areas.
- (e) Subdivision may be required to respect views to and from the development based on existing landscape.
- (f) Significant slopes, ridgelines, rock outcrops, flora and fauna should be preserved.
- (g) Building materials shall be compatible with surroundings and non-reflective in nature.
- (h) Department of Agriculture approval shall be obtained for vegetation clearing over one hectare.
- (i) No indigenous trees or other indigenous vegetation shall be destroyed or cleared except where the developer of the estate or landowner obtains the prior consent in writing of Council, and where such vegetation is dead or diseased, or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, on-site effluent disposal system, or driveway within the defined Building Envelope and for access to the Building Envelope from the road.

- (j) All development and subdivision on land within the Lake Clifton Groundwater Catchment shall conform with the Environmental Protection Authority "Criteria of environmental acceptability for land use proposals within the catchment of Lake Clifton".
- (k) Effluent disposal systems shall be located so as to achieve a 2 metre vertical separation between the base of any leach drain and the highest recorded groundwater level and at least a 100 metre horizontal separation from any water body.
- (l) Stormwater shall be contained on site in accordance with the principles laid down by the Department of Environmental Protection, to the satisfaction of Council.
- (m) Land uses other than a single residence, that are permitted or may be permitted by the Council pursuant to the Scheme shall not be permitted unless the Council is satisfied following consultation with the Department of Environmental Protection that the land use does not involve nutrient application or the clearing of the land.
- (n) The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Stocking rates shall be limited to those specified by Agriculture WA.
Where in the opinion of the Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to unsatisfactory environmental impact, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.
- (o) With the intention of preserving and conserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, no intensive agricultural or horticultural or market gardening activities will be permitted on the land within the Zone although Council may permit domestic scale activities within the defined Building Envelope only.
- (p) A foreshore reserve may be required adjacent to the Peel-Harvey Estuary. The width of the reserve shall have regard to topographical, environmental or amenity considerations. The subdivider shall provide detailed justification for any proposed foreshore reserve and give due consideration to the Inner Peel Region Structure Plan (including recommendations for the Peel Regional Park), Peel Inlet Management Authority criteria and the Waterways Commission Management Plan. Additionally, a 100m reserve is to be provided from the high water mark of the Indian Ocean where the Zone abuts the sea.
- (q) No clearing or development (including horticultural activities) of any type will be permitted within 150m of the high water mark of Lake Clifton (as defined by the edge of the saltwater dependant wetland vegetation species), and not to be located on the Vasse landform, with at least 20 metres of unused Spearwood sand between horticultural activities and the Vasse soil, and the Peel-Harvey Estuary with the exception of firebreaks as required or specified by the Bush Fires Board of WA and to the satisfaction of CALM unless otherwise approved by the relevant authorities.
- (r) No Super Six or similar fencing material is to be used on the land except within the defined Building Envelope.
- (s) Use of fertilisers other than compost generated from organic material is prohibited.
- (t) Groundwater bores or wells will be permitted subject to first obtaining a Groundwater Well Licence from the Water and Rivers Commission. Emergency water supply tanks expressly for fire-fighting purposes may be equipped with a bore.
- (u) A potable water supply comprising not less than 92,000 litre tank is to be provided for each lot not connected to reticulated water at the time of developing the land with sheds and/or a dwelling and shall be imposed as a condition of Development Approval and/or subdivision approval.
- (v) All subdivision and development surrounding classified wetlands shall be referred to the Department of Environmental Protection for assessment.
- (w) Council shall not require the construction of lot boundary fences for properties abutting the Yalgorup National Park as this will allow wildlife to roam free over most of the subdivision. Should common side boundary fences be constructed, they shall be of a type and design so as to permit kangaroos and other native animals to roam freely.
- (x) The significance and conservation value of remnant vegetation shall be assessed and included in appropriate reserves or protected by the imposition of suitable conservation controls.
- (y) Regard shall be given to the impact of development on wetlands and appropriate wetland buffers and stormwater drainage management techniques (ie sediment/nutrient traps) shall be employed.
- (aa) Regard shall be given to the impact of any proposal on groundwater quality and quantity and the employment of water sensitive design techniques.
- (ab) The impact of the proposal on waterbirds particularly shall be assessed, with regard to—
 - species diversity and richness of migratory and endemic waterbirds;
 - adequacy of foreshore reserve;
 - wildlife corridors;
 - disturbance of wildlife by noise, light, water, quality impacts, increased predation by introduced fauna etc;
 - maintenance of ecosystem and habitat; and
 - international treaties.

- (ac) Council may require the establishment of voluntary reserves over parts of a subdivision in order to protect areas of environmental significance.
- (ad) No extraction or quarrying of any raw material (eg. limestone) will be permitted from the land.
- (ae) A Strategic Fire Management Plan be prepared and the following fire management controls will be imposed as required by Council in consultation with CALM and the Local Bush Fire Authority—
 - a strategic perimeter firebreak may be required, as a condition of subdivision, around the subdivision in a manner acceptable to the Local Bush Fire Authority, CALM and Council.
 - unless otherwise required by Council individual fire breaks around each lot will not be required or encouraged.
 - removal of understorey vegetation from building envelopes as approved by Council.
 - to facilitate fire fighting requirements gated access is to be provided to all lots as required by CALM and Council.
 - building envelopes to be maintained at a fuel reduced level as required by CALM and the Local Bush Fire Authority to ensure buildings are protected during wildfires.
 - outside the building envelopes, fire control standards to be as required by the City of Mandurah District Fire Protection Plan and the Local Bush Fire Authority fuel reduction orders.
 - firebreaks surrounding Building Envelopes to be maintained by the landholder.
 - a slashed firebreak shall be installed around every third block boundary (in preference to a mineral earth break).
 - Council will facilitate discussions between the subdivider and the local Bush Fire Authority with a view to contributing towards the cost of fire suppression equipment for the local Volunteer Bush Fire Brigade.

4.7.4.2 In respect of existing subdivisions, the development standards as specified in Appendix 4 shall apply.

4.8 RURAL ZONE

4.8.1 Purpose and Intent of Zone

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

4.8.2 Permitted Uses and Development Standards

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

4.8.3 Specific Provisions

4.8.3.1 Bed and Breakfast Accommodation

Bed and breakfast accommodation shall be permitted to be operated in the Rural Zone but only where the development in the opinion of the Council—

- (a) does not adversely affect the amenity of the area;
- (b) provides a tourist facility;
- (c) has been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses and no significant objections have been received during the advertising period;
- (d) the proposal complies with all other Scheme requirements and any relevant policy of Council; and
- (e) the owner or operator shall reside within the dwelling.

4.8.3.2 Tourist Orientated Uses

Council may permit tourist orientated uses in the Zone in selected locations but only where the development in the opinion of the Council—

- (a) does not adversely affect the amenity of the area;
- (b) provides a tourist facility;
- (c) there is no significant adverse environmental impact;
- (d) the proposal complies with all other Scheme requirements and any relevant policy of Council; and
- (e) has been advertised for public comment in conformity with Council's advertising requirements specified for "SA" uses and no significant objections have been received during the advertising period.

4.8.3.3 Intensive Agriculture

In considering a proposal to develop land for intensive agriculture the Council shall—

- (a) Take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Estuary.
- (b) Take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality, and

- (c) Seek advice from the Departments of Agriculture and Environmental Protection and take account of that advice in making its determination or defer the decision pending a formal assessment under part IV of the *Environmental Protection Act*.

4.8.3.4 General Provisions

4.8.3.4.1 Notwithstanding the specific provisions relating to the Rural-Zone the following shall apply to all new subdivision and development of land in this zone.

- (a) No further subdivision shall take place unless it can be demonstrated by the proponent, based on land capability and the ability to overcome site constraints, that development will not adversely impact on the area and precinct objectives as specified in the City of Mandurah Local Rural Strategy.
- (b) Subdivisional lot sizes shall be no less than 40 hectares gross. Lot sizes shall nevertheless be dependent upon the assessment of land capability and environmental constraints.
- (c) The subdivider may be required to undertake strategic revegetation of cleared or degraded areas.
- (d) Department of Agriculture approval shall be obtained for vegetation clearing over one hectare.
- (e) No indigenous trees or other indigenous vegetation shall be destroyed or cleared except where the developer of the estate or landowner obtains the prior consent in writing of Council, and where such vegetation is dead or diseased, or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, on-site effluent disposal system, or driveway.
- (f) All development and subdivision on land within the Lake Clifton Groundwater Catchment shall conform with the Environmental Protection Authority "Criteria of environmental acceptability for land use proposals within the catchment of Lake Clifton."
- (g) Effluent disposal systems shall be located so as to achieve a 2 metre vertical separation between the base of any leach drain and the highest recorded groundwater level and at least a 100 metre horizontal separation from any water body.
- (h) Stormwater shall be contained on site in accordance with the principles laid down by the Department of Environmental Protection, to the satisfaction of Council.
- (i) Land uses other than a single residence, that are permitted or may be permitted by the Council pursuant to the Scheme shall not be permitted unless the Council is satisfied following consultation with the Department of Environmental Protection that the land use does not involve nutrient application or the clearing of the land.
- (j) The keeping of horses, sheep, goats and other grazing animals shall be limited to equivalents per hectare as recommended by the Department of Agriculture.

Where in the opinion of the Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to unsatisfactory environmental impact, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.

- (k) Groundwater bores or wells will be permitted subject to first obtaining a Groundwater Well Licence from the Water & Rivers Commission.
- (l) A potable water supply comprising not less than 92,000 litre tank is to be provided for each lot not connected to reticulated water at the time of developing the land with sheds and/or a dwelling and shall be imposed as a condition of Development Approval and/or subdivision approval.
- (m) All subdivision and development surrounding classified wetlands shall be referred to the Department of Environmental Protection for assessment.
- (n) Regard shall be had to the impact of development on wetlands and appropriate wetland buffer and stormwater drainage management techniques (ie sediment/nutrient traps) shall be employed.
- (o) Regard shall be had to the impact of any proposal on groundwater quality and quantity.
- (p) A foreshore reserve may be required adjacent to the Peel-Harvey Estuary. The width of the reserve shall have regard to topographical, environmental or amenity considerations. The subdivider shall provide detailed justification for any proposed foreshore reserve and give due consideration to the Inner Peel Region Structure Plan (including recommendations for the Peel Regional Park), Peel Inlet Management Authority criteria and the Waterways Commission Management Plan. Additionally, a 100m reserve is to be provided from the high water mark of the Indian Ocean where the Zone abuts the sea.
- (q) No clearing or development of any type will be permitted within 300m of the high water mark of Lake Clifton and the Peel-Harvey Estuary with the exception of firebreaks as required or specified by the Bush Fires Board of WA and to the satisfaction of CALM unless otherwise approved by the relevant authorities.

4.9 URBAN DEVELOPMENT ZONE

4.9.1 Purpose and Intent of Zone

The Urban Development Zone is intended to provide for future residential and urban related development after comprehensive planning of the relevant areas has been carried out resulting in an approved Outline Development Plan. The Outline Development Plan should conform with any Structure Plans or Guide Plans, any Planning Policies and Retail Structure Plan adopted by Council and the Western Australian Planning Commission. Where no Outline Development Plan exists the following Uses and Development Standards shall apply. Land uses that are likely to adversely affect the potential for future urban development should not be permitted (eg uses that require intensive use of insecticide or other chemicals).

4.9.2 Permitted Uses and Development Standards

Where an Outline Development Plan and Technical Guidelines have not been approved by the Council, the permissibility of uses in the Urban Development Zone and the relevant development and subdivision standards specified in Zoning Table 9 shall apply.

4.9.2.1 Where an Outline Development Plan and Technical Guidelines have been approved by the Council and approved by the Western Australian Planning Commission, the permissibility of uses in the Urban Development Zone shall be in accordance with the land use intentions and/or zoning pattern specified in the Outline Development Plan or Technical Guidelines and shall conform with the permitted uses and development standards as specified for the corresponding zone or zones included in this Scheme in the Zoning and Reserve Tables and the specific provisions and general provisions relating to the Zones in this Scheme.

4.9.2.2 Where alternative permitted uses and subdivision and development standards are adopted as part of an Outline Development Plan and Technical Guidelines, those permitted uses and development standards shall apply.

4.9.2.3 Within the Urban Development zone, the areas for which Outline Development Plan and Technical Guidelines have been approved by the Council and the Western Australian Planning Commission may be within Appendix 2 "Additional uses" and the permitted uses and development standards/conditions are listed therein.

4.9.3 Specific Provisions

4.9.3.1 Outline Development Plan and Technical Guidelines

4.9.3.1.1 Where an Outline Development Plan and Technical Guidelines have been approved by the Council and approved by the Western Australian Planning Commission, subdivision shall not be supported and subsequent development shall not be determined by Council unless the criteria contained in the approved Outline Development Plan and Technical Guidelines are complied with.

4.9.3.1.2 Prior to determining non residential land use applications so provided within an Outline Development Plan or where a proposal is not strictly in accordance with the terms, conditions and provisions of an approved Outline Development Plan or the Technical Guidelines attached thereto, Council will be required to advertise and deal with the proposal as set out in clause 7.3.

4.9.3.1.3 All subdivision and further development should accord with an approved Outline Development Plan and Technical Guidelines.

4.9.3.1.4 In addition to the requirements of Clause 7.11, the Outline Development Plan shall show the proposed land uses and Residential Codings which shall correspond with the Zones and Reserves included in this Scheme and shall generally conform with the District Structure Plan.

4.9.3.2 Height Limit

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

4.9.4 General Provisions

Notwithstanding the specific provisions relating to the Urban Development Zone the following shall apply to all subdivision and development of land in that Zone and shall be addressed in the Outline Development Plan and Technical Guidelines required under sub-clause 4.9.3.1—

- (a) Land abutting the Serpentine River, Harvey Estuary, Peel Inlet, Fremantle Road and Rural-Residential Zones may be developed for special residential buffers to a density of up to R5 unless otherwise specified by provisions in this Scheme and any Structure Plan or Planning Policy adopted by Council.
- (b) Notwithstanding any other provisions relating to this Zone, all subdivision and development adjacent to Fremantle Road shall provide land for landscaped buffer areas, in the form of a Recreation Reserve, to provide both visual and acoustical buffering between the road and residential areas, unless otherwise specified by provisions in this Scheme and any Structure Plan or Planning Policy adopted by Council. This land should be given up as Public Open Space upon subdivision but shall be over and above the normal 10% POS contribution. In addition to the requirements of this clause Council will expect land owners/developers to provide other means within their development proposals to complement and enhance Council's landscape requirements.
- (c) Commercial centres shall be provided for in the general location as indicated on the Retail Strategy adopted by Council. The exact location and area to be included in these centres shall be subject to detailed design and shall be included in any Development Plan. The maximum retail floorspace shall be as per that specified in the Council's Retail Strategy.
- (d) Notwithstanding Council's Retail Strategy Council may permit Commercial development to be focused on the core of proposed or constructed transit station precincts.
- (e) The assessment of the significance and conservation value of remnant vegetation and inclusion in appropriate reserves or imposition of suitable conservation controls.
- (f) Have regard to the impact of development on wetlands and that appropriate wetland buffers and stormwater drainage management techniques (ie sediment/nutrient traps) are employed.
- (g) Proposals relating to wetlands shall be referred to the EPA for advice.
- (h) Regard shall be given to the impact of groundwater extraction and approval of the Water and Rivers Commission.

- (i) Regard shall be given to the impact of the proposal on groundwater quality and quantity and the employment of water sensitive design techniques.
- (j) The impact of the proposal on waterbirds particularly shall be assessed with regard to—
 - species diversity and richness of migratory and endemic waterbirds;
 - adequacy of foreshore reserve;
 - disturbance of wildlife by noise, light, water, quality impacts, increased predation by introduced fauna etc; and
 - maintenance of ecosystem and habitat.
- (k) A Bikeplan shall be prepared with provision of facilities for bicycling in accordance with the MfP Policy No. DC1.5 (Bicycle Planning); MfP Policy No. DC2.6 (Residential Road Planning) and Bikewest Guidelines for the Design of Bicycle Facilities.
- (l) An adequate foreshore reserve shall be provided on land abutting the Indian Ocean. The foreshore reserve shall be determined according to the Ministry for Planning Country Coastal Planning Policy and the “Guidelines” criteria specified by the Ministry for Planning and as a guide should be a minimum of 100m from the high water mark.
- (m) An adequate foreshore reserve shall be provided abutting the Peel Inlet, Harvey Estuary and Serpentine River. The subdivider shall provide detailed justification for any proposed foreshore reserve and give due consideration to the Inner Peel Region Structure Plan (including recommendations for the Peel Regional Park), Peel Inlet Management Authority criteria and the Waterways Commission Management Plan.
- (n) Adequate floodway protection shall be provided as determined by the Council in consultation with the Water and Rivers Commission.
- (o) The future development within the Urban Development zone having due regard to the WAPC Policies.

4.10 TOURIST ZONE

4.10.1 Purpose and Intent of Zone

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

4.10.2 Permitted Uses and Development Standards

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

4.10.3 Specific Provisions

4.10.3.1 Retail Floorspace

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

4.10.3.2 Residential Development

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

4.10.3.3 Bed and Breakfast Accommodation

Bed and breakfast accommodation is encouraged to be operated from Single Houses in the Tourist Zone but only where the development in the opinion of Council—

- (a) does not adversely affect the amenity of the area;
- (b) provides a tourist facility; and
- (c) complies with all other Scheme requirements and any relevant policy of Council.
- (d) The owner or operator shall reside within the dwelling.

4.10.3.4 Tourist Orientated Uses

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

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

4.10.3.5 Development Plan and Technical Guidelines

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

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

4.10.3.6 Height Limit

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

4.11. CANAL ZONE

4.11.1 Purpose and Intent of Zone

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

4.11.2 Permitted Uses and Development Standards

4.11.2.1 The permissibility of uses in the Canal Zone shall be in accordance with the land use intentions and/or zoning pattern specified in an Outline Development Plan or Technical Guidelines adopted by Council and shall conform with the permitted uses and development standards as specified for the corresponding zone or zones included in this Scheme in Zoning Tables 1—5 inclusive and 9 and 10 the specific provisions and general provisions relating to the Zones in this Scheme.

4.11.2.2 Where alternative permitted uses and subdivision and development standards are adopted as part of an Outline Development Plan and Technical Guidelines, those permitted uses and development standards shall apply.

4.11.3 Specific Provisions

4.11.3.1 Development Plan and Technical Guidelines

4.11.3.1.1 Prior to any development approval by Council and any approval of a subdivision of land in the Canal Zone by the Western Australian Planning Commission, an Outline Development Plan and Technical Guidelines shall first be prepared and adopted by Council and approved by the Western Australian Planning Commission as required in Clause 7.11.

4.11.3.1.2 Prior to determining non residential land use applications so provided within an Outline Development Plan or where a Proposal is not strictly in accordance with the terms, conditions and provisions of an approved Outline Development Plan or the Technical Guidelines attached thereto, Council will be required to advertise and deal with the proposal as set out in clause 7.3.

4.11.3.1.3 All subdivision and further development shall accord with an approved Outline Development Plan and Technical Guidelines including the concept plans and/or Outline Development Plans approved for the Waterside Mandurah, Port Mandurah Canal and Port Bouvard developments prior to the operation of this Scheme.

4.11.3.1.4 In addition to the requirements of Clause 7.11, the Outline Development Plan shall show the proposed land uses and Residential Codings which correspond with the zones and reserves included in this Scheme.

4.11.3.2 Residential Development

Residential development shall comply with the standards specified in Zoning Table 11 and otherwise with the standards specified in the Residential Planning Codes according to the density coding shown on the Scheme Maps, unless a variation is adopted by Council. Residential development shall also comply with provisions relating to the Residential Zone.

4.11.3.3 Variation of Density Coding

Council may permit residential subdivision and development to a density higher than that specified on the Scheme Maps to a maximum of R40 where the development—

- (a) site has an area of 2,000 square metres or greater with a frontage of least 40 metres;
- (b) is connected to reticulated sewer;
- (c) complies with all the Scheme requirements and relevant policies of the Council; and
- (d) has been advertised for public comment in accordance with the procedure for “SA” uses and no significant objections have been received during this period.

4.11.3.4 Retail Facilities

Retail facilities may be permitted in the Canal Zone subject to the location of the facility and the maximum retail floorspace complying with the Council's Retail Strategy. Apart from retail facilities that service the day to day needs of the resident population, Council encourages the development of retail facilities in this zone that service the needs of tourists. Retail facilities that are developed shall be primarily tourist related catering for the demands of short term residents and tourists and shall not provide convenience shopping facilities for established residential catchments outside the estate unless specifically agreed to by the Council. Where the centre within a Canal Zone provides a tourist facility it may be provided over and above the retail floorspace limit specified in Council's Retail Strategy. All commercial development shall comply with provisions relating to the Commercial Zone.

4.11.3.5 Tourist Orientated Uses

Subject to compliance with 4.11.2 Council shall permit tourist orientated uses in the Canal Zone but only where the development—

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

4.11.3.6 *Compliance with EPA/Minister for Environment Conditions*

- (a) All subdivision and development within the Canal Zone shall comply with any conditions/decisions made by the Environmental Protection Authority or the Minister for Environment.
- (b) No canal development or canal subdivision shall take place on land zoned in this Scheme for canal development purposes unless and until an approval has been issued by the Hon Minister for Environment under the provisions of the Environmental Protection Act 1986 (as amended).

4.11.3.7 *Height Limit*

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

4.11.3.8 *Measurement of Lot Area and Setbacks*

In calculating the area of the lot or setbacks in the Canal Zone measurements shall exclude any portion of the lot that is included within the canal or waterway. The minimum lot area for the purpose of all residential developments shall be calculated on the effective lot area only.

4.11.3.9 *Geotechnical Requirements*

In order to ensure that the footings for any developments within a canal estate are suitably designed to cater for the differing soil types, any person proposing to undertake building works may be required to firstly obtain a geotechnical report from an appropriately qualified engineer and that the footings of any structure be then designed to reflect those soil conditions.

4.12 MANDURAH OCEAN MARINA DEVELOPMENT ZONE

4.12.1 **Purpose and Intent of Zone**

The Mandurah Ocean Marina Development Zone is intended to provide for public marina uses, tourist, commercial and residential components for the local and visiting community, which has strong links to the existing cultural and town precincts, in recognition of the strategic location of the site in its local and regional context. Comprehensive planning for the area shall be carried out in an approved Outline Development Plan. The Outline Development Plan shall be prepared in accordance with Section 7.11 of the Scheme.

The Outline Development Plan should conform with any structure plans or guide plans any policies and Retail Structure Plan adopted by Council and the Western Australian Planning Commission. Where no Outline Development Plan exists, the following Uses and Development Standards will apply.

4.12.2 **Permitted Uses and Development Standards**

Where an Outline Development Plan and Technical Guidelines have not been approved the permissibility of uses in the Mandurah Ocean Marina Development Zone and the relevant development and subdivision standards specified in Zoning Table 12 shall apply.

4.12.2.1 Where an Outline Development Plan and Technical Guidelines have been prepared by the Council and approved by the Western Australian Planning Commission, the permissibility of uses in the Urban Development zone shall be in accordance with the land use intentions and/or zoning pattern specified in the Outline Development Plan or Technical Guidelines, and shall conform with the permitted uses and development standards as specified for the corresponding zone or zones included in this Scheme in the Zoning Tables and the specific provisions and general provisions relating to the Zones in this Scheme.

4.12.2.2 Where alternative and permitted uses and subdivision and development standards are adopted as part of an Outline Development Plan and Technical Guidelines those permitted uses and development standards shall apply.

4.12.3 **Specific Provisions**

4.12.3.1 *Development Plan and Technical Guidelines*

4.12.3.1.1 Where an Outline Development Plan and Technical Guidelines have been approved by the Council and approved by the Western Australian Planning Commission, subdivision shall not be supported and subsequent development shall not be determined by Council unless the criteria contained in the approved Outline Development Plan and Technical Guidelines are complied with.

4.12.3.1.2 Prior to determining land use applications not provided within an Outline Development Plan or where a proposal is not strictly in accordance with the terms, conditions and provisions of an Outline Development Plan or the Technical Guidelines attached thereto Council will be required to advertise and deal with the proposal as set in Clause 7.3.

4.12.3.1.3 All subdivision and further development shall accord with an approved Outline Development Plan and Technical Guidelines.

4.12.3.1.4 In addition to the requirements of clause 7.11 the Outline Development Plan shall show the proposed land uses and Residential Codings which shall generally conform with the District Structure Plan.

4.12.4 **General Provisions**

Notwithstanding the specific provisions relating to the Mandurah Ocean Marina Development Zone the following shall apply to all subdivision and development of land in that Zone and shall be addressed in the Outline Development Plan and Technical Guidelines required under subsection 4.12.3.1—

- (a) Proposals shall have regard for management and public access for the foreshore areas.

TABLE 1 - CITY CENTRE ZONE

POLICY STATEMENT - The intent of the City Centre Zone is to encourage development of the Mandurah City Centre as a the Peel Region's core Cultural and Commercial Service Centre, comprising major office developments, service and tourist facilities. A strong component of infill residential development will be encouraged to integrate with commercial development within the Zone. P is consistent with the objectives of the Scheme and may be developed after planning approval. IP not permitted unless incidental to predominant use. AA may be developed after Council has granted planning approval. Council may advertise proposal. X not permitted. SA may be developed after Council has granted planning approval. Must be advertised.									
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
USES		NIL	3.0	FRONT	REAR	SIDES	6 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> A height limit of three storeys or 10 metres (whichever is the lesser) shall be imposed within the zone. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy.
Aged Persons Village	P						0.5/unit		
Auction Mart	SA								
Amusement Parlour	P						1 per 35m ² GLA		
Arts and Crafts Display	SA								
Bank	P						1 per 35m ² GLA		
Bed and Breakfast Accommodation	P						1 per bedroom		
Car Park	P			2m	1m	1m			Landscaping of multi level car parks will be required to address aesthetic amenity.
Caretaker's Dwelling	IP			As per the residential planning codes as shown on the Scheme Map					
Chalets, Holiday Flats, Cabins	P								
Child Day Care Centre	P						1 per staff member plus 6 bays for set down and pick up		Maximum of 30 children.

TABLE 1 - CITY CENTRE ZONE

POLICY STATEMENT - The intent of the City Centre Zone is to encourage development of the Mandurah City Centre as a the Peel Region's core Cultural and Commercial Service Centre, comprising major office developments, service and tourist facilities. A strong component of infill residential development will be encouraged to integrate with commercial development within the Zone.

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS

		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
	USES		NIL	3.0	NIL	NIL	NIL	6 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> A height limit of three storeys or 10 metres (whichever is the lesser) shall be imposed within the zone. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy.
	Club Premises	P						As determined by Council		
	Consulting Room	P						1 per staff member 4 per consultant		
	Convenience Store	SA								
	Cultural Use	P								

TABLE 1 - CITY CENTRE ZONE

POLICY STATEMENT - The intent of the City Centre Zone is to encourage development of the Mandurah City Centre as a the Peel Region's core Cultural and Commercial Service Centre, comprising major office developments, service and tourist facilities. A strong component of infill residential development will be encouraged to integrate with commercial development within the Zone. P is consistent with the objectives of the Scheme and may be developed after planning approval. IP not permitted unless incidental to predominant use. AA may be developed after Council has granted planning approval. Council may advertise proposal. X not permitted. SA may be developed after Council has granted planning approval. Must be advertised.									
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES		NIL	3.0	NIL	NIL	NIL	6 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> A height limit of three storeys or 10 metres (whichever is the lesser) shall be imposed within the zone. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy.
	AA	As per the residential planning codes as shown on the Scheme Map Calculation of dwelling yield, parking and other requirements for residential development that is to be constructed above or within a commercial development, shall be calculated as if the commercial development did not exist. This is to encourage a vertical mix of residential and commercial development within the zone. Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or the like and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.							
	Fish Shop	P							
	Health Studio	P					1/35m ² GLA		
	Home Occupation	AA							
	Hostel	P					1 per bedroom		

TABLE 1 - CITY CENTRE ZONE

POLICY STATEMENT - The intent of the City Centre Zone is to encourage development of the Mandurah City Centre as a the Peel Region's core Cultural and Commercial Service Centre, comprising major office developments, service and tourist facilities. A strong component of infill residential development will be encouraged to integrate with commercial development within the Zone.

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS

		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
USES			NIL	3.0	NIL	NIL	NIL	6 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none">A height limit of three storeys or 10 metres (whichever is the lesser) shall be imposed within the zone. A variation to the height limit shall require the special approval of Council in accordance with the “SA” provisions. Any variation shall accord to Council’s adopted height policy.
	Hotel/Motel, Tavern, Club Holiday Accommodation	AA						1 per bed plus 1 per 2m ² public bar area plus 1 per 3m ² lounge area		
	Laundromat	P								
	Lunch Bar	P								
	Lodging House	P						1 per bedroom		
	Lunch Bar	P								
	Medical Centre	P						1 per Staff Member plus 4 per practitioner		
	Motel	P						1 per unit		
	Night Club/Cabaret Room	SA						1 per 4 people the building is designed to accommodate		
	Office	P						1/35m ² GLA		

TABLE 1 - CITY CENTRE ZONE

POLICY STATEMENT - The intent of the City Centre Zone is to encourage development of the Mandurah City Centre as a the Peel Region's core Cultural and Commercial Service Centre, comprising major office developments, service and tourist facilities. A strong component of infill residential development will be encouraged to integrate with commercial development within the Zone.

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS

		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
	USES		NIL	3.0	NIL	NIL	NIL	6 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> A height limit of three storeys or 10 metres (whichever is the lesser) shall be imposed within the zone. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy.
	Place of Amusement	P						5 per bowling alley or 2 per billiard/pool table and/or 1 per 15m ² GLA or; 1 per 15m ² GLA. Otherwise determined by Council		
	Place of Public Worship	SA	2000m ²	30m	9m		3m	1 per 2 seats		
	Private Hotel	P						As per hotel		
	Public Amusement	AA								
	Public Building	AA								
	Public Utility	P								
	Reception Centre	P						1 per 4 seats		
	Residential Building	AA						1 per bed		
	Restaurant	P						1 per 4 seats		
	Restricted Premises	SA						1 per bed		

TABLE 1 - CITY CENTRE ZONE

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DEVELOPMENT STANDARDS

		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
	USES		NIL	3.0	NIL	NIL	NIL	6 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> A height limit of three storeys or 10 metres (whichever is the lesser) shall be imposed within the zone. A variation to the height limit shall require the special approval of Council in accordance with the "SA" provisions. Any variation shall accord to Council's adopted height policy.
	Service Premise	P								
	Service Station	SA						3 work bays plus 1 per staff member		
	Shop	P								
	Takeaway Food Outlet	P						1 per 4 seats plus 1 for every 1m of queue length area		Stacking bays may be included in the car parking calculation

TABLE 2 - COMMERCIAL ZONE

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

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
		NIL	1.0	9m	Nil	Nil	8 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> the side and rear setback shall be 6m where the site adjoins residential zoned land
Dwelling (Single House, Group, Multi)	AA	As per Residential Planning Codes R40 Density							
Fish Shop	P								
Funeral Parlour	P								
Health Studio	P						1 per 30 m ² GLA		
Home Occupation	AA								
Laundromat	P								
Lunch Bar	P								
Marina	SA								
Medical Clinic	P						1 per Staff Member plus 4 per Practitioner		
Night Club/Cabaret Room	SA						1 per 4 seats		15m side and rear boundary clearance is required where a site adjoins a residential zone
Office	AA						1 per 35m ² GLA		

TABLE 2 - COMMERCIAL ZONE									
POLICY STATEMENT - The Commercial Zone is primarily intended to provide for retail shopping but also other associated non bulky retail and local office uses that cater for the current and future residents of the City consistent with the Retail Strategy.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.			IP	not permitted unless incidental to predominant use.				
AA	may be developed after Council has granted planning approval. Council may advertise proposal.			X	not permitted.				
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
		NIL	1.0	9m	Nil	Nil	8 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none">the side and rear setback shall be 6m where the site adjoins residential zoned land
	Place of Amusement	AA					5 per bowling alley or 2 per billiard/pool table and/or 1 per 15m ² GLA or; 1 per 15m ² GLA Otherwise determined by Council		
	Public Amusement	AA							
	Public Convenience	IP							
	Public Utility	P							
	Reception Centre	P					1 per 4 seats		
	Restaurant	P					1 per 4 seats		
	Service Premises	P							
	Service Station	AA					3 per work bay plus 1 per staff member		
	Shop	P							
	Showroom	P	1000m ²				1 per 30m ² GLA		
	Take away Food Outlet	P					1 per 4 seats plus 1 per 1m of queue length area		Stacking bays may be included in the car parking calculation

TABLE 2 - COMMERCIAL ZONE

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

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

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
		NIL	1.0	9m	Nil	Nil	8 spaces per 100m ² of Gross Leasable Area	10% of site	<ul style="list-style-type: none"> the side and rear setback shall be 6m where the site adjoins residential zoned land
Tavern	AA						1 space per 2m ² of gross bar & lounge floor area. Concessions where integrated with multi-use complex		
Veterinary Clinic	P						4 per practitioner		No overnight accommodation of animals

TABLE 3 - HOTEL ZONE

TABLE 3 - HOTEL ZONE										
POLICY STATEMENT - The Hotel Zone is intended principally to control development on Lots 329 - 337 and Lot 570 Ormsby Terrace so as to ensure it is appropriate for such a key site.										
P	is consistent with the objectives of the Scheme and may be developed after planning approval.					IP	not permitted unless incidental to predominant use.			
AA	may be developed after Council has granted planning approval. Council may advertise proposal.					X	not permitted.			
SA	may be developed after Council has granted planning approval. Must be advertised.									
DEVELOPMENT STANDARDS										
USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements	
				FRONT	REAR	SIDES				
		30m	1.0	9m	9m	10m each side per storey	1 per bedroom plus 1 for each 3m bar & public area	20% of site	<ul style="list-style-type: none">No direct access to an Arterial road.	
	Tavern (attached to other premises)	IP								
	Tavern (detached)	P	4,000m ²							

TABLE 4 - SERVICE COMMERCIAL ZONE

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

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS

	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks Vehicle access to the rear of any building must be available	Minimum Car Parking	Landscaping	Other Requirements
		20m	0.5	FRONT 9m REAR 3m SIDES nil	1 per 30m ² GLA	10% of site	<ul style="list-style-type: none"> Not to exceed 2 storeys in height unless special approval granted by Council. No. of Crossovers to be minimised by coupling with adjacent development. Design shall have regard to maintaining or enhancing any adjacent residential amenity. Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of W.A.

USES

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

TABLE 4 - SERVICE COMMERCIAL ZONE

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

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS									
USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
		20m	0.5	9m	3m	nil	1 per 30m ² GLA	10% of site	<ul style="list-style-type: none"> Not to exceed 2 storeys in height unless special approval granted by Council. No. of Crossovers to be minimised by coupling with adjacent development. Design shall have regard to maintaining or enhancing any adjacent residential amenity. Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of WA.
Cottage Industry	AA				6m	1.5m	2 bays for the occupant plus bays in accordance with industry proposal		
Cultural Use	SA						Determined by Council		
Educational Establishment	AA						As per Community Purpose Reserve		
Funeral Parlour	P								
Health Studio	P								
Hire Service (Non Industrial)	P								
Laundromat	P								
Medical Clinic	P						4 per practitioner		
Motor Vehicles and Marine Sales Premises	AA	30m							Vehicular access other than cars shall only be permitted to the site via side road access.
Office	P						1 per 40m ² GLA		
Open Air Display	P						1 per 50m ² display and sales area including both indoor & outdoor		

TABLE 4 - SERVICE COMMERCIAL ZONE

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

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				Vehicle access to the rear of any building must be available	FRONT	REAR			
		20m	0.5		9m	3m	1 per 30m ² GLA	10% of site	<ul style="list-style-type: none"> Not to exceed 2 storeys in height unless special approval granted by Council. No. of Crossovers to be minimised by coupling with adjacent development. Design shall have regard to maintaining or enhancing any adjacent residential amenity. Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of WA.
Plant Nursery	P					nil	1 per 50m ² display and sales area including both indoor & outdoor		
Private Recreation	SA								
Public Recreation	P								
Public Utility	P								Screening of Servicing Utilities may be required
Radio & TV Installation	AA								
Restaurant	P						1 per 4 seats		
Service Industry	AA								
Shop	IP						1 space per 10m ² GLA		Shop Gross Floor Area must not be more than 10% of total GLA.
Showroom	P	1000m ²							
Storage Yard	IP								

TABLE 4 - SERVICE COMMERCIAL ZONE

TABLE 4 - SERVICE COMMERCIAL ZONE										
POLICY STATEMENT - The intention of Council is to encourage a range of non-retail commercial uses which will have minimum impact on arterial traffic while maintaining a scale of development which is compatible with adjacent land uses. Council shall have regard to such factors as traffic generation, impact on amenity and scale of development when considering applications for planning approval. Where possible, crossovers to the road shall be limited by share arrangements with adjacent development and the integration of parking and service areas.										
P	is consistent with the objectives of the Scheme and may be developed after planning approval.			IP	not permitted unless incidental to predominant use.					
AA	may be developed after Council has granted planning approval. Council may advertise proposal.			X	not permitted.					
SA	may be developed after Council has granted planning approval. Must be advertised.									
DEVELOPMENT STANDARDS										
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks Vehicle access to the rear of any building must be available	Minimum Car Parking			Landscaping	Other Requirements	
		20m	0.5		FRONT	REAR	SIDES		<ul style="list-style-type: none">Not to exceed 2 storeys in height unless special approval granted by Council.No. of Crossovers to be minimised by coupling with adjacent development.Design shall have regard to maintaining or enhancing any adjacent residential amenity.Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of W.A.	
USES										
	Tavern (Less than 200m ² GLA)	SA						1 space per 2m ² of gross bar & lounge floor area. Concessions where integrated with multi-use complex		
	Veterinary Clinic	P						4 per practitioner		No overnight accommodation of animals

- Not to exceed 2 storeys in height unless special approval granted by Council.
- No. of Crossovers to be minimised by coupling with adjacent development.
- Design shall have regard to maintaining or enhancing any adjacent residential amenity.
- Where reticulated sewerage is unavailable, all land uses with effluent disposal requirements exceeding those of a single residence shall be subject to the approval of the Health Department of W.A.

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

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

DEVELOPMENT STANDARDS										
USES		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
USES										
	Additional Accommodation	900m ²								
	Aged Persons Village		30m					1.25 per dwelling unit		
	Bed and Breakfast Accommodation							2 for the permanent occupants plus 1 bay per bedroom available for hire		
	Car Park				2m	1m	1m		10% of site	
	Chalets, Holiday Flats & Cabins									
	Child Day Care Centre	1000m ²						1 per staff member plus 6 bays for set down and pick up		A maximum of 30 children only
	Child Family Care Centre									
	Consulting Room Attached To A House	1000m ²						2 for the dwelling and 4 per practitioner		
	Corner Shop	1000m ²	20m		9m	6m	3m	2 bays for the dwelling and 6 for the shop		Maximum retail floor area of 50m ² GLA 30% of front setback landscaped.

TABLE 5 - RESIDENTIAL ZONE

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

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

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

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

P	is consistent with the objectives of the Scheme and may be developed after planning approval.				IP	not permitted unless incidental to predominant use.			
AA	may be developed after Council has granted planning approval. Council may advertise proposal.				X	not permitted.			
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	FRONT	REAR	SIDES	Minimum Car Parking	Landscaping	Other Requirements
USES	As per Residential Planning Codes as shown on Scheme Maps								
Public Utility	P								

TABLE 6 - INDUSTRY ZONE									
POLICY STATEMENT - To encourage the development of light, service and general industries in the zone to a high standard that will provide for the industrial needs of the City of Mandurah.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.				IP	not permitted unless incidental to predominant use.			
AA	may be developed after Council has granted planning approval. Council may advertise proposal.				X	not permitted.			
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
	2000m ²	25m	1.0	9M	NIL	NIL	1 SPACE FOR EVERY 50M ² GLA	10% OF SITE AREA	
Builders Yard	P								
Caretakers House	IP								
Car, Boat, Caravan, Machinery Sales and Hire	P						Minimum number of 6 bays		
Car Park	P								
Car Wash	P								
Car Wrecking	P	2000m ²							
Drive-in Theatre	SA	2ha							
Fuel Depot	P								
Funeral Parlour	P								
General Industry	P						1 per 50m ² GLA then 1 per 100m ² or part thereof		
Health Studio	SA						1 per 30m ² GLA		

TABLE 6 - INDUSTRY ZONE									
POLICY STATEMENT - To encourage the development of light, service and general industries in the zone to a high standard that will provide for the industrial needs of the City of Mandurah.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.			IP	not permitted unless incidental to predominant use.				
AA	may be developed after Council has granted planning approval. Council may advertise proposal.			X	not permitted.				
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
USES		25m	1.0	FRONT 9M	REAR NIL	SIDES NIL	1 SPACE FOR EVERY 50M ² GLA	10% OF SITE AREA	
	Light Industry						1 per 50m ² GLA then 1 per 100m ² or part thereof		
	Lunch Bar								
	Office						1 per 30m ² GLA		
	Open Air Display								
	Place of Amusement						5 per bowling alley or 2 per billiard/pool table and/or 1 per 15m ² GLA or; 1 per 15m ² GLA. Otherwise determined by Council		
	Place of Public Worship								
	Public Utility								
	Private Recreation								
	Radio & TV Installation								
	Retail Sale of Products Produced on Site						As per Commercial Zone		
	Service Industry								
	Showroom						1 per 30m ² GLA		

TABLE 6 - INDUSTRY ZONE

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

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

DEVELOPMENT STANDARDS

		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
USES					FRONT	REAR	SIDES			
		2000m ²	25m	1.0	9M	NIL	NIL	1 SPACE FOR EVERY 50M ² GLA	10% OF SITE AREA	
	Storage Yard	P								
	Tavern	SA	30m					1 space per 2m ² of gross bar & lounge floor area. Concessions where integrated with multi-use complex		
	Transport Depot	P								
	Vehicle Repair Station	P								
	Veterinary Clinic	P						1 per staff member plus 4 per practitioner		
	Veterinary Hospital	P								
	Warehouse	P						1 per 100m ² GLA		

TABLE 7 - RURAL RESIDENTIAL ZONE									
POLICY STATEMENT - This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.			IP	not permitted unless incidental to predominant use.				
AA	may be developed after Council has granted planning approval. Council may advertise proposal.			X	not permitted.				
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
USES				FRONT	REAR	SIDES			
	2ha or 1ha with scheme water (with the exception of those areas within the Lake Clifton catchment, where generally an average lot size of 5ha with 2ha minimum is required)	75m		50m or as per declared building envelope	100m as per declared building envelope (150m from the high water mark of lake Clifton)	15m or as per declared building envelope			Any subdivision or development within the Lake Clifton catchment area shall comply with the requirements of the WAPC's Coastal & lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton).
USES									
	Additional Accommodation	IP							
	Bed and Breakfast Accommodation	SA							
	Bee-keeping	AA							
	Chalets, Holiday Flats & Cabins	SA							
	Cornor Shop	SA					Minimum 6 bays		Maximum retail floor area of 50m ² , 30% of front setback landscaped

TABLE 7 - RURAL RESIDENTIAL ZONE

TABLE 7 - RURAL RESIDENTIAL ZONE									
POLICY STATEMENT - This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.				IP	not permitted unless incidental to predominant use.			
AA	may be developed after Council has granted planning approval. Council may advertise proposal.				X	not permitted.			
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	2ha or 1ha with scheme water (with the exception of those areas within the Lake Clifton catchment, where generally an average lot size of 5ha with 2ha minimum is required)	75m		50m or as per declared building envelope	100m as per declared building envelope (150m from the high water mark of lake Clifton)	15m or as per declared building envelope			Any subdivision or development within the Lake Clifton catchment area shall comply with the requirements of the WAPC's Coastal & lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton).
Dwelling House	P						2 bays with one under cover		Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or thelike and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
Home Occupation	AA								

POLICY STATEMENT - This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.									
TABLE 7 - RURAL RESIDENTIAL ZONE									
DEVELOPMENT STANDARDS									
		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping
					FRONT	REAR	SIDES		
USES		2ha or 1ha with scheme water (with the exception of those areas within the Lake Clifton catchment, where generally an average lot size of 5ha with 2ha minimum is required)	75m		50m or as per declared building envelope	100m as per declared building envelope (150m from the high water mark of lake Clifton)	15m or as per declared building envelope		
									Any subdivision or development within the Lake Clifton catchment area shall comply with the requirements of the WAPC's Coastal & Lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton).
Intensive Agriculture	SA								
									In considering a proposal to develop land for intensive agriculture the Council shall: a) Take account of soil types, slope and groundwater flows and surface water drainage and proximity to the estuary, b) Take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality, and c) Seek advice from the Departments of Agriculture and Environmental Protection and take account of that advice in making its determination or defer the decision pending a formal assessment under part IV of the Environmental Protection Act.

TABLE 7 - RURAL RESIDENTIAL ZONE

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

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	2ha or 1ha with scheme water (with the exception of those areas within the Lake Clifton catchment, where generally an average lot size of 5ha with 2ha minimum is required)	75m		50m or as per declared building envelope	100m as per declared building envelope (150m from the high water mark of lake Clifton)	15m or as per declared building envelope			Any subdivision or development within the Lake Clifton catchment area shall comply with the requirements of the WAPC's Coastal & lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton).
Multiple Occupancy	SA	2ha			50m	50m	1 per unit		
Public Recreation	AA								
Private Recreation	AA								
Plant Nursery	SA								
Public Utility	P								
Rural Pursuit	SA								
Veterinary Clinic	SA						1 per staff member plus 4 per practitioner		

TABLE 7 - RURAL RESIDENTIAL ZONE									
POLICY STATEMENT - This zone is intended to provide the opportunity for residential living in a semi-rural atmosphere with appropriate controls to minimise clearing and encourage re-planting of indigenous vegetation.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.			IP	not permitted unless incidental to predominant use.				
AA	may be developed after Council has granted planning approval. Council may advertise proposal.			X	not permitted.				
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	2ha or 1ha with scheme water (with the exception of those areas within the Lake Clifton catchment, where generally an average lot size of 5ha with 2ha minimum is required)	75m		50m or as per declared building envelope	100m as per declared building envelope (150m from the high water mark of lake Clifton)	15m or as per declared building envelope			Any subdivision or development within the Lake Clifton catchment area shall comply with the requirements of the WAPC's Coastal & lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton).
Veterinary Hospital	SA						1 per staff member plus 4 per practitioner		
Wayside Stall	SA								100m clear visibility along roads in each direction

TABLE 8 - RURAL ZONE

TABLE 8 - RURAL ZONE									
POLICY STATEMENT - This zone is intended to apply to those parts of the municipality which are suitable for agricultural or general rural activity. Council's Rural Strategy has determined which rural areas are suitable for semi-urban and urban development. Prior to rezoning for rural residential and residential development, the land owner will be required to undertake a comprehensive Outline Development Planning process. The character of well-vegetated rural areas in the City should be extensively retained where possible by employing sympathetic urban design.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.				IP	not permitted unless incidental to predominant use.			
AA	may be developed after Council has granted planning approval. Council may advertise proposal.				X	not permitted.			
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
	Subdivision for small lot rural-residential use is not permitted			100m setbacks will apply to all buildings (except where lot dimensions preclude this in which the setbacks as specified within the "Rural Residential" zone shall apply) with a 150m setback from the high water mark of Lake Clifton.					Any subdivision or development within the Lake Clifton catchment area shall comply with the requirements of the WAPC's Coastal & Lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton).
USES									
Additional Accommodation	AA	900m²							
Aquaculture	P								
Arts and Crafts Display	SA								
Bed and Breakfast Accommodation	SA						1 additional bay per bedroom available for hire		
Caravan Park	SA								
Cattery	SA								
Chalets, Holiday Flats & Cabins	P								
Dog Kennels	SA								

TABLE 8 - RURAL ZONE

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POLICY STATEMENT - This zone is intended to apply to those parts of the municipality which are suitable for agricultural or general rural activity. Council's Rural Strategy has determined which rural areas are suitable for semi-urban and urban development. Prior to rezoning for rural residential and residential development, the land owner will be required to undertake a comprehensive Outline Development Planning process. The character of well-vegetated rural areas in the City should be extensively retained where possible by employing sympathetic urban design.										
P	is consistent with the objectives of the Scheme and may be developed after planning approval.				IP	not permitted unless incidental to predominant use.				
AA	may be developed after Council has granted planning approval. Council may advertise proposal.				X	not permitted.				
SA	may be developed after Council has granted planning approval. Must be advertised.									
DEVELOPMENT STANDARDS										
	USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
		Subdivision for small lot rural-residential use is not permitted			100m setbacks will apply to all buildings (except where lot dimensions preclude this in which the setbacks as specified within the "Rural Residential" zone shall apply) with a 150m setback from the high water mark of Lake Clifton.					Any subdivision or development within the Lake Clifton catchment area shall comply with the requirements of the WAPC's Coastal & Lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton).
	Intensive Agriculture	AA								In considering a proposal to develop land for intensive agriculture the Council shall: a)Take account of soil types, slope and groundwater flows and surface water drainage and proximity to the estuary, b)Take account of the objectives of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended with respect to the potential impact of the proposal on the environment and water quality, and c)Seek advice from the Departments of Agriculture and Environmental Protection and take account of that advice in making its determination or defer the decision pending a formal assessment under part IV of the Environmental Protection Act.
	Plant Nursery	AA						1/50m² of public area		
	Place of Public Worship	SA								
	Produce Store	AA						1/50m² sales and storage area		
	Public Utility	P								

TABLE 8 - RURAL ZONE

POLICY STATEMENT - This zone is intended to apply to those parts of the municipality which are suitable for agricultural or general rural activity. Council's Rural Strategy has determined which rural areas are suitable for semi-urban and urban development. Prior to rezoning for rural residential and residential development, the land owner will be required to undertake a comprehensive Outline Development Planning process. The character of well-vegetated rural areas in the City should be extensively retained where possible by employing sympathetic urban design. P is consistent with the objectives of the Scheme and may be developed after planning approval. IP not permitted unless incidental to predominant use. AA may be developed after Council has granted planning approval. Council may advertise proposal. X not permitted. SA may be developed after Council has granted planning approval. Must be advertised.									
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	Subdivision for small lot rural-residential use is not permitted			100m setbacks will apply to all buildings (except where lot dimensions preclude this in which the setbacks as specified within the "Rural Residential" zone shall apply) with a 150m setback from the high water mark of Lake Clifton.					Any subdivision or development within the Lake Clifton catchment area shall comply with the requirements of the WAPC's Coastal & Lakelands Planning Strategy & the EPA Bulletin 864 (Final criteria for Environmental Acceptability for Land Use proposals within the Catchment of Lake Clifton).
Rural Pursuit	P								
Stable	P								
Stock Yard	SA								
Wayside Stall	AA	40m							100m clear visibility along roads in each direction
Zoological Gardens	SA	2 ha					As determined by Council		An application shall be subject to the provision of a detailed management plan to the satisfaction of Council and Agriculture Western Australia.

TABLE 9 – URBAN DEVELOPMENT ZONE

TABLE 9 – URBAN DEVELOPMENT ZONE										
POLICY STATEMENT - The Urban Development Zone is intended to provide for future residential and urban related development after comprehensive planning has been carried out of the relevant areas resulting in an approved Outline Development Plan. The Outline Development Plan should conform with any Structure Plans or Guide Plans, any Planning Policies and Retail Structure Plan adopted by Council and the Western Australian Planning Commission. Where no Outline Development Plan exists the following Uses and Development Standards shall apply. Land uses that are likely to adversely affect the potential for future residential development should not be permitted (eg uses that require intensive use of insecticide or other chemicals).										
P	is consistent with the objectives of the Scheme and may be developed after planning approval.				IP	not permitted unless incidental to predominant use.				
AA	may be developed after Council has granted planning approval. Council may advertise proposal.				X	not permitted.				
SA	may be developed after Council has granted planning approval. Must be advertised.									
DEVELOPMENT STANDARDS										
		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
	USES				FRONT	REAR	SIDES			
					100m setbacks will apply to all buildings except where lot dimensions preclude this in which case a 15m minimum shall apply					<ul style="list-style-type: none">Any development proposal should take into account any draft Outline Development Plan.
	Additional Accommodation	AA	900m²							
	Aquaculture	AA								
	Arts and Crafts Display	SA								
	Bed and Breakfast Accommodation	IP						1 additional bay per bedroom available for hire		
	Cattery	SA								
	Chalets, Holiday Flats & Cabins	SA								
	Dog Kennels	SA								
	Dwelling	P								Limited to one dwelling for lots under 2 hectares and maximum of 2 for larger lots. Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or thelike and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
	Hobby Farm	P	2 ha							Stocking Rates subject to approval by Agriculture Western Australia.

TABLE 9 – URBAN DEVELOPMENT ZONE

POLICY STATEMENT - The Urban Development Zone is intended to provide for future residential and urban related development after comprehensive planning has been carried out of the relevant areas resulting in an approved Outline Development Plan. The Outline Development Plan should conform with any Structure Plans or Guide Plans, any Planning Policies and Retail Structure Plan adopted by Council and the Western Australian Planning Commission. Where no Outline Development Plan exists the following Uses and Development Standards shall apply. Land uses that are likely to adversely affect the potential for future residential development should not be permitted (eg uses that require intensive use of insecticide or other chemicals).

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
				100m setbacks will apply to all buildings except where lot dimensions preclude this in which case a 15m minimum shall apply					<ul style="list-style-type: none"> Any development proposal should take into account any draft Outline Development Plan.
Home Occupation	IP								
Plant Nursery	AA						1/50m ² of public area		
Produce Store	AA						1/50m ² sales and storage area		
Public Utility	P								
Rural Pursuit	P								
Stable	P								
Stock Yard	SA								
Wayside Stall	AA	40m							

TABLE 10 - TOURIST ZONE

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

P is consistent with the objectives of the Scheme and may be developed after planning approval.

AA may be developed after Council has granted planning approval. Council may advertise proposal.

SA may be developed after Council has granted planning approval. Must be advertised.

IP not permitted unless incidental to predominant use.

X not permitted.

DEVELOPMENT STANDARDS

		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT SIDES	REAR				
	USES			1.5	9m	1.5m per storey	1.5m per storey	As determined by Council	15% of Site Area	
	Aged Persons Village	SA	30m					1.25 per unit		
	Arts and Crafts Display	SA								
	Bed and Breakfast Accommodation	P								
	Car Park	AA			2m	1m	1m	N/A		
	Caravan Park	P	4000m ²							
	Caretaker's House	IP								
	Chalets, Holiday Flats & Cabins	P								
	Club Premises	AA								
	Cultural Use	P								

TABLE 10 - TOURIST ZONE

POLICY STATEMENT - The intention of this zone is to encourage the development of tourist facilities in the District to promote and take advantage of the tourism and recreational assets of the Region. Where possible, Council will encourage the development of short term accommodation in preference to permanent residential development within the Zone. P is consistent with the objectives of the Scheme and may be developed after planning approval. AA may be developed after Council has granted planning approval. Council may advertise proposal. SA may be developed after Council has granted planning approval. Must be advertised.									
DEVELOPMENT STANDARDS									
USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT SIDES	REAR				
			1.5	9m	1.5m per storey	1.5m per storey	As determined by Council	15% of Site Area	
Dwelling (Single House, Group, Multi)	AA	As per Residential Planning codes R40 Density or as otherwise shown on Scheme Maps							Dwellings will only be permitted for permanent occupation where the proposal complies with an approved Outline Development Plan. Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or thelike and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
Educational Establishment	AA								
Hire Service (Non Industrial)	IP								
Home Occupation	IP								
Hotel	SA						1 per bed plus 1 per 2m ² public bar area plus 1 per 3m ² lounge area		
Laundromat	AA								Permitted only where associated with a tourist complex
Lodging House	P								
Lunch Bar	P								

TABLE 10 - TOURIST ZONE

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

P is consistent with the objectives of the Scheme and may be developed after planning approval.

AA may be developed after Council has granted planning approval. Council may advertise proposal.

SA may be developed after Council has granted planning approval. Must be advertised.

IP not permitted unless incidental to predominant use.

X not permitted.

DEVELOPMENT STANDARDS

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

TABLE 11 - CANAL ZONE

TABLE 11 - CANAL ZONE									
POLICY STATEMENT - The Canal Zone is intended to provide for the development of Canal Estates that have a high standard of amenity and have minimal impacts upon the environmental qualities of the area.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.				IP	not permitted unless incidental to predominant use.			
AA	may be developed after Council has granted planning approval. Council may advertise proposal.				X	not permitted.			
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	The minimum lot area for the purpose of all residential developments shall be calculated on the effective lot area only			A minimum front setback of 3m will be permitted provided a 6m average is maintained	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m			1. The size and location of development shall be in accordance with the Concept Plan or Outline Development Plan adopted by Council and WAPC. 2.No building or load bearing structure shall be closer than 6m to any waterway wall. Engineering certification will be required for any variance to the minimum 6m setback (except for Waterside and Port Mandurah Stage 1, where no variance will be granted) to a minimum of 4 metres, with an average of 6 metres. 3.No retaining wall shall be erected along the canal frontage or within 0.6m of the outer edge (canal side) of a canal wall. 4.Where a boundary abuts a waterway the setback requirements shall be measured from the outer or canal side of the canal wall.
USES									
	Aged Persons' Village	SA	As per Residential Planning Codes according to density shown on Scheme Maps or on an approved Outline Development Plan except where a boundary abuts an a waterway where the setback shall be a minimum of 4m with an average of 6m.						
	Bed and Breakfast Accommodation	P	As per Residential Planning Codes according to density shown on Scheme Maps or on an approved Outline Development Plan except where a boundary abuts an a waterway where the setback shall be a minimum of 4m with an average of 6m.						
	Boat Pump Out Facility	SA	N/A	N/A		N/A		N/A	N/A

TABLE 11 - CANAL ZONE

TABLE 11 - CANAL ZONE									
POLICY STATEMENT - The Canal Zone is intended to provide for the development of Canal Estates that have a high standard of amenity and have minimal impacts upon the environmental qualities of the area.									
P	is consistent with the objectives of the Scheme and may be developed after planning approval.			IP	not permitted unless incidental to predominant use.				
AA	may be developed after Council has granted planning approval. Council may advertise proposal.			X	not permitted.				
SA	may be developed after Council has granted planning approval. Must be advertised.								
DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	The minimum lot area for the purpose of all residential developments shall be calculated on the effective lot area only			A minimum front setback of 3m will be permitted provided a 6m average is maintained	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m			1. The size and location of development shall be in accordance with the Concept Plan or Outline Development Plan adopted by Council and WAPC. 2.No building or load bearing structure shall be closer than 6m to any waterway wall. Engineering certification will be required for any variance to the minimum 6m setback (except for Waterside and Port Mandurah Stage 1, where no variance will be granted) to a minimum of 4 metres, with an average of 6 metres. 3.No retaining wall shall be erected along the canal frontage or within 0.6m of the outer edge (canal side) of a canal wall. 4. Where a boundary abuts a waterway the setback requirements shall be measured from the outer or canal side of the canal wall.
Canal Walls, Retaining Walls and Fencing	P	N/A	N/A	N/A	N/A	N/A	N/A	N/A	a) No retaining wall that is less than 6m from the canal wall shall be greater than 1m in height above the original stabilised surface. b) No fence shall exceed 2m in height above the original stabilised surface. c) No retaining wall shall be greater than 1.5m in height above the original stabilised surface.No retaining wall shall be greater than 1.5m in height above the original stabilised surface.

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DEVELOPMENT STANDARDS

		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
USES		The minimum lot area for the purpose of all residential developments shall be calculated on the effective lot area only			A minimum front setback of 3m will be permitted provided a 6m average is maintained	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m			1. The size and location of development shall be in accordance with the Concept Plan or Outline Development Plan adopted by Council and WAPC. 2. No building or load bearing structure shall be closer than 6m to any waterway wall. Engineering certification will be required for any variance to the minimum 6m setback (except for Waterside and Port Mandurah Stage 1, where no variance will be granted) to a minimum of 4 metres, with an average of 6 metres. 3. No retaining wall shall be erected along the canal frontage or within 0.6m of the outer edge (canal side) of a canal wall. 4. Where a boundary abuts a waterway the setback requirements shall be measured from the outer or canal side of the canal wall.
	Car Park	SA			2m	1m	1m		10% of site	
	Consulting Room Attached to a House	SA								
	Display Home Centre	AA						Off street parking of 4 bays per display house		

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DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	The minimum lot area for the purpose of all residential developments shall be calculated on the effective lot area only			A minimum front setback of 3m will be permitted provided a 6m average is maintained	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m			1. The size and location of development shall be in accordance with the Concept Plan or Outline Development Plan adopted by Council and WAPC. 2. No building or load bearing structure shall be closer than 6m to any waterway wall. Engineering certification will be required for any variance to the minimum 6m setback (except for Waterside and Port Mandurah Stage 1, where no variance will be granted) to a minimum of 4 metres, with an average of 6 metres. 3. No retaining wall shall be erected along the canal frontage or within 0.6m of the outer edge (canal side) of a canal wall. 4. Where a boundary abuts a waterway the setback requirements shall be measured from the outer or canal side of the canal wall.
	As per Residential Planning Codes according to density shown on Scheme Maps or on an approved Outline Development Plan except where a boundary abuts an a waterway where the setback shall a minimum of 4m with an average of 6m (see other requirements).								
Dwelling (Single House, Group, Multi)	P								Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or thelike and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
Home Occupation	AA								
Hotel	SA								

TABLE 11 - CANAL ZONE

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DEVELOPMENT STANDARDS

		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
					FRONT	REAR	SIDES			
USES		The minimum lot area for the purpose of all residential developments shall be calculated on the effective lot area only			A minimum front setback of 3m will be permitted provided a 6m average is maintained	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m			1. The size and location of development shall be in accordance with the Concept Plan or Outline Development Plan adopted by Council and WAPC. 2. No building or load bearing structure shall be closer than 6m to any waterway wall. Engineering certification will be required for any variance to the minimum 6m setback (except for Waterside and Port Mandurah Stage 1, where no variance will be granted) to a minimum of 4 metres, with an average of 6 metres. 3. No retaining wall shall be erected along the canal frontage or within 0.6m of the outer edge (canal side) of a canal wall. 4. Where a boundary abuts a waterway the setback requirements shall be measured from the outer or canal side of the canal wall.
	Marina	AA							Minimum landscaping 10% of site	
	Marine Filling Station	SA							Minimum landscaping 10% of site	
	Motel	P								
	Public Recreation	AA								
	Private Hotel	SA								

TABLE 11 - CANAL ZONE

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DEVELOPMENT STANDARDS									
	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
USES	The minimum lot area for the purpose of all residential developments shall be calculated on the effective lot area only			A minimum front setback of 3m will be permitted provided a 6m average is maintained	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m	Where the boundary abuts a canal the setback to any building or structure shall be a minimum of 4m with an average of 6m			1. The size and location of development shall be in accordance with the Concept Plan or Outline Development Plan adopted by Council and WAPC. 2. No building or load bearing structure shall be closer than 6m to any waterway wall. Engineering certification will be required for any variance to the minimum 6m setback (except for Waterside and Port Mandurah Stage 1, where no variance will be granted) to a minimum of 4 metres, with an average of 6 metres. 3. No retaining wall shall be erected along the canal frontage or within 0.6m of the outer edge (canal side) of a canal wall. 4. Where a boundary abuts a waterway the setback requirements shall be measured from the outer or canal side of the canal wall.
Public Utility	P								
Tavern	SA								

TABLE 12 – MANDURAH OCEAN MARINA DEVELOPMENT ZONE

POLICY STATEMENT – The Mandurah Ocean Marina Development Zone is intended to provide for public marina uses, tourist, commercial and residential components for the local and visiting community, which has strong links to the existing cultural and town precincts, in recognition of the strategic location of the site in its local and regional context. Comprehensive planning shall be carried out for the area resulting in an approved Outline Development Plan. The Outline Development Plan should conform with any Structure Plans or Guide Plans, and any Planning Policies adopted by Council and the Western Australian Planning Commission. Where no Outline Development Plan exists, the following Uses and Development Standards shall apply.

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

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

SA may be developed after Council has granted planning approval. Must be advertised.

DEVELOPMENT STANDARDS

USES	Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	Minimum Boundary Setbacks			Minimum Car Parking	Landscaping	Other Requirements
				FRONT	REAR	SIDES			
	1,000m ²	20m	1.0	9m	1.5m per storey	1.5m per storey	As determined by Council	15% of Site Area	
Bed and Breakfast Accommodation	P								
Caravan Park	P	4,000m ²							
Caretaker's House	IP								
Car Park	IP								
Chalets, Holiday Flats, Cabins	AA								
Club Premises	P								
Coin Operated Laundry	IP								
Cultural Use	P								
Dwelling (single, house, group, multi)	AA	As per Residential Planning Codes R40 density or as otherwise shown on the Scheme Maps							Where a lot abuts onto a foreshore reserve the minimum setback to a dwelling shall be 4.5 metres to an open balcony, verandah and/or thelike and 6.0 metres to the main building. A 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.
Eating House	P						1 per 4 seats & 1 per 1m of queue length		
Hire Service (Non Industrial)	AA								
Home Occupation	IP								

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DEVELOPMENT STANDARDS

		Minimum Boundary Setbacks						Minimum Car Parking	Landscaping	Other Requirements
		Minimum Lot Area	Minimum Effective Frontage	Maximum Plot Ratio	FRONT	REAR	SIDES			
USES		1,000m ²	20m	1.0	9m	1.5m per storey	1.5m per storey	As determined by Council	15% of Site Area	
Licensed Restaurant	P									The provision of a reticulated water supply and a reticulated sewerage system.
Marina	SA									
Marine Filling Station	SA									
Motel	AA	4,000m ²						1 per unit		The provision of a reticulated water supply and a reticulated sewerage system. Motel by-laws apply.
Public Amusement	SA									
Public Utility	P									
Reception Centre	SA							1 per 4 seats		
Recreation - Private	AA									
Recreation - Public	P									
Restaurant	AA							1 per 4 seats		
Shop	AA									
Shop being part of Tourist Building	IP							1 per 20m ² GLA		
Takeaway Food Outlet	P							1 per 4 seats plus 1 per 1m of queue length area		Stacking bays may be included in the car parking calculation.
Tavern	SA							1 per 2m ² public bar area plus 1 per 3m ² lounge area		

5.1 RESIDENTIAL PLANNING CODES

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

5.1.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.

5.1.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

5.1.4 The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Codes density number superimposed on the particular areas shown on the Scheme maps as being contained within the solid black line borders or where such an area abuts another area having a Residential Planning Code density, as being contained within the centre-line of those borders.

5.2 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES

5.2.1 Lots fronting Waterways

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

5.3 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

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

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

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

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

5.4 HOME OCCUPATIONS

The following shall apply to Home Occupations—

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

5.5 GENERAL BUILDING AND DEVELOPMENT STANDARDS

5.5.1 Specific Application to City

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

5.5.2 Requirements Not Readily Determined by Text

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

5.5.3 Traffic Entrances

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

5.5.4 Connection to Reticulated Sewerage System

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

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

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

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

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

5.6.2 Consideration of Applications Requiring Off-Street Parking

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

5.6.3 Parking Spaces to be Off-Street

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

5.6.4 General Requirements for Off-Street Parking

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

- (a) no building or land the subject of an application for Development Approval shall be occupied until all required parking and loading facilities have been provided to the satisfaction of the Council;
- (b) when the use of any land or building is changed to a use which under the Scheme requires a greater number of parking spaces, additional parking spaces shall, unless otherwise approved by the Council, be provided to meet the new requirements;
- (c) when a development on any land is enlarged, additional parking spaces to meet the requirements of this clause shall be provided in respect of the enlarged portion only;
- (d) any off-street parking or loading facility which is permitted but not required by this Scheme, shall comply with the standards herein governing the location, design, improvement and operation of such facilities;
- (e) all permitted or required parking and loading facilities shall be provided on the same site as the building or use served, except where Council considers off-site location to be appropriate due to varying physical and economic conditions;
- (f) parking facilities shall not be used for the storage of—
 - (i) vehicles for sale;
 - (ii) recreational vehicles; or
 - (iii) commercial vehicles, trucks or trailers (unless the parking facilities used to store such commercial vehicles trucks or trailers are in excess of the minimum requirement); nor shall parking facilities be used for the repair of vehicles;
- (g) if the Scheme does not specify the number of parking spaces required in respect of any particular use, then the number of parking spaces to be provided shall be fixed by the Council having regard to other relevant uses, if any;
- (h) where land is set aside as an off-street parking area no buildings or structures shall be erected, placed or allowed to remain on such land unless they are solely to accommodate parked vehicles. If part of a parking area is not immediately required for parking the Council may approve

its use temporarily for open storage, lawns and gardens or trade display provided that such use does not contravene any other provision of this Scheme.

- (i) All parking spaces and all necessary accessways shall, unless the Council agrees otherwise and except as hereinafter provided, be paved.
- (j) Where the dimensions of an open car parking area exceed 20m in length or width, one parking space in every twenty shall be used for garden and planting of native plants and trees to provide visual relief and so long as the garden and planting areas are maintained in good order those parking spaces shall be included in calculations as car parking and not as landscaping.
- (k) Where the owner demonstrates to the satisfaction of the Council that there is not the demand for the number of parking spaces specified in the Zoning Tables, the Council may permit the owner to provide landscaping in the lieu of parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping; but the Council may from time to time require the additional parking spaces be provided at the expense of the owner.
- (l) When considering an Application for Development Approval the Council shall have regard to and may impose conditions in respect of the location and design of the required car parking spaces, the planting of native trees and shrubs and pedestrian spaces on the lot; and in particular, but without limiting the generality of the foregoing, the Council shall take into account and may impose conditions concerning—
 - (i) the proportion of parking spaces to be roofed or covered;
 - (ii) the proportion of parking spaces to be below natural ground level;
 - (iii) the means of access to each parking space and the adequacy of any vehicular manoeuvring area;
 - (iv) the location of parking spaces on the lot and their effect on the amenity of adjoining properties, including the potential effect if those spaces should later be roofed or covered;
 - (v) the extent to which parking spaces are located within required setback areas.

5.6.5 Joint Use of Parking Facilities

5.6.5.1 Parking facilities may be provided jointly by two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements hereinafter set out in this subclause.

5.6.5.2 If there is a deficiency in the number of parking spaces provided to serve any building or use, the Council may permit the parking spaces for that building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of parking spaces provided that the peak hours of operation of the buildings or uses sharing are different and do not substantially overlap.

5.6.5.3 The Council may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this subclause when, in the opinion of the Council, such arrangements are deemed necessary to improve design or amenity.

5.6.5.4 The following requirements shall be complied with by any person seeking to take advantage of the provisions of this subclause;

- (a) evidence shall be provided sufficient to satisfy the Council that no substantial conflict will exist in the peak hours or operation of the buildings or uses for which the joint use of parking spaces or the reciprocal access and circulation arrangements is proposed;
- (b) the number of parking spaces which may be credited from one building or use to another building or use shall not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the first building or use during its off-peak hours of operation; and
- (c) the Council may require an agreement to be prepared by a solicitor at the expense of the person seeking to take advantage of the provisions of this subclause, detailing the relevant issues of the joint usage, and executed by all parties concerned. Any such agreement shall be capable of operating as an easement, an easement in gross and/or a restrictive covenant against any land providing parking spaces, reciprocal access or circulation arrangements and shall ensure that where the easement or restriction is made expressly in favour of an adjacent landowner other than the City, that the restraint cannot be removed without the consent of the Council upon the Council being satisfied that the joint use of parking facilities is no longer required.

5.7 DESIGN REQUIREMENTS FOR OFF-STREET PARKING

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

5.8 UNITS OF MEASUREMENT

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

- (a) when the unit of measurement is based on the number of employees, the shift or employment period during which the greatest number of employees are present at the building or use shall be used in the computation;
- (b) when the unit of measurement is based on Gross Floor Area the definition for Gross Floor Area contained in Appendix 1 to this Scheme shall apply for determining the required number of car spaces; and

- (c) when the unit of measurement is based on Gross Leasable Area the definition for Gross Leasable Area contained in Appendix 1 to this Scheme shall apply for determining the required number of car spaces.

5.9 CASH IN LIEU OF PROVIDING PARKING SPACES

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

5.10 LANDSCAPING

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

5.11 SECONDARY STREET SETBACKS

5.11.1 Where development is proposed on a lot which has more than one street frontage, the Council shall decide which street (if any) is the street frontage for the purposes of the Zoning Tables and the other provisions of the Scheme.

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

Residential Zone

As per 'R' Codes;

Industrial and Commercial Zones

All buildings—50% of primary street setback.

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

5.12 ACCESS FOR LOADING AND UNLOADING OF VEHICLES

5.12.1 Unless the Council otherwise approves and subject to any conditions it imposes a person shall not use any land or building within any non-residential zone for any purpose unless there is provided a paved accessway for vehicles from a street to the land or building so that loading and unloading can take place off the street and vehicles may return to the street in forward gear.

5.12.2 An accessway provided under this clause shall be not less than 4.5m in width, but if the size of the lot makes the provision of an accessway of that width impracticable or unreasonable the Council may permit an accessway of a narrower width but in no case less than 3m in width.

5.12.3 A paved area for loading and unloading shall be not less than 3.5m in width by 7m with a minimum height clearance of 3.5m shall also be provided.

5.13 BUILDING MATERIALS

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

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

5.14 SCREENING OF STORAGE AREAS

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

5.15 DEVELOPMENT ABUTTING MANDURAH TERRACE AND PINJARRA ROAD

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

5.16 USE OF BUILDING SETBACK FROM STREET

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

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

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

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

5.17 PARKING AND REPAIR OF COMMERCIAL VEHICLES

A person shall not on land within the Residential, Rural Residential and Canal Zones.

- (a) park or allow to remain stationary for more than two hours consecutively
 - (i) more than one commercial vehicle;
 - (ii) a commercial vehicle unless it is housed in a domestic garage or domestic out-building; unless the vehicle is being used in connection with building, construction works or any other use approved by Council on that land;
- (b) repair or service a commercial vehicle.

5.18 BATTLE-AXE LOTS

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

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

6.1 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE**6.1.1 Purpose and Intent**

6.1.1.1 The purpose and intent of the heritage provisions are—

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

6.1.2 Heritage List

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

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

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

6.1.3 Designation of Heritage Precincts

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

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

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

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

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

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

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

6.1.4 Applications for Planning Approval

6.1.4.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.

6.1.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.

6.1.4.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.

6.1.4.4 For the purposes of sub-clause 7.1.1 of the Scheme the term 'development' shall have the meaning as set out in the *Town Planning and Development Act* (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that is likely to significantly change the external character of the building, object, structure or place.

6.1.5 Formalities of Application

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

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

6.1.6 Variations to Scheme Provisions

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

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

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

6.2 CONTROL OF ADVERTISEMENTS

6.2.1 Power to Control Advertisements

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

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

6.2.2 Existing Advertisements

6.2.2.1 Advertisements which—

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

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

6.2.3 Consideration of Applications

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

6.2.4 Exemptions from the Requirement to Obtain Planning Approval

6.2.4.1 Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 6.2.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Appendix 9 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 1 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 6.1 of the Scheme.

6.2.5 Discontinuance

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

6.2.6 Derelict or Poorly Maintained Signs

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

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

6.2.7 Notices

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

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

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

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

6.2.8 Scheme to Prevail

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

6.2.9 Enforcement and Penalties

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

6.3 DISTRICT STRUCTURE PLAN

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

6.4 PEEL-HARVEY CATCHMENT

6.4.1 For the purposes of this Scheme the Peel-Harvey Catchment means the Peel Harvey Coastal Plain Catchment as set out in Western Australian Planning Commission Statement of Planning Policy 2, together with any amendments thereto, and as delineated in the Scheme Maps.

6.4.2 Council shall be guided by the objectives and policy statements contained in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992 and the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended, a copy of which shall be kept and made available for public inspection at the offices of the Council.

6.4.3 Development of any kind in the Peel-Harvey Catchment should relate to land capability and suitability and specific management practices (such as effluent treatment, red mud amendment, revegetation, and stocking rates). Council shall have regard to the following provisions when dealing with any subdivision or other development in the Peel-Harvey Catchment.

- (a) Except in accordance with this clause, land should not be rezoned for urban purposes (which does not include rural residential) unless certification is received from the Water Corporation that arrangements have been made so that connection to an adequate sewerage service, or alternative system satisfactory to the Department of Environmental Protection and Health Department, will be available to all lots in the subdivision.

- (b) Proponents shall ensure that proposed changes to land zonings take account of land capability/suitability criteria with regard to the net effect that such changes are likely to have on the nutrient load discharging from that catchment into the Peel-Harvey Estuarine System.
- (c) Land use for intensive agriculture, which is likely to drain towards the Peel-Harvey Estuarine System shall be managed to reduce or eliminate nutrient export from the land.
- (d) The retention and rehabilitation of existing remnant vegetation is to be encouraged. A catchment target of 50% of land area established to deep rooted perennial plants, preferably local indigenous species but including high water using and suitable exotic species, shall be attempted. Remnant vegetation shall be retained along watercourses, or the margins shall be replanted to higher water-using vegetation, to maintain the stability of banks and exert some control on sediment and nutrient movement.
- (e) Subdivision proposals shall make provision for a drainage system which maximises the consumption and retention of drainage on site. Biological wetland filters, or other means of drainage, water retention or treatment approved by the Department of Environmental Protection, will need to be incorporated into the drainage design possibly by amendment of the soils in drainage basins or by the provision of wetland filters with nutrient retentive soil amendments in accordance with drainage management to the satisfaction of the Western Australian Planning Commission and the Department of Environmental Protection. Conservation reserves are not appropriate as biological wetland filters. Development near conservation reserves may require special constraints to protect and preserve them.
- (f) Open space recreation areas should be carefully designed to retain native vegetation and water and planted with low water demand vegetation to minimise the need to apply fertiliser and water. The treatment of open space soils with nutrient retentive soil amendment should be undertaken where phosphorus retention is low and the necessity for this soil amendment should be identified in nutrient management plans prepared by developers. Drainage should be designed to retain nutrients on site in most years; direct drainage off-site will not be permitted unless to the satisfaction of Council.
- (g) The Western Australian Planning Commission may consider, upon the advice of the Water and Rivers Commission, the Health Department and the Department of Environmental Protection, small-scale subdivisional developments with alternative wastewater treatment and effluent disposal systems for evaluative purposes. The onus of proof will rest with the subdivider to provide sufficient technical and engineering evidence that alternative systems or site modifications remove any adverse effects on public health, water resources or the environment whilst not detrimentally impacting on the character of the area.
- (h) Approvals will be required from the Water and Rivers Commission with regard to water supply from bores, wells, rivers in proclaimed water management areas and WRC drains and for connection of private and local authority drains to WRC drains. The limited availability of water may constrain some types of development.

6.4.4 For the purposes of the definition of development under the Act 'Intensive Agriculture' shall be deemed to be a material change of use requiring approval of the Council.

6.5 TREE PRESERVATION ENHANCEMENT

6.5.1 Objectives

The objectives of the tree preservation and planting provisions are—

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

6.5.2 Prescribed Requirements For Tree Preservation

(1) The ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree having at least one well-defined stem of a minimum 150mm in diameter measured at a height of 1.2 metres above the natural ground level and the removal of substantial natural vegetation are prohibited within the District except with the approval of Council or unless the tree or vegetation is exempted from compliance with this provision pursuant to clause 6.5.3.

(2) Trees shall not be removed, lopped, ringbarked or otherwise damaged, or substantial natural vegetation removed, except with the approval of Council, on land which is either within 100 metres of a water course, has a slope in excess of 20 per cent or has been shown on the Outline Development Plan as a tree preservation area on any lot.

(3) Notwithstanding the provisions in subclause (1) and (2), the Council may, by notice served upon the owner of the land, require the preservation of a particular tree or species of tree or group of trees, and thereafter no landowner shall cut, remove or otherwise destroy any tree the subject of such notice until Council rescinds or withdraws the notice or order.

6.5.3 Exemptions From Tree And Vegetation Preservation

Notwithstanding the requirements contained in Clause 6.5.2, Council's approval is not required for the lopping, topping, ringbarking, destruction or removal of trees, or natural vegetation, in the following cases—

- (a) Any tree, shrub or other plant which is not indigenous (or native) to the District in the opinion of Council;
- (b) Any tree with a stem less than 150mm in diameter measured at a height of 1.2 metres above the natural ground level;
- (c) Trees and natural vegetation on lots less than 4000m² in area provided such lots do not contain land which is either within 100 metres of a watercourse, has a slope in excess of 20 per cent or has been shown on the Outline Development Plan as a tree preservation area;
- (d) Any tree which is dead, diseased or constitutes an immediate threat to life or property;
- (e) Trees and vegetation within—
 - (i) three metres of any buildings;
 - (ii) a building envelope defined or accepted by Council;
 - (iii) the perimeter line of a proposed building for which a building licence has been issued;
 - (iv) a firebreak required by a Regulation or By-law;
 - (v) a one metre wide corridor for the purpose of erecting and maintaining a fence;
 - (vi) the area required for the construction of an effluent disposal system approved by Council; and
 - (vii) a vehicle access way to a property.
- (f) Any tree or natural vegetation within any rural zoned area the subject of an approved rural pursuit, subject to its compliance with the Soil Conservation Act, WAPC Statement of Planning Policy 2 and EPA Bulletin No 864 'Final criteria of environmental acceptability for land use proposals within the catchment of Lake Clifton'.
- (g) Any tree or natural vegetation within two metres of a sewer, water main, effluent disposal system, stormwater or power network where such a tree has caused or is likely to cause damage or blockage to that system or network;
- (h) Trees grown for commercial purposes;
- (i) Any tree within a State Forest; or
- (j) Trees being removed or disturbed as part of a verge/native tree replanting program carried out with Council's approval.

6.5.4 Criteria for Assessing Applications for Tree Removal

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

- (a) That there should be minimum disturbance to the landscape characteristics of the locality;
- (b) There is a demonstrated need for the removal of the tree or vegetation to facilitate development or agricultural use of the land;
- (c) The intrinsic value of the tree or vegetation in terms of physical state, rarity and variety;
- (d) A requirement that plans accompany the application for the removal of trees or vegetation identifying adequately, the specific areas to be cleared and species of the trees and natural vegetation to be removed;
- (e) The necessity to specify conditions relating to replanting and protection of trees;
- (f) The existing and future amenity of the adjoining land and the natural environment of the locality; and
- (g) The effect on the environment of removing trees and natural vegetation and the salination effects within water catchments.

6.5.5 Tree and Vegetation Corridors

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

6.6 Lake Clifton Groundwater Catchment

All development and subdivision on land within the Lake Clifton Groundwater Catchment shall conform to the Environmental Protection Authority "Criteria of environmental acceptability for land use proposals within the catchment of Lake Clifton."

7.1 REQUIREMENT FOR PLANNING APPROVAL

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

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

- (a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;
 - (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
- (b) The erection on a lot of a single house or ancillary building where a single house is a permitted ("P") use in the zone in which that lot is situated; or
- (c) The erection on a lot of two group dwellings which are single storey where such dwellings are a permitted "P" use in the zone in which that lot is situated; or
- (d) The erection of a boundary fence except where the proposed fence does not comply with Council Policy; or
- (d) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
- (e) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building.
- (f) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

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

- (a) an increase in the number of dwelling units on a lot;
- (b) the deposit of refuse or waste materials on land;
- (c) the excavation or filling of or other earthworks on land which change the natural contours of the land by more than 600mm;
- (d) the clearing or felling of trees or indigenous vegetation in accordance with Clause 6.5 or on a Place of Heritage Conservation Value.
- (e) Any works to be undertaken on a place listed on a Heritage List, including demolition.

7.1.4 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house, ancillary building, residential additions or erection of two grouped dwellings shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that—

- (a) the variation requested is one which the Council has the power to approve; and
- (b) approval of that variation would not compromise the objectives of the R-Codes.

7.2 APPLICATION FOR PLANNING APPROVAL

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

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

- (a) a plan or plans to a scale of not less than 1—200 showing;
 - (i) street names, Lot number(s), north point and the dimensions of the site;
 - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
 - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and

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

7.3 ADVERTISING OF APPLICATIONS

7.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'SA' use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 7.3.3.

7.3.2 Where an application is made for planning approval to commence or carry out development which involves an 'AA' use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 7.3.3.

7.3.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out—

- (a) Notice of the proposed development to be served on the owners and occupiers likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.
- (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.
- (c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.

7.3.4 The notice referred to in sub clause 7.3.3 (a) and (b) shall be in the form as determined by Council with such modifications as circumstances require.

7.3.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

7.4 CONSULTATIONS WITH OTHER AUTHORITIES

7.4.1 In determining any application for planning approval the Council may consult with any other statutory, public or planning authority and with any other party it considers appropriate.

7.4.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

7.5 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;
- (b) any relevant proposed new town planning scheme of the Council or amendment or proposed Region Scheme amendment insofar as they can be regarded as seriously entertained planning proposals;
- (c) any approved Statement of Planning Policy of the Commission;
- (d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- (e) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;
- (f) the preservation of any object or place of heritage significance;
- (g) the requirements of orderly and proper planning;
- (h) any relevant submissions or objectives received on the application.
- (i) any impact that a development may have on the environment (whether or not the subject of an environmental impact statement) and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;
- (j) any effect that a development may have on the landscape or scenic quality of the locality;
- (k) any effect that a development may have on any wilderness area in the locality;
- (l) whether there is likely to be a significant effect on the environment of endangered fauna or flora;
- (m) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development;
- (n) the size and shape of the land to which that development application relates, the siting of any building or works thereon and the area to be occupied by that development;
- (o) whether the land to which that development application relates is unsuitable for that development by reason of its being, or being likely to be, subject to flooding, tidal inundation, subsidence, slip or bush fire or to any other risk;
- (p) the relationship of that development to development on adjoining land or on other land in the locality;

- (q) whether the proposed means of entrance to and exit from that development and the land to which that development application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;
- (r) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for that development;
- (t) whether utility services are available and adequate for that development;
- (u) whether adequate provision has been made for the landscaping of the land to which that development application relates and whether any trees or other vegetation on the land should be preserved;
- (v) whether that development is likely to cause soil erosion;
- (w) any representations made by a public authority in relation to that development application, or to the development of the area, and the rights and powers of that public authority;
- (x) the existing and likely future amenity of the neighbourhood;
- (y) the public interest; and
- (z) any other planning considerations which the Council considers relevant.

7.6 DETERMINATION OF APPLICATIONS

7.6.1 In determining an application for planning approval the Council may—

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

7.6.2 The Council shall convey its decision to the applicant.

7.6.3 Where the Council grants planning approval, that approval—

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

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

7.7 DEEMED REFUSAL

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

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

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

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

7.8 COMPLIANCE WITH CONDITIONS

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

7.9 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

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

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

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

7.10 APPROVAL OF EXISTING DEVELOPMENTS

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

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

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

7.11 OUTLINE DEVELOPMENT PLANS AND TECHNICAL GUIDELINES

7.11.1 Content of Outline Development Plan

An Outline Development Plan shall be prepared to a scale of not less than 1—2500, on a contour base of 1.0 metre intervals and shall generally conform with the District Structure Plan as adopted by the Council (*and referred to in clause 5.3 and all other relevant strategies and policies adopted by the Western Australian Planning Commission and Council*). The following information shall be provided on such a plan—

- (a) Environmental Characteristics including—
 - (i) Topography of the area showing contours with any ridgelines highlighted and slopes greater than 20% shaded;
 - (ii) Vegetation within the area, including an assessment of the presence of Declared Rare Flora as defined by the Department of Conservation and Land Management, percentage of vegetation cleared, type and condition of vegetation and dominant landscape features. Any such assessment should be undertaken during the optimum flowering period;
 - (iii) Land holdings adjacent to and included in the area the subject of the application;
 - (iv) Water courses and seepage, rock outcrops, swamps, orchards, wells and nature of soils;
 - (v) Ground water;
 - (vi) A statement on rare and endangered species; and
 - (vii) Buffer zones and nutrient retention planting.
- (b) Land Uses including—
 - (i) General layout of lots together with lot sizes, the anticipated population, subdivision standards and the location of Residential Planning Code densities where appropriate;
 - (ii) Approximate location of building envelopes where relevant selected by on-site analysis of the physical characteristics of the land with particular emphasis on the location of effluent disposal systems in areas where reticulated sewerage is not available;
(The building envelope shall be defined so as to conform with the building setback requirements in the Scheme and to attain the maximum flexibility for the location of buildings but subject to the avoidance of significant landscape elements and areas where ground or soil conditions may prejudice the structural integrity of buildings or result in potential for pollution, erosion or flooding);
 - (iii) Vegetated areas and areas to be revegetated and/or landscaped;
 - (iv) Tree preservation areas and other physical features intended to be conserved;
 - (v) Public open space areas;
 - (vi) Shopping, civic and public facilities existing or proposed to support the additional population generated;
 - (vii) Location of strategic firebreaks;
 - (viii) Any places listed on Councils Municipal Inventory or in a Heritage Precinct; and
 - (ix) Any other special characteristics.
- (c) Servicing including—
 - (i) Existing and proposed road network;
 - (ii) Footpath, bicycle way, bridle path system;
 - (iii) Layout of the sewerage system or details of other forms of effluent disposal proposed;
 - (iv) The proposed stormwater disposal system. The proposed storm water disposal system be generally designed in accordance with the principles of water sensitive urban design; and
 - (v) The existing and proposed public transport system.
- (d) Assessment of Aboriginal Heritage Sites.
- (e) Assessment of impact on water catchment areas (where applicable) including— soil erosion effects such as sedimentation, tree decline, soil acidity and salinity, declining soil structure and fertility, turbidity and pollution.
- (f) Impact and control of dust, land clearing, water/ground pollution during and after construction.
- (g) Assessment of the cultural values of the area, utilising a cultural mapping exercise.
- (h) Notwithstanding the requirements in the preceding paragraphs of this sub-clause, the Council may request that an Outline Development Plan provide such other additional information as it considers appropriate.

7.11.2 Technical Guidelines

7.11.2.1 Technical Guidelines shall be complementary to the Outline Development Plan and provide a prescription for development, in the areas of planning, road works, effluent disposal, water, electrical services, bushfire control strategies, Telstra services, protection of the environment, landscaping, creating easements, controlling developments, or generally regulating or prescribing the use or development of the land included in a Development Plan, to overcome problems which would occur, should the land be developed. Likely impacts on ground water catchment areas and how these will be negated must also be addressed.

7.11.2.2 The bushfire control strategies to be included in the Technical Guidelines are primarily for protection of human life and property, but should also take account of environmental considerations such as conservation of indigenous flora and fauna, preservation of landscape amenity and erosion of fire breaks. An overall fire management strategy that meets safety and environmental criteria for areas proposed to be subdivided without necessitating fire breaks around each lot shall be achieved by the provision of a system of fire breaks around the total subdivision where possible.

7.11.2.3 Planning and integration of service corridors shall be investigated in the Technical Guidelines. The selection of environmentally sensitive routes for services using one corridor such as a road reserve and trench sharing for underground services are some matters that shall form part of such investigation.

7.11.3 Adoption Procedure

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

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

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

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

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

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

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

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

7.11.3.7 Any notice, sign of advertisement referred to in clause 7.11.3.2 shall specify a time within which submissions will be received, but that time shall not be less than 28 days from the date of Council's first notification nor less than 21 days from the date of the last notification.

7.11.3.8 The Council shall consider any submission received within the specified time, and any response received in time from any interested authority, and may consider any other submissions received prior to Council's final consideration of the Outline Development Plan.

7.11.3.9 The Council may, in regard to an Outline Development Plan for which notification has been given, resolve—

- (a) to reject it; or
- (b) to approve it without modifications; or
- (c) to approve it subject to certain modifications; and
- (d) in the case of an approval to stipulate conditions which the Council would impose on any development or would seek to have imposed on any subdivision in accordance with the Plan.

7.11.3.10 Where the Council resolves to adopt an Outline Development Plan for land with potential for subdivision it shall as soon as practicable send to the Commission—

- (a) a copy of the Plan including any modifications;
- (b) details of any conditions;
- (c) a precis of any submissions or responses received together with the Council's decision in respect thereof;

and the Council shall request the Western Australian Planning Commission to approve the Plan and to apply the conditions in the approval of any subdivision within the area covered by the Plan.

7.11.3.11 The Council may approve any development or recommend to the Western Australian Planning Commission approval of any subdivision which does not comply with any aspect of the approved Development Plan if the Council considers that the proposed departure or alteration will not prejudice the progressive development of the area subject of the Plan and is not considered to be a substantial alteration to the approved Outline Development Plan.

7.11.3.12 An Outline Development Plan may be modified by such means as the Council deems appropriate, provided that any modification, which, in the opinion of the Council and the Western Australian Planning Commission, is substantial, shall be dealt with by procedures similar to those for the approval of the Plan.

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

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

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

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

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

7.11.4 Exemptions to Outline Development Plan and Technical Guidelines

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

8.1 NON-CONFORMING USE RIGHTS

8.1.1 Except as otherwise provided in this part, no provision of the Scheme shall prevent—

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out were duly obtained and are current.

8.2 EXTENSION OF NON-CONFORMING USE

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

8.3 CHANGE OF NON-CONFORMING USE

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

8.4 DISCONTINUANCE OF NON-CONFORMING USE

8.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

8.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

8.5 DESTRUCTION OF BUILDINGS

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

9.1 POWERS OF THE SCHEME

9.1.1 The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers—

- (a) The Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- (c) An officer of the Council, authorised by the Council for the purpose, may at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

9.2 OFFENCES

9.2.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area—

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all approvals required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with;
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

9.2.2 Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by section 10 of the Act.

9.3 COMPENSATION

9.3.1 A claim for compensation for injurious affection can be made pursuant to Section 11 of the Act when the Scheme—

- (a) Permits the development on land for no purpose other than a public purpose;
- (b) Prohibits wholly or partially the continuance of any non-conforming use according to the terms of the Act

9.3.2 The time limit for the making of claims for compensation for injurious affection pursuant to Section 11(1) of the Act resultant from making of, or making of an amendment to the Scheme is six (6) months from the date of the Scheme or Scheme Amendment in the *Government Gazette*.

9.3.3 In addition to the compensation provisions of the Act and Clause 9.3.1, where, in respect of any application for planning approval to commence or carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may claim compensation from Council for injurious affection.

9.3.4 The time limit for the making of claims for compensation pursuant to Clause 9.3.3 is not later than six (6) months after the date of the decision of the Council or appellate body.

9.4 ELECTION TO PURCHASE AND VALUATION

9.4.1 Where compensation for injurious affection is claimed pursuant to either subclauses 9.3.1 or 9.3.2, the Council may, at its option elect to acquire the property so affected instead of paying compensation.

9.4.2 Where the Council elects to acquire the property 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.

9.4.3 Where the Council elects to acquire property as provided in sub-clause 9.4.1, if the Council and the owner of the property are unable to agree as to the price to be paid for the property by the Council, the price at which the property may be acquired by the Council shall be the value of the property as determined in accordance with sub-clause 9.4.4.

9.4.4 The value of the property referred to in sub-clause 9.4.3 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.

9.4.5 The Council may deal with or dispose of property acquired for a Local Reserve or pursuant to the preceding sub-clause 9.4.4 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.

9.5 RIGHTS OF APPEAL

9.5.1 An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

9.6 PLANNING POLICIES

9.6.1 The Council may prepare a planning policy (hereinafter called "a Policy") which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply—

- (a) generally or in a particular class of matter or in particular classes of matters; and
- (b) throughout the Scheme Area or in one or more parts of the Scheme Area

and may amend or add to or rescind a Policy so prepared.

9.6.2 A Policy shall become operative only after the following procedures have been completed—

- (a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- (c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

9.6.3 The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

9.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 9.6.2.

9.6.5 A Policy may be rescinded by—

- (a) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- (b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.

9.6.6 A Policy shall bind the Council in respect of any application for planning approval and the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

9.6.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

9.7 DELEGATION

9.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for Planning Approval made under this Scheme—

- (a) a member of the Council being the Chairman of the Committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such Committee; and/or
- (b) that senior employee of the Council, for the purpose of the Local Government Act with overall responsibility for the planning functions of the Council or appointed by the Council to supervise the development control functions of the Council,

or those persons who from time to time occupy the positions referred to in (a) and (b) above.

9.7.2 Any delegation made under sub-clause 9.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

9.7.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

9.7.4 The performance of the function by a delegate under subclause 9.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

9.7.5 Without affecting the generality of the provisions of this clause, where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider to have due regard to any matter, then that requirement shall be satisfied if a person exercising delegated authority in respect of that power performs the function.

9.7.7 A resolution to revoke or amend a delegation under this clause may be passed by an absolute majority.

9.7.8 An officer or member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

9.7.9 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

9.8 AMENDMENTS TO THE SCHEME

9.8.1 The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.

9.8.2 The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.

9.8.3 In the case of a proposed amendment to the zoning of land other than requested by the owner, the Council shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.

9.8.4 Council shall take into consideration any comments or submissions received in respect of a proposed amendment to the Scheme and shall only proceed with the amendment where it is satisfied the amendment would be consistent with the objectives of the Scheme and would not be contrary to the public interest.

9.8.5 Council may require applications for an amendment to the Scheme to comply with the requirements of Clause 7.11.

9.8.6 Scheme Amendments for Canal developments shall only be supported where the City of Mandurah becomes the waterways manager in accordance with Council policy.

9.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

9.9.1 Twenty-eight (28) days written notice is hereby prescribed as the notice to be given pursuant to section 10 of the Act for the removal of certain buildings.

9.9.2 Council may recover expenses under section 10(2) of the Act in a court of competent jurisdiction.

9.10 ADVISORY COMMITTEES

9.10.1 The Council may from time to time establish Advisory Committees to advise it on any matters in the Scheme subject to such terms of reference, procedures and conditions of office as it thinks fit. Where an Advisory Committee is proposed to be formed the intention to form a committee and the purpose shall be advertised.

9.10.2 An Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the Council have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.

9.10.3 In the event that a member of an Advisory Committee is also a Councillor, that member shall not discuss or vote on any matter before the Committee in which that member has pecuniary interest.

9.10.4 When dealing with any matter involving an application for Development Approval or when considering a Structure Plan or when dealing with any other matter involving a development proposal, the Council shall have due regard to any relevant recommendation of any Advisory Committee.

APPENDIX 1—INTERPRETATIONS

abattoir: means any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

absolute majority: has the meaning as given to it in the *Local Government Act 1995*.

act: means the *Town Planning and Development Act 1928* (as amended).

additional accommodation: commonly known as a "granny flat" and means accommodation ancillary to the main dwelling house on a lot and must be occupied by a relative of the occupiers of the principal dwelling unit.

advertisement: means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.

aged persons' home: means a residential building or group of buildings provided by a religious or charitable organisation, Government authority or other body approved by the Council for the accommodation of aged persons and design and used solely for that purpose.

aged persons' village: means a building or group of buildings consisting of either—

- (a) an aged persons' home; or
- (b) an aged persons' home and aged persons' dwelling units

and which includes buildings or parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.

amenity building: means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment of leisure, but not used or intended for use for the work of the industry or business.

amusement machine: means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

amusement parlour: means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

ancillary use: means a use which is incidental to the predominant use of land and buildings.

appendix: means an appendix to the Scheme.

aquaculture: means any fish farming operation for which a fish farm licence issued pursuant of the provisions of Part V of the *Fisheries Act 1905* (as amended) and the Fisheries Regulations 1938 (as amended) is required.

arts and crafts display: means any land or buildings used to display and sell works of art or craft.

auction mart: means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.

authorised officer: means an officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.

battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

bed and breakfast accommodation: means accommodation for not more than four (4) adults or one family in an establishment containing a maximum of two (2) guest bedrooms and two (2) guest bathrooms, located under the main roof of the dwelling.

betting agency: means a building operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended).

builder's storage yard: means any land or buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

Building Code of Australia: means the Building Code of Australia 1988 (as amended).

building envelope: means an area of land within a lot marked on a plan within which all buildings on the lot must be contained.

building line: means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

cafe/kiosk: means a building used for the preparation sale and serving of food to customers but does not make table bookings and the number of seats shall not exceed twenty.

camping area: means any land used for the lodging of persons in tents or other temporary shelter.

canteen: means a shop which provides food and refreshments for the workforce of the surrounding area and which has a maximum gross floor area of 75 m² including any storage and food preparation areas.

caravan: means a vehicle as defined under the *Road Traffic Act 1974* (as amended) maintained in condition suitable for license under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.

caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

caretaker's dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

car park: means any land or buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

cattery: means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One—General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months for reward or profit.

child day care centre: means any land or buildings used for the daily or occasional care of children in accordance with the Child Care Regulations 1968 (as amended) but does not include a Child Family Care Centre.

child family care centre: means a Child Minding Centre conducted in a private dwelling where children are received for care but does not include a Child Day Care Centre.

cinema/theatre: means any land or building where the public may view a motion picture or theatrical production.

civic building: means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices or for administrative or other like purpose.

civic use: means land or buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

club premises: means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

commercial vehicle: means a vehicle whether licensed or not and which is used or designed for use for business, trade, commercial purposes or in conjunction with a business, trade or profession and without limiting any of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them, and any bus or earthmoving machine, whether self propelled or not. The term shall not include a vehicle designed as a passenger car or trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1 ½ tonnes.

Commission: means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).

community purpose: means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will—

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting;

consulting room attached to a house: means a room or rooms attached to a dwelling used by the occupant in the practice of a medical profession and includes dentists, physiotherapists, chiropractors, masseurs, naturopaths, or persons ordinarily associated with the medical profession in the prevention investigation or treatment of physical or mental injuries or ailments.

contractor's yard: means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.

convenience store: means any land and or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 m² gross leasable area.

corner shop: means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100 m², attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.

cottage industry: means a light or service industry carried on, on land and in buildings with not less than 55% of the gross floor area being residential. Such a building is to be designed and constructed with a residential appearance and of materials approved by the Council. Only the articles manufactured on the site are to be sold from the premises.

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

crematorium: means a place where corpses are cremated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

gallery: means any land or building used for showing and/or sale of works of art.

garden centre: means any land or buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.

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

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

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

health studio: means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

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 of the top of the eaves, parapet or flat roof, whichever is the highest.

heritage precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

heritage list: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended), or such parts thereof as described in the Heritage List.

hobby farm: means the use of land for the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any buildings normally associated therewith.

home occupation: means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—

- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not occupy an area greater than 20 m²;
- (f) does not display a sign exceeding 0.2 m² in area.
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight;

hospital: means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

hospital special purposes: means a building used or designed for use wholly or principally for the purpose of a hospital or sanitarium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

hotel: means any land or buildings the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988* providing accommodation for the public, 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 in the course of trade or business for gain, for and incidental to one or more of the following—

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

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

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

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

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (b) where operated in a Residential Zone, does not entail the employment of any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible within the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 m²;
- (e) does not display a sign exceeding 0.2 m² in area.

industry—extractive: means an industry which involves—

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;
- (b) the production of salt by the evaporation of salt water.

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

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

industry—light: means an industry—

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

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

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

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

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

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

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

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

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

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

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

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

lot: shall have the same meaning given to the term in and for the purposes of the Act, and “allotment” has the same meaning.

lunch bar: means a building or part of a building used for the sale of take-away sandwiches and similar foodstuffs between the hours of 9 a.m. and 4 pm. within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a take-away food outlet;

marina: means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings appurtenant thereto and all offices and storerooms used in connection therewith.

marine filling station: means any land or buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

market: means any land or buildings used for a fair, a farmer's or producer's market or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

medical clinic: means premises in which facilities are provided for one or more of the following: a medical practitioner, a dental practitioner, physiotherapist, chiropractor, masseur, naturopath, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental conditions, injuries or ailments.

minister: means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning.

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

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

motor vehicle hire: means any land or buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

motor vehicle repair: means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

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

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

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

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

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

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

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

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

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

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

open air display: means the use of land as a site for the display and/or sale of goods and equipment.

owner: in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity—

- (a) is entitled to the land for an estate in fee simple in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

park home: means a movable dwelling, not being a vehicle as defined under the *Road Traffic Act 1974* (as amended), but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.

park home park: means an area of land set aside exclusively for the parking of park homes occupied for residential purposes, whether short or long stay purposes, but includes the provision of buildings and uses incidental to the predominant use of the land including ablution blocks, recreation areas, office and storage space and, as approved by Council, a shop or kiosk and refuelling facilities but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.

place: means 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 seashore 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 purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

plant nursery: means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.

plot ratio: Plot Ratio means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries, and in calculating the gross total of the areas of all floors the areas shall be measured over any walls provided that lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms and the gross floor area of any floor space used for the parking of wheeled vehicles including access to and from that space within the building shall not be included. For residential dwellings the term shall have the same meaning given to it in the Residential Planning Codes.

potable water: means water in which level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water' published by the World Health Organisation.

poultry farm: means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act 1911-1990* (as amended).

prison: shall have the same meaning given to it in and for the purposes of the *Prisons Act 1981* (as amended).

private hotel: means any land or buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the *Liquor Licensing Act 1988* (as amended).

produce store: means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

public amusement: means any land or buildings used for the amusement or entertainment of the public, with or without charge.

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

public exhibition: means any building or land used for the display of materials, for promotion of artistic, cultural or educational purposes.

public mall: means any public street or right-of-way designed especially for pedestrians who shall have right-of-way, and vehicle access shall be restricted to service vehicles at times specified by the Council.

public parking station: means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose.

public utility: means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

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

radio and TV installation: means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

reception centre: means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

recreation private: means land or buildings used for parks, gardens, playgrounds, sports arenas, or other facilities for recreation which are not usually open to the public without charge.

recreation public: means land or buildings used for a public park, public gardens, foreshore reserve, playground or other facilities for recreation which are usually open to the public without charge.

reformatory: means land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.

reserve: means any land reserved for a public purpose.

residential planning codes: means the Residential Planning Codes, in Appendix 2 to the State Planning Commission Statement of Planning Policy No.1.

restaurant: means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.

restricted premises: means any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

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

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

retirement village: means a development containing accommodation for aged persons together with ancillary facilities.

roadhouse: means land and buildings used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.

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

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

but does not include intensive agriculture.

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

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

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

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

showroom: means any building or part of a building used or intended for use for the purpose of displaying or offering for wholesale or retail sale, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the retail sale 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.

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

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

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

stockyards: means any land, building or other structure used for holding and/or sale of animal stock.

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

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

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

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

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

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

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

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

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

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

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

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

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

wholesale: means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the *Sales Tax Assessment Act No 1 1930* (as amended).

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

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

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

APPENDIX 2—ADDITIONAL USES

NO	LAND PARTICULARS	BASE ZONE	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
1.	Lot 1 Cnr Mandurah By-pass Fremantle Road and Gordon Road, Mandurah	Service Commercial	Tourist Markets, Service Station, Car Wash	Any development shall comply with Council's Service Commercial Design Guidelines and landscaping requirements. Any application for a Service Station will be considered as an AP use and will be required to be supported by an assessment demonstrating the need for the facility. A Cinema or a Tavern will not be permitted
2.	Lot 831 Baroy Street, Falcon	Residential	Retail Nursery	The retail nursery use being permitted over 563m ² of the lot fronting Baroy Street
3.	Lot 85 Corner Rafferty Road and Reserve Drive, Mandurah	Industrial	Service Station	None
4.	Lots 158 and 3056 Corner of Gordon Road and Mandurah Terrace, Mandurah	Service Commercial	Residential R40, Tourist Markets, Retail Floorspace of 800 square metres, Service Station, Car Wash	Any development shall comply with Council's Service Commercial Design Guidelines and landscaping requirements. Any application for a Service Station will be considered as an AP use and will be required to be supported by an assessment demonstrating the need for the facility. A Cinema or a Tavern will not be permitted
5.	Lot 2 Corner Coodanup Drive and Mandurah By-pass, Coodanup	Tourist	Service Station	None
6.	Lots 501-504 (inclusive) and Part Lot 2 corner Peel Street and Mandurah Terrace, Mandurah	Tourist	Professional Offices	None

NO	LAND PARTICULARS	BASE ZONE	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
7.	Lot 3 corner Rees Place and Old Coast Road, Wannanup	Residential	Art Gallery, Restaurant, Tea Rooms, Art & Craft Display & Sales, and activities and production associated with Art and Craft Studio.	Proposed Development to be serviced by reticulated sewerage if available or an "approved" alternative on-site effluent disposal system designed for long term usage with phosphorus retaining ability as recommended by the EPA and to the satisfaction of the Health Department of WA and the Local Authority
8.	Lot 50 Fremantle Road, Parklands	Urban Development	Service Station and Convenience Store	Nil
9.	Pt Lot 4 Leisure Way, Cnr Old Coast Road, Halls Head	Tourist	Nursery, Shop	Shop to have maximum of 100 square metres of GLA
10.	Lots 20, 28, 32 & 33 Pinjarra Road, Greenfields	Urban Development	Park Home Park	No access will be permitted from the Park Home Park directly onto Pinjarra Road. Any Park Home Park will be required to be connected to reticulated sewerage and water.
11.	Centennial Park Estate Pt Lot 41 Fremantle Road	Urban Development	Residential & associated development and Service Commercial	Development within the Centennial Park Estate shall be in accordance with the uses as shown on the approved Centennial Park Outline Plan and Technical Guidelines. Commercial centres shall be provided for in the general location as indicated on the Outline Development Plan as adopted by Council. The exact location and area to be included in the centres shall be subject to detailed design and shall be included in any Outline Development Plan. The Centennial Park Outline Development Plan and Technical Guidelines shall show the following commercial centres— <ul style="list-style-type: none"> • 1 District Shopping centre of 19,500m² of net lettable retail floorspace. • Local shopping centres with a combined total of 3,000m² net lettable retail floorspace.

APPENDIX 3—SPECIAL USES

NO	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/ CONDITIONS
1.	Lots 58—65 inclusive, Tindale Road	Cottage Industry	(a) Maximum GFA of 60m ² for service industry (b) As for Home Occupation Permits
2.	Lots 25, 26 & 27 Alderley Place & Pinjarra Road, Coodanup	Place of Public Assembly and Church. Administrative Offices. Pre-primary School, Primary School, 2 Residences.	None
3.	Lots 3-12 (inclusive) & 100-105 (inclusive) Old Coast Road & Buckingham Drive, Wannanup	As per Rural Zone	Subdivision may be permitted to allow a minimum lot area in accordance with R0.5 provisions, however where reticulated water is provided, subdivision may be permitted to a density of R1.
4.	Lot 1-13 (inclusive) Tims Thicket Road, Taurus Rise and Jandu Way, Dawesville	As per Rural Residential Zone Table	Subdivision may be permitted to a density of R5.

APPENDIX 4—SPECIAL REQUIREMENTS—RURAL RESIDENTIAL

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

Areas 1, 2, 4, 5 and 6—

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

3. Council may permit up to an additional 1000 square metres either attached to or detached from the primary envelope if it is satisfied that such variation is desirable and will not detrimentally affect the objective of the zone or amenity of the area generally.

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

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

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

5. Where common boundary fences are to be constructed, they shall be the subject of a development application which should demonstrate that they will be of a type so as to permit fire fighting personnel reasonable access and will permit kangaroos and other native animals to roam freely. A simple post and singular rail fence is recommended.

6. A 1.2 metre high "ring lock" rural fence or other approved fencing meeting the requirements of CALM and Council will be constructed as a condition of subdivision across the full length of the proposed foreshore reserve abutting Lake Clifton and serve as a rear boundary fence for those lots fronting the reserve. No gated access from private property to the foreshore reserve will be permitted.

Area 3—

1. Council shall require all undeveloped Rural Residential lots which abut Lake Clifton and have already been created as 2 to 4 hectare lots to be developed so as to:

- (a) require the maximum possible setback from that boundary of the lot that fronts or abuts Lake Clifton to be achieved to bring development on these lots generally in line with the requirements of Areas 1, 2, 4, and 5.
- (b) Prohibit Intensive Agriculture on this land.
- (c) Groundwater metered bores or wells will be permitted subject to first obtaining a Groundwater Well Licence for the Water and Rivers Commission and any extraction will be limited by that authority.

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

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

Area 4—

1. As the land adjoins the Yalgorup National Park the Council shall impose conditions on development to ensure that domestic or farm animals do not stray into the Park, such as a requirement that adequate fences be erected.

Areas 8 and 9—

1. Because of the proximity of Lake Goegrup and the potential for ecological disturbance of that valuable wetland the Council may refuse any development which it is satisfied with or is likely to pollute or otherwise damage the ecology of the Lake.

2. In the future, strategic planning of the District the whole of Areas 8 and 9 has been earmarked for future urban development and as such the Rural Residential Zoning provided in the Scheme is seen as an interim measure which is likely to change to "Urban Development" and "Residential" zones when the demand for further urban development generates a need for Areas 8 and 9 to be taken up for residential purposes.

3. That a structure plan be prepared showing how Areas 8 and 9 will be developed for urban residential development and in particular delineate the location of commercial, recreational, open space, school sites etc.

APPENDIX 5—APPLICATION FOR PLANNING APPROVAL

Town Planning Scheme No 3

APPLICATION FOR PLANNING APPROVAL

Property Details

Lot No: Street No: Street Name:

Suburb:

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

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

Owner Details

Name:

Address:

Postcode:

Phone:

Fax:

Signature(s):

Date:

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

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

Name:

Address:

Postcode:

Phone:

Fax:

Contact Name:

Signature:

Proposal Details

Description of Proposed Development/Use:

Approx Cost of Development:

Est. Time of Completion:

Existing Development/Land Use:

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

THIS FORM MUST BE COMPLETED IN FULL.

THIS IS NOT AN APPLICATION FOR A BUILDING LICENCE.

Particulars Required With Application

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

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

APPENDIX 5A—APPLICATION TO CARRY ON A HOME OCCUPATION

Town Planning Scheme No 3

APPLICATION TO CARRY ON A HOME OCCUPATION

Please tick whichever is applicable

New Application ☐Renewal ☐**Applicant Details**

Name:

Address:

Postcode:

Phone:

Fax:

Signature:

Date:

Property Details

House No:

Lot No:

Street Name:

Suburb:

Home Occupation Details

Nature of proposed home occupation:

Location in relation to dwelling house:

(please attach site plan)

Total area of building/land used for home occupation:

m²

Particulars of persons to be employed:

Details of equipment or machinery to be used:

Description of storage areas:

Number of vehicles which could be parked on site:

Frequency of delivery and collection of goods:

Hours of operation:

The occupier above hereby applies for a permit/the renewal of a permit in respect of the home occupation described above and states that the above particulars are true.

Dated this.....day of.....

.....
Signature of Applicant

APPENDIX 6—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

CITY OF MANDURAH

TOWN PLANNING SCHEME NO 3

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

LAND DESCRIPTION

LOT NO STREET

PROPOSAL

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

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

APPENDIX 7—CONTROL OF ADVERTISEMENTS

1. ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL
(to be completed in addition to Application for Planning Approval)

Name of Advertiser (if different from owner):

2. Address in full:

3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

4. Details of Proposed Sign:

Height:..... Width:..... Depth:.....

Colours to be used:

Height above ground level - (to top of advertisement):

- (to underside):

Materials to be used:

Illuminated: Yes/No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

5. State period of time for which advertisement is required:

6. Details of signs, if any, to be removed if this application is approved:

NB. This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6. above,

Signature of Advertiser(s):

(if different from land owners)

Date:

APPENDIX 8—NOTICE OF DECISION ON APPLICATION FOR PLANNING APPROVAL**TOWN PLANNING SCHEME NO 3**

Application No:

Made on:

Applicant:

Name of Owner:

Address of Owner:

Description of proposed development:

EITHER

Planning consent is hereby GRANTED over land situated at and described as:

In accordance with the submitted plans subject to compliance with the following conditions:

This approval is valid for a period of:

OR

Planning consent is hereby REFUSED over land situated at and described as:

For the following reasons:

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

.....
MANAGER
DEVELOPMENT SERVICES

.....
DATE

APPENDIX 8A—NOTICE OF DECISION ON APPLICATION TO CARRY OUT A HOME OCCUPATION**TOWN PLANNING SCHEME NO 3**

Application No:

Made on:

Applicant:

Address:

As occupier of the premises described as:

Is the holder of a permit to carry on upon these premises the Home Occupation of:

Employing not more than persons of whom are to be members of the occupier's family.

This permit remains valid until the 31st day of December next, or until the date stated on the approval after the date of issue thereof, unless previously revoked.

.....
MANAGER
DEVELOPMENT SERVICES

.....
DATE

APPENDIX 9—EXEMPTED ADVERTISEMENTS PURSUANT TO SUB-CLAUSE 6.2.4

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting By-laws	Not applicable
Industrial and Warehouse	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.	Total area of any such advertisements shall not exceed 15m
	A maximum of two free-standing advertisements signs not exceeding 5m in height above ground level	Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets	Not Applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not Applicable
	(b) Advertisement signs (illuminated and non-illuminated) required for the management and control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality, and	Not Applicable
	(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulations or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows)		
(i) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work	2m ²
(ii) Multiple Dwellings, Shops, Commercial and Industrial Projects	One sign as for (i) above	5m ²
(iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above	10m ²
	One additional sign showing the name of the project builder	5m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose	2m ²

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Property Transactions		
Advertisement signs displayed for duration of the period over which property transactions are offered and negotiated as follows		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed	Each sign shall not exceed an area of 2m ²
(b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above	Each sign shall not exceed an area of 5m ²
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha	One sign as for (a) above	Each sign shall not exceed an area of 10m ²
(d) Land	Advertising signs and displays for the duration of the land sale.	Each sign shall not exceed 10m ²
Display Homes		
Advertisement signs displayed for the period over which homes are on display for public inspection	(i) One sign for each dwelling on display	2m ²
	(ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m ²

ADOPTION(Council Resolution No. **6054**)

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

K. HOLMES, Mayor.
S. K. GOODE, Chief Executive Officer.

FINAL ADOPTION(Council Resolution No. **G9747**)

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

K. HOLMES, Mayor.
S. K. GOODE, Chief Executive Officer.

RECOMMENDED FOR FINAL APPROVAL

EUGENE FERRARO, for Chairman of Western
Australian Planning Commission.

Date: 1st July 1999.

FINAL APPROVAL GRANTED

G. KIERATH, Minister for Planning.

Date: 15th July 1999.



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