



# WESTERN AUSTRALIAN GOVERNMENT Gazette

6065



PERTH, TUESDAY, 14 DECEMBER 1999 No. 233

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

## CONTENTS

### PART 1

	Page
Prisons Act 1981—Proclamation .....	6067

### PART 2

Agriculture.....	6068
Environmental Protection.....	6068
Local Government .....	6069
Parliament.....	6069-70
Planning.....	6070-6138
Police.....	6138-43
Public Notices—	
Charitable Trusts Act 1962—Notice Pursuant to Section 11.....	6144
Deceased Estates.....	6144

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The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances (changes to this arrangement will be advertised beforehand on the inside cover).

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy should be received by the Manager (Sales and Editorial), State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Postal address:  
State Law Publisher  
P.O. Box 8448,  
Perth Business Centre 6849

Delivery address:  
State Law Publisher  
Ground Floor,  
10 William St. Perth, 6000  
Telephone: 9321 7688 Fax: 9321 7536

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Bulk Notices—\$154.00 per page

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## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR CHRISTMAS 1999 AND NEW YEAR HOLIDAY PERIOD 2000

#### Publishing Dates and times

Friday 24 December 1999 at 12 noon

Friday 31 December 1999 at 3.30 pm

Friday 7 January 2000 at 3.30 pm

#### Closing Dates and Times for copy

Wednesday 22 December at 12 noon

Wednesday 29 December at 12 noon

Wednesday 5 January 2000 at 12 noon

From week commencing January 10 normal publishing resumes.



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# — PART 1 —

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## PROCLAMATIONS

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AA101\*

### PRISONS ACT 1981

#### PROCLAMATION

WESTERN AUSTRALIA  
P. M. Jeffery,  
Governor.  
[L.S.]

} By His Excellency Major General Philip Michael  
Jeffery, Companion of the Order of Australia, Officer  
of the Order of Australia (Military Division), Military  
Cross, Governor of the State of Western Australia.

I, the Governor, acting with the advice and consent of the Executive Council —

- (a) under section 5(2) of the *Prisons Act 1981* revoke the proclamations made under section 5 of that Act and published in the *Government Gazette* of 4 December 1998 on page 6447 and of 26 October 1999 on page 5279; and
- (b) under section 5(1)(a) of that Act declare the buildings and enclosures set out in the Schedule to this proclamation to be a prison within the meaning and for the purposes of that Act to be known as the Nyandi Prison as from and including the day on which this proclamation is published in the *Government Gazette*.

#### Schedule

1. On Reserve No. 29201 (Canning Location 2064 on Land Administration Diagram 71947, being the whole of the land in Qualified Certificate of Crown Land Title Volume 3041 Folio 159) the fenced enclosures and the buildings within them.
2. On Reserve No. 26918 (Canning Locations 1912, 2325 and 2326 on Land Administration Diagrams 69113 and 74586, being the whole of the land in Qualified Certificate of Crown Land Title Volume 3041 Folio 161) the fenced enclosures and the buildings within them but excluding the 2 houses fronting on to Adie Court and the partly fenced area surrounding them lying south of the fence situated immediately to the north of them.

Given under my hand and the Public Seal of the State on 30 November 1999.

By command of the Governor,

PETER FOSS, Minister for Justice.

GOD SAVE THE QUEEN !

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# — PART 2 —

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## AGRICULTURE

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**AG401****MARKETING OF POTATOES ACT 1946**

Agriculture, Western Australia,  
South Perth WA 6151.

408/86

I, Montague Grant House, being the Minister for Primary Industry; Fisheries in the State of Western Australia, appoint, pursuant to Section 7 of the Marketing of Potatoes Act 1946, Mr John Saleeba as a member of the Potato Marketing Corporation of Western Australia, for a term expiring 23 December 2002.

MONTY HOUSE, Minister for Primary Industry; Fisheries.

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**AG402****RURAL ADJUSTMENT AND FINANCE CORPORATION 1993**

Agriculture, Western Australia,  
Perth WA 6000.

I, Monty House, Minister for Primary Industry; Fisheries acting under the provisions of Section 6(1)(c) of the Rural Adjustment and Finance Corporation Act 1993 hereby appoint Mr Peter Cooke and Mrs Kathy Finlayson as Members of the Corporation for a term expiring 2 December 2002.

MONTY HOUSE, Minister for Primary Industry; Fisheries.

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## ENVIRONMENTAL PROTECTION

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**EP401\*****ENVIRONMENTAL PROTECTION ACT 1986****NOTICE OF THE REVISED DRAFT ENVIRONMENTAL PROTECTION (PEEL INLET—HARVEY ESTUARY) POLICY 1999**

The Environmental Protection Authority (EPA) has prepared a revised draft environmental protection policy (EPP). The policy applies to the Swan Coastal Plain catchment of the Estuary and establishes the beneficial uses of the Estuary to be protected.

In accordance with section 28 (c) of the *Environmental Protection Act 1986*, the EPA gives notice that the revised draft policy has been submitted to the Minister for the Environment and is available for public inspection during normal business hours at the following Department of Environmental Protection offices—

the public reading room, 8th Floor, 141 St Georges Terrace, Perth;

the premises of the Department at Viscovich House, 377 Hannan Street, Kalgoorlie, Western Australia 6430;

the premises of the Department at SGIO Building, Welcome Road, Karratha, Western Australia 6714;

the premises of the Department at 165, Gilmore Avenue, Kwinana, Western Australia 6167;

the premises of the Department at 10th Floor, Bunbury Tower, 61 Victoria Street, Bunbury, Western Australia, 6231; and

the premises of the Department at 5 Burges Street, Geraldton, Western Australia, 6530.

Enquiries to Mr Geoff Bott (Department of Environmental Protection) on 9222 7000.



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## LOCAL GOVERNMENT

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**LG101***CORRECTION***BUSH FIRES ACT 1954**

## SHIRE OF YILGARN

**ANNUAL FIREBREAK NOTICE**

The Shire of Yilgarn Annual Firebreak Notice published in the *Government Gazette* of 19 October 1999 on page 4933 is amended as follows—

**RESTRICTED AND PROHIBITED BURNING TIMES**

**RESTRICTED BURNING PERIOD:** 19 September 1999 to 31 October 1999 and 1 February 2000 to 15 March 2000

*Note: Permits to burn during this period are required. Permits must be obtained from your nearest Bush Fire Control officer.*

**PROHIBITED BURNING PERIOD:** 1 November 1999 to 31 January 2000

*Note: Permits to burn stubble from the previous season's crop will not be issued until 1 March 2000.*

P. R. CLARKE, Chief Executive Officer.

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**LG401\*****BUSH FIRES ACT 1954**

## CITY OF GERALDTON

The City of Geraldton wishes to advise for public information the appointment of Neil William Wilson and Brian William Robartson as authorised officers for the Bush Fires Act.

The appointment of Neil Bennett is hereby cancelled.

C. ALDRED, Chief Executive Officer.

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**LG402**

## CITY OF ARMADALE

## Authorised Officer

It is hereby notified that Mr Shaun Nancarrow has been appointed as an Authorised Officer for the purposes of administering the following Acts, Regulations and Local Laws—

Local Government Act 1995  
Local Government (Miscellaneous Provisions) Act 1960 Part XX  
Bush Fires Act 1954 and Regulations  
Dog Act 1976 and Regulations  
Control of Vehicles (Off Road Areas) Act 1978 and Regulations  
Litter Act 1979 and Regulations  
Local Government (Parking for Disabled Persons) Regulations 1988  
Local Laws Relating to Dogs  
Local Laws Relating to parking Facilities  
Local Laws Relating to Firebreaks  
Local Laws Relating to Reserves  
Local Laws Relating to Hawkers  
Local Laws Relating to Trading in Public Places

R. S. TAME, Chief Executive officer.

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## PARLIAMENT

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**PA401**

## PARLIAMENT OF WESTERN AUSTRALIA

## Bills Assented To

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Bills passed by the



Legislative Council and the Legislative Assembly during the Third Session of the Thirty-Fifth Parliament.

<b>Short Title of Bill</b>	<b>Date of Assent</b>	<b>Act No</b>
State Trading Concerns Amendment Act 1999	7 December 1999	45 of 1999
New Tax System Price Exploration Code (Taxing) Act 1999	7 December 1999	50 of 1999
New Tax System Price Exploitation Code (Western Australia) Act 1999	7 December 1999	51 of 1999
State Entities (Payments) Act 1999	7 December 1999	52 of 1999
Nuclear Waste Storage (Prohibition) Act 1999	7 December 1999	54 of 1999

December 9, 1999.

L. B. MARQUET, Clerk of the Parliaments.

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## PLANNING

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### PD401\*

#### **TOWN PLANNING AND DEVELOPMENT ACT 1928**

##### ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

###### *CITY OF CANNING*

###### TOWN PLANNING SCHEME NO 40—AMENDMENT NO 87

Ref: 853/2/16/44 Pt 87

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 Canning Town Planning Scheme Amendment on 6 December, 1999 for the purpose of zoning—

1. Portions of Lots 4, 3 and Pt 6 Sevenoaks Street, portion of Lake Street, portion of Albany Highway at the former intersection of Gross Street, portions of Lots Pt 18 and 706, and Lot 704 (cnr Albany Highway and Cockram Street), Portions of Lots Pt 1, 2, 3 and 4 (cnr Albany Highway and Carden Drive), Lot 1 Albany Highway (Police Station), Lot 704 (cnr Liege Street), and Lot 2 (cnr Albany Highway and Cecil Avenue) to “City Centre”.
2. Portions of Lots 139, 140, 1, 2 and 143 Sevenoaks Street to “City Centre Deferred”.
3. Portions of Lots 160-163 Sevenoaks Street to “Mixed Business”.
4. Portion of Lot Pt 96 (cnr Albany Highway and George Way) to “Highway Commercial”.
5. Portion of Lots 16 and Pt 2, Albany Highway (Council Administration site and Town Hall) to Local Authority Reservations for “Civic and Cultural Areas”.

M. S. LEKIAS, Mayor.  
I. F. KINNER, Chief Executive Officer.

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### PD402

#### **TOWN PLANNING AND DEVELOPMENT ACT 1928**

##### ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

###### *SHIRE OF SERPENTINE-JARRAHDALE*

###### TOWN PLANNING SCHEME NO 2—AMENDMENT NO 38

Ref: 853/2/29/3 Pt 38

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 Shire of Serpentine-Jarrahdale Town Planning Scheme Amendment on 6 December, 1999 for the purpose of—

1. Rezoning Lot 3 Thomas Road, Oakford from “Rural” to “Rural Living A” as depicted on the Scheme Amendment Map;



2. Amending Appendix 4A of the Scheme to include special provisions relating to the Rural Living A zone described hereunder;
  - a) SPECIFIED AREA OF LOCALITY

Lot 3, Pt Peel Estate Lot 203 Thomas Road, Oakford.

SPECIAL PROVISIONS TO REFER TO a)

1. Within the Rural Living A zone the following land uses are permitted or are permitted as the discretion of the Council.

Uses classes permitted (P);

Residence

Public Recreation

Public Utility

Discretionary Uses (AA);

Ancillary Accommodation

Home Occupation

Rural Use

Stables

All other uses prohibited

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy shall only permit such uses when it is satisfied following consultation with Government Agencies that the land use does not involve excessive nutrient application or clearing of land.

2. No dwelling shall be approved by Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
3. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.
4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
6. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
7. Notwithstanding the obligations of the subdivider under clause 5.12.9e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of on-the-ground works. Those easements and reserves required by Council or the Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for ongoing maintenance of the drainage system components.
8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.

In addition to this, the site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.
9. The land is situated within the catchment of the Peel-Harvey estuarine system where active nutrient management and responsible use of fertiliser is crucial to the health of the catchment and estuary. The application, type and distribution of fertiliser to the land shall be within limits set by the Department of Environmental Protection for irrigated and non-irrigated land.
10. Direct access to Hopkinson Road shall be prohibited. Any existing private access to Hopkinson Road is to be closed once internal access is established and the crossover revegetated with indigenous species to the satisfaction of Council.
11. Bridle paths to be constructed by the subdivider in accordance with the Subdivision Guide Plan and shall include the Main Roads and drain reserve.



12. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.
13. A Subdivision Guide for the subdivision of land into Rural Living A lot sizes shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirement of Clause 5.9.3
14. The Subdivision Guide Plan referred to in Clause 12 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.

J. STAR, President.  
I. BODILL, Chief Executive Officer.

**PD403\*****TOWN PLANNING AND DEVELOPMENT ACT 1928****ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT***SHIRE OF WICKEPIN***TOWN PLANNING SCHEME NO 3—AMENDMENT NO 2**

Ref: 853/4/31/3 Pt 2

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 Shire of Wickepin Town Planning Scheme Amendment on 6 December, 1999 for the purpose of—

1. Rezoning Part of Lot 1 of Williams Location 8225 from Reserve for Parks and Recreation to Special Use Zone No 12 in the manner illustrated on the Scheme Amendment Map which forms part of the Amendment documentation.
2. Adding the following to Schedule No 3—Special Use Zone—

No	Land Particulars	Permitted Uses	Development Standards Conditions
12	Part of Lot 1 of Williams Location 8225 corner of Johnston and Campbell Streets, Wickepin Townsite	—Medical Centre —Uses Ancillary to the Permitted Use	As determined by Council

H. M. LANG, President.  
L. J. CALNEGGIA, Chief Executive Officer.

**PD404\*****METROPOLITAN REGION SCHEME****NOTICE OF RESOLUTION—CLAUSE 27****LOCALITIES OF ATWELL, BANJUP AND SUCCESS****CITY OF COCKBURN**

Amendment No.: 1017/27

File No.: 812-2-23-24

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Perth Region Planning Committee for and on behalf of the Western Australian Planning Commission and



acting under delegated powers, resolved on 9 November 1999 to transfer land from the Urban Deferred Zone to the Urban Zone as shown on Plan Number 4.1474.

This plan may be viewed at the offices of—

i) Ministry for Planning  
1st floor, 469 Wellington Street  
PERTH WA

iii) J S Battye Library  
Alexander Library Building  
Francis Street  
NORTHBRIDGE WA

ii) City of Cockburn  
9 Coleville Crescent  
SPEARWOOD WA

PETER MELBIN, Secretary,  
Western Australian Planning Commission.

**PD405\***

### **METROPOLITAN REGION TOWN PLANNING SCHEME ACT**

#### **DECLARATION OF PLANNING CONTROL AREA No. 45**

#### **LAKE PINJAR**

#### **CITY OF WANNEROO**

File: 835-2-30-3

#### **General Description**

The Hon Minister for Planning has granted approval to the declaration of a Planning Control Area over land at Lake Pinjar, as shown on Western Australian Planning Commission Plan No. 3.1312.

#### **Purpose of The Planning Control Area**

The purpose of the Planning Control Area is to protect significant groundwater resources within the Priority 1 source protection area of the Gnangara Underground Water Pollution Control Area.

The Commission considers that the Planning Control Area is required to ensure that no development occurs on this land which might prejudice this purpose until it may be reserved for the purpose of Water Catchments and Parks and Recreation in the Metropolitan Region Scheme.

#### **Duration And Effects**

The declaration remains in effect for a period of five years from the date of publication of this notice in the *Government Gazette* or until revoked by the Western Australian Planning Commission with approval by the Minister, whichever is the sooner.

A person shall not commence and carry out development in a Planning Control Area without the prior approval of the Western Australian Planning Commission. The penalty for failure to comply with this requirement is \$2,000, and, in the case of a continuing offence a further fine of \$200 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the Western Australian Planning Commission in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

#### **Where the Planning Control Area is Available for Public Inspection**

- Ministry for Planning  
1st floor, 469 Wellington Street  
PERTH WA
- Municipal office of the City of Wanneroo  
Boas Avenue  
JOONDALUP WA
- JS Battye Library  
Alexander Library Building  
NORTHBRIDGE WA

PETER MELBIN, Secretary,  
Western Australian Planning Commission.



**PD701\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME**  
*CITY OF MELVILLE*  
**COMMUNITY PLANNING SCHEME NO 5**

Ref: 853/2/17/12 Vol 5

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Melville Community Planning Scheme No 5 on 2 December, 1999—the Scheme Text of which is published as a Schedule annexed hereto.

K MAIR, Mayor.  
J McNALLY, Chief Executive Officer.

SCHEDULE

CITY OF MELVILLE  
COMMUNITY PLANNING SCHEME NO. 5  
SCHEME TEXT  
Granted Final Approval  
**CONTENTS**

**PART 1 PRELIMINARY**

- 1.1 Short Title
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of the Scheme
- 1.5 Revocation of Existing Scheme
- 1.6 Relationship to Metropolitan Region Scheme
- 1.7 Scheme to Prevail
- 1.8 Interpretation

**PART 2 OBJECTIVES AND POLICIES**

- 2.1 General Objective
- 2.2 Community Concept Plan
- 2.3 Specific Objectives
- 2.4 Specific Policies

**PART 3 RESERVES**

- 3.1 Classification
- 3.2 Metropolitan Region Scheme Reserves
- 3.3 Scheme Reserves
- 3.4 Use and Development of Local Reserves
- 3.5 Acquisition of Reserves and Compensation

**PART 4 PRECINCT DEVELOPMENT REQUIREMENTS**

- 4.1 Precincts
- 4.2 Development Requirements

**PART 5 GENERAL DEVELOPMENT REQUIREMENTS**

- 5.1 Residential Planning Codes
- 5.2 Special Application of Residential Planning Codes
- 5.3 Construction of Boats and Recreation Vehicles in Residential Areas
- 5.4 Storage of Caravans and Boats in Residential Areas
- 5.5 Parking of Commercial Vehicles in Residential Areas
- 5.6 Home Occupations
- 5.7 Amenity of Non-Residential Development
- 5.8 Car Parking
- 5.9 Landscaping (Non-Residential)
- 5.10 Control of Advertisements
- 5.11 Height of Buildings
- 5.12 Tower Masts
- 5.13 Battle-Axe Lots
- 5.14 Corner/Home Stores
- 5.15 Sewerage Provisions
- 5.16 Vehicle Wrecking
- 5.17 Local Commercial Strategy
- 5.18 Unkempt Land
- 5.19 Mixed Use Plot Ratio



**PART 6 GENERAL CONSERVATION REQUIREMENTS**

- 6.1 Protection of Natural Resources
- 6.2 Protection of Soils
- 6.3 Protection of Wildlife
- 6.4 Register of Trees and Other Flora
- 6.5 Protection of Vegetation
- 6.6 Heritage—Precincts and Places of Cultural Significance

**PART 7 PLANNING APPROVAL**

- 7.1 Requirement for Planning Approval
- 7.2 Inclusions
- 7.3 Exclusions
- 7.4 Applications for Planning Approval
- 7.5 Use Class Table and Advertising of Applications
- 7.6 Consultations with Other Authorities
- 7.7 Advisory Committees
- 7.8 Matters to be Considered by Council
- 7.9 Determination of Applications
- 7.10 Time for Determination
- 7.11 Deemed Refusal
- 7.12 Currency of Approval
- 7.13 Substantially Commenced
- 7.14 Unauthorised Existing Developments

**PART 8 NON-CONFORMING USES**

- 8.1 Non-Conforming Use Rights
- 8.2 Extension of Non-Conforming Use
- 8.3 Change of Non-Conforming Use
- 8.4 Discontinuance of Non-Conforming Use
- 8.5 Destruction of Buildings
- 8.6 Register of Non-Conforming Uses

**PART 9 ADMINISTRATION**

- 9.1 Powers of the Scheme
- 9.2 Offences
- 9.3 Enforcement
- 9.4 Compensation
- 9.5 Rights of Appeal
- 9.6 Non-Statutory Planning Policies
- 9.7 Delegation
- 9.8 Amendments to the Scheme
- 9.9 Restrictive Covenants
- 9.10 Requirement for Building Approval

**SCHEDULE 1      INTERPRETATIONS****SCHEDULE 2      LIST OF HERITAGE PLACES****SCHEDULE 3      ADDITIONAL USES AND SPECIAL CONDITIONS****SCHEDULE 4      CONTROL OF ADVERTISEMENTS****ADOPTION PAGE****APPENDIX 1      LIVING AREA PRECINCT PLANS**

(not included for purpose of gazettal)

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**CITY OF MELVILLE****COMMUNITY PLANNING SCHEME NO. 5**

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

- (a) controlling and coordinating public and private development,
- (b) conservation of community resources, and
- (c) other matters authorised by the enabling acts,

for the improvement of living standards, welfare and quality of life within the City of Melville.



## PART 1: PRELIMINARY

### 1.1 SHORT TITLE

This Planning Scheme may be cited as the City of Melville Community Planning Scheme No 5, (hereinafter called 'the Scheme') and shall come into operation on the publication of the Scheme in the *Government Gazette*.

### 1.2 RESPONSIBLE AUTHORITY

The authority responsible for implementing the Scheme is the Council of the City of Melville (hereinafter called 'the Council').

### 1.3 SCHEME AREA

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

### 1.4 CONTENTS OF THE SCHEME

The Scheme comprises—

- (a) This Scheme Text;
- (b) The Scheme Map (Sheets 1-8).

### 1.5 REVOCATION OF EXISTING SCHEME

The City of Melville Town Planning Scheme No. 3 published in the *Government Gazette* on 29 March 1985 and all amendments thereto are hereby revoked.

### 1.6 RELATIONSHIP TO METROPOLITAN REGION SCHEME

The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended, continue to have effect. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission (hereafter called 'the Commission').

### 1.7 SCHEME TO PREVAIL

Where the provisions of the Scheme are found to be at variance with the provisions of any other Council code, policy, regulation, local law or restrictive covenant, the provisions of the Scheme shall prevail to the extent of the inconsistency.

### 1.8 INTERPRETATION

To ensure consistency of definition—

- (a) Words and expressions used in the Scheme shall have the respective meanings given to them in Schedule 1 and the Residential Planning Codes;
- (b) 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; and
- (c) Words and expressions used in the Scheme but not defined in Schedule 1 and the Residential Planning Codes shall have their normal and common meanings.

## PART 2: OBJECTIVES AND POLICIES

### 2.1 GENERAL OBJECTIVE

The general objective of the Scheme is to maintain and improve the quality of life and services for the residents of the City of Melville. To achieve this and having regard to available options for development and conservation, the Scheme shall be the instrument for coordinating and implementing the land use, socio-economic and environmental policies of the Council.

### 2.2 COMMUNITY CONCEPT PLAN

The Community Concept Plan, a non-statutory planning policy made pursuant to clause 9.6, reflects the broad aspirations of the Council regarding the long term growth and development of the City.

### 2.3 SPECIFIC OBJECTIVES

#### 2.3.1 Housing

- (a) To enhance the character and amenity of existing residential areas;
- (b) To promote a high standard of residential development while providing housing choice.

#### 2.3.2 Environment and Heritage

- (a) To promote ecologically and environmentally sustainable development, which minimises resource use and waste;
- (b) To protect remnant natural and built heritage for future generations;
- (c) To protect specifically identified trees or other vegetation.

#### 2.3.3 Open Space and Recreation

- (a) To enhance existing public open spaces and extend such spaces in areas considered deficient;
- (b) To provide a variety of natural and structured opportunities for recreation.

#### 2.3.4 Industry

- (a) To nurture existing and encourage new industries compatible with the amenity of the City;



- (b) To promote diversification of industry to provide greater local economic stability and a range of employment opportunities.

#### **2.3.5 Commerce**

- (a) To encourage a variety of both retail convenience and comparison centres and office development within the City in locations appropriate to such activities;
- (b) To encourage the City Centre to grow and evolve into a centre with a multitude of land uses and activities, especially entertainment, forming the focus of the municipality.

#### **2.3.6 Community Services**

To encourage the provision of services at accessible locations throughout the City, in an equitable manner for the benefit of the community.

#### **2.3.7 Transport**

To achieve safe, equitable, convenient and efficient movement of people and goods, where travel is required.

#### **2.3.8 Utility Services**

- (a) To achieve an efficient and equitable relationship between land uses and available utility services;
- (b) To promote a high level of amenity and environmental quality in the supply of required utility services.

#### **2.3.9 Administration**

- (a) To employ only as much control as is necessary to achieve stated objectives;
- (b) To protect and promote local values within the framework of State policies, with efficiency, certainty, equity and legibility.

### **2.4 SPECIFIC POLICIES**

#### **2.4.1 Housing**

##### **(a) Basis for Housing Densities**

To provide the greatest practical range of permitted densities in order to achieve a wide variety of housing types, consistent with State government policies from time to time.

##### **(b) Low Housing Densities**

To provide a rational basis for density allocation, criteria for low housing densities shall be—

- (i) where there are constraints imposed by inadequate utility services;
- (ii) where there are conservation objectives to protect the natural and built environment;
- (iii) where there is a low level of residential amenity, for example, near industrial areas.

##### **(c) Medium Housing Densities**

To provide a rational basis for density allocation, criteria for medium housing densities shall be—

- (i) proximity to commercial centres;
- (ii) proximity to tertiary education institutions;
- (iii) proximity to major public transport routes; and
- (iv) compatibility with surrounding development.

##### **(d) Choice of Housing Type**

There shall be no restriction on allowable dwelling type at any nominated density, in order to encourage a variety of available housing.

##### **(e) Height Limits and Urban Design Guidelines**

There shall generally be building height limits and urban design guidelines for new development in residential areas to aid privacy and minimise social and environmental stress.

##### **(f) Non-residential Activities**

Non-residential activities may be permitted within residential areas, subject to health and other requirements consistent with the amenity of each area, and subject to consultation with owners and residents.

##### **(g) Residential Activities**

Residential activities shall be encouraged in non-residential areas as a supplement to commercial activities in order to provide some diversity in residential lifestyles.

##### **(h) Variation to Council Policy**

For residential development, variation to Council Policy may require advertising in accordance with Scheme provisions.

##### **(i) Dwellings of Two or More Storeys on Battle-Axe Lots**

In the case of battle-axe lots, development requirements for dwellings of two or more storeys shall be specified for relevant precincts. The Council may create a non-statutory policy to deal with applications for such development (in accordance with clause 9.6), having regard for existing or approved battle-axe lots smaller than the Scheme now intends and for those lots to be created by future subdivision.



#### **2.4.2 Environment and Heritage—Requirement for Preparation of Submissions and Guidelines for Development**

(a) Conservation Reserves

To preserve the resource base, reserves for conservation of the natural environment shall be—

- (i) clearly identified on the Scheme Map and on site;
- (ii) the subject of a management plan as may be required and approved by the responsible authority.

(b) Landscape Protection

For the purpose of landscape protection within conservation links, the following may apply—

- (i) lower permissible building densities than in non-conservation link areas, to limit the extent of hard surfaces;
- (ii) higher minimum landscaping requirements than in non-conservation link areas, to encourage provision and retention of vegetation;
- (iii) vehicular traffic management to reduce conflicts with wildlife;
- (iv) restrictions on the extent of earthworks permitted to preserve visual character of the landform and discourage soil and vegetation loss;
- (v) encouragement of use of indigenous vegetation, pollution traps and minimal application of fertilisers, pesticides and bore water, to foster local species and maintain water quality;
- (vi) general tree preservation and vegetation protection orders;
- (vii) extension of the public open space network where opportunities arise; and
- (viii) restrictions on building design to preserve landscape qualities, views and opportunities for wildlife migration.

(c) Tree Preservation

To preserve significant trees, the Council is to keep a register of such and make tree preservation orders, as follows—

- (i) nomination of particular species on the register;
- (ii) formation of a committee of knowledgeable and interested persons to advise on matters of—
  - (a) additions to and deletions from the register;
  - (b) alterations to trees listed in the register;
  - (c) modifications to any regulation or requirement controlling development, in order to protect a registered tree; and
  - (d) the need for public consultation, if any;
- (iii) any person may nominate particular trees on public property for inclusion on the register;
- (iv) private landowners may nominate particular trees on their land for inclusion on the register.

(d) Landscaped Open Space

To maintain the existing landscape character of the City a minimum proportion of each site, in both public and private ownership, shall be provided and maintained as landscaped open space, unless the Council has approved otherwise in a comprehensive plan submitted by the applicant. Such landscaped open space may be variable between precincts, depending on the predominant use in each precinct, and the Council may specify a minimum proportion of such landscaping to be in-ground.

(e) Documentation of Vegetation

To ensure due consideration is given to vegetation, applications for development shall clearly identify the following—

- (i) existing on-site mature trees and any tree included on the tree register;
- (ii) existing trees in the adjoining road reserve(s);
- (iii) existing trees, if any, proposed to be removed; and
- (iv) proposed landscaping, distinguishing between in-ground and other landscaping.

(f) Protection of Heritage

To assist with recognition and protection of heritage values, there may be—

- (i) preparation of an inventory of precincts and places which are of cultural heritage significance, with due consultation with the public and individual property owners affected by such listing;
- (ii) formation of a committee of knowledgeable and interested persons to advise on matters of—
  - (a) additions and deletions to the inventory;
  - (b) alterations to places listed on the inventory; and
  - (c) modifications to any regulation or requirement controlling development, in order to protect a place so listed.
- (iii) identification of heritage places on site.



(g) Resource Conservation

To ensure due consideration is given to resource conservation, applications for development shall incorporate principles of design for—

- (i) climate;
- (ii) hydrology;
- (iii) waste recovery; and
- (iv) solar efficiency.

#### **2.4.3 Open Space and Recreation**

(a) Classification of Open Space

For the purpose of indicating the preferred predominant use, significant public open spaces shall be classified on the Scheme Map as follows—

- (i) nature conservation;
- (ii) active recreation; and
- (iii) other.

(b) Regional Open Space

The predominant use of regional open space (Metropolitan Region Scheme Parks and Recreation Reserves) shall be the purpose for which it is reserved and the preferred use as shown in the Scheme.

(c) Local Open Space

The predominant use of local open space shall be as decided by the Council, to satisfy local needs, in consultation with the local community.

(d) Open Spaces adjoining Watercourses and Lakes

The predominant use of public open spaces adjoining watercourses and lakes shall be nature conservation and/or recreation, with a view to protecting water quality, dependent on the circumstances of each site and an approved management plan.

(e) Bush Areas

For the purpose of education and cultural enrichment, it is intended to maintain public natural bushland in perpetuity and for it to be managed in accordance with the State Government 'Bushland' study.

(f) Active Recreation

Open space designated for active recreation ('A') on the Scheme Map is intended to be available for use or development for organised recreational activities, including games, sports or other events usually involving gatherings of people, equipment and facilities, on sites which by virtue of their location, size, topography and accessibility are suitable for the purpose and for utilisation by educational establishments, clubs and community groups.

#### **2.4.4 Industry**

(a) Choice of Location

For the purpose of providing a choice of sites for different types and scales of industrial activity, the following locations shall be available in accordance with the Scheme—

- (i) Palmyra Industrial Precinct, for general industry;
- (ii) Kardinya Industrial Precinct, for light and service industry;
- (iii) Myaree Mixed Business and Mixed Business Frame Precincts, for light and service industry at the discretion of the Council;
- (iv) Murdoch Public Purposes Reserve, for light and service industry.

(b) Landscaping

To improve the amenity of industrial areas, landscaping shall be provided on each site in accordance with clause 2.4.2 (d), concentrated at the street frontage and/or any adjoining non-industrial areas.

(c) Advertising and Display

To further improve the amenity of industrial areas, advertising signs and display of goods may be limited in size and location and shall be confined to the name of the business or occupier and the products being manufactured or serviced on site.

#### **2.4.5 Commerce**

(a) Choice of Location

For the purpose of providing a choice of sites for different types of retail and commercial activity, the following locations shall be available—

- (i) Booragoon City Centre Precinct;
- (ii) Myaree Mixed Business Precinct;
- (iii) District and Community Centre Precincts;
- (iv) Home Stores which shall be located without disturbing local amenity; and
- (v) Living Area Precincts, as appropriate for home occupations at the discretion of the Council, which may require advertising; and



- (vi) City Centre, District Centre, Community Centre or Commercial Centre Frame Precincts as appropriate, for light and service industry at the discretion of the Council;

The Local Commercial Strategy adopted by the Council identifies (i) to (iii) of the above categories.

(b) Growth of Centres

To achieve the greatest available range of commercial facilities for the residents and workforce in the City, proposals for new centres and for the growth of existing centres shall be assessed within the context of the Local Commercial Strategy. This will be subject to the preparation of social and economic need analyses and urban design studies that include consideration of the interface with adjoining areas.

(c) Booragoon City Centre Precinct

To promote the City Centre concept, the Council may require expansion of retail floor space to be accompanied by some development of non-retail activity, comprising housing, entertainment/cultural uses and/or government services.

(d) Future Employment Centre

For the purpose of forward planning for a possible new employment centre in the long term, development shall be in accordance with an overall plan approved by the Council. This development will be within the south west quadrant of the intersection of South Street and Kwinana Freeway, comprising the public purposes site and public transit interchange.

(e) Landscaping

To improve the amenity of commercial areas, landscaping shall be provided on each site in accordance with clause 2.4.2 (d), concentrated in or adjoining public areas and/or any adjacent non-commercial areas, subject to any overall urban design studies approved by the Council.

(f) Advertising

To maintain a scale of commercial advertising appropriate to the amenity of each precinct, advertising controls shall be specified in the Scheme and such controls may be variable between precincts.

#### **2.4.6 Community Services**

(a) Location

For the purpose of establishing local centres, future community services including family centres, education, health, welfare, recreation and cultural facilities, shall be located so as to be readily accessible to each neighbourhood having due regard to existing schools, commercial centres and public transport.

(b) Use

To encourage maximum use of available resources, the Council shall have regard to the sharing of facilities that accommodate community services.

#### **2.4.7 Transport**

(a) Need for Travel

To minimise the need for travel, a variety of uses shall be permitted in all areas, subject to the amenity of each area.

(b) Travel Mode

To allow a choice of travel mode, development on each site shall be designed to accommodate demands for both motorised and non-motorised transport access, provide car and bicycle parking and shall consider walking distance to public transport. Where development of significant employment destinations is undertaken, change-rooms and shower facilities shall be provided for commuter cyclists.

(c) Parking

To satisfy demands for car parking—

- (i) there shall be provided on-site an adequate number of parking bays, including for visitors and service vehicles;
- (ii) large on-ground car parks shall include landscape planting for visual relief, which shall be exclusive of the landscaping requirement of sub-clause 2.4.2 (d);
- (iii) the Council may accept landscaping in lieu of car parking or cash in lieu of car parking bays in prescribed circumstances as set out in clause 5.8.

To ensure that the demand for bicycle parking is satisfied—

- (i) short and long term bicycle parking for employees and residents is to be provided consistent with the Austroads Guide to Engineering Practice Part 14: Bicycles or any other relevant code.

(d) Bicycle and Pedestrian Routes

To foster these modes of transport, bicycle routes and associated pedestrian routes may where appropriate be reflected in the Perth Bicycle Network Plan and the Local Bike Plan as adopted by Council and modified from time to time.



### **PART 3: RESERVES**

#### **3.1 CLASSIFICATION**

Certain lands within the Scheme area are shown on the Scheme Map and classified into either—

- (a) Metropolitan Region Scheme Reserves; or
- (b) City of Melville Scheme Reserves.

#### **3.2 METROPOLITAN REGION SCHEME RESERVES**

The land shown as “Regional Reserves” on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act 1959 as amended. Those lands are not reserved by this Scheme. The provisions of the Metropolitan Region Scheme continue to apply to such reserves.

#### **3.3 SCHEME RESERVES**

The land shown as “Local Reserves” on the Scheme Map are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder—

- (a) Local Open Space;
- (b) Public Purpose (“PS”: Primary School, “O”: Other);

and are intended to be utilised for such purposes in accordance with the associated Scheme policies.

#### **3.4 USE AND DEVELOPMENT OF LOCAL RESERVES**

A person shall not use, or commence or carry out development on a local reserve without first having obtained the planning approval of the Council under Part 7 of the Scheme, and in determining an application for planning approval the Council shall have regard to—

- (a) the matters set out in clause 7.10;
- (b) the ultimate purpose intended for the reserve;

and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before giving its determination.

#### **3.5 ACQUISITION OF RESERVES AND COMPENSATION**

**3.5.1** This clause applies to land which is reserved under the Scheme and which is not owned by or vested in a public authority, a Commonwealth agency or the Council.

**3.5.2** In addition to the compensation provisions of the Act and clause 9.4 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.

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

**3.5.4** Where a claim for compensation arises as a result of clause 3.5.2, 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.

### **PART 4: PRECINCT DEVELOPMENT REQUIREMENTS**

#### **4.1 PRECINCTS**

The Scheme area is divided into Precincts, delineated on the Scheme Map, showing the area of each Precinct, set out hereunder—

##### **1. Living Area Precincts**

- AC1 Alfred Cove
- A1 Applecross
- A2 Applecross
- A3 Applecross
- AR1 Ardross
- AT1 Attadale
- AT2 Attadale
- BN1 Bateman
- BN2 Bateman South
- BC1 Bicton
- BC2 Bicton
- BC3 Bicton
- BC4 Bicton
- BG1 Booragoon
- BT1 Brentwood
- BT2 Brentwood
- BT3 Brentwood



BLK1 Bull Creek  
BLK2 Bull Creek  
CH Canning Highway  
CL Conservation Link  
K1 Kardinya  
K2 Kardinya East  
K3 Kardinya  
K4 Kardinya  
K5 Kardinya  
L1 Leeming  
ML1 Melville  
MP1 Mt Pleasant  
MP2 Mt Pleasant  
M1 Murdoch  
M2 Murdoch  
M3 Murdoch  
MY1 Myaree  
P1 Palmyra  
R1 Riseley  
RFS River Foreshore  
W1 Willagee  
W2 Willagee  
WP1 Winthrop

**2. City Centre Precinct (CC)**

**3. District Centre Precincts**

DC1 Canning Bridge Centre  
DC2 Riseley Centre  
DC3 Melville Centre  
DC4 Petra Centre  
DC5 Kardinya Centre  
DC6 Bull Creek Centre

**4. Commercial Centre Frame Precincts**

AVF Applecross Village Frame  
CBF Canning Bridge Frame  
CCF City Centre Frame  
FF Farrington Frame  
HF Hislop Frame  
KF Kardinya Frame  
MF Melville Frame  
PF Petra Frame  
RF Riseley Frame

**5. Community Centre Precincts (CCR)**

**6. Mixed Business Precinct (MB)**

**7. Mixed Business Frame Precinct (MBF)**

**8. Industrial Precincts (I)**

**9. Heritage Precinct/Place (H)**

**10. Leeming Development Precinct (DP)**

**4.2 DEVELOPMENT REQUIREMENTS AND VARIATIONS**

For the control of development—

- (a) except to the extent that any provision may be made to the contrary in Parts 5, 6 and 7 of the Scheme, development of land is to conform with the Statement of Intent and the Development Requirements stipulated for the precinct in which the land is located;
- (b) except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or precinct development requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit;
- (c) in considering an application for planning approval under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to—
  - (i) consult the affected parties by following one or more of the provisions for advertising under clause 7.5; and
  - (ii) have regard to any expressed views prior to making its determination to grant the variation;



- (d) the power conferred by this clause may only be exercised if the Council is satisfied that—
  - (i) approval of the proposed development would be appropriate having regard to the criteria set out in clause 7.8;
  - (ii) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
  - (iii) a Special Majority of the Council votes in favour of the variation; and
- (e) notwithstanding anything else contained in this clause or in any of Parts 5, 6 and 7 of the Scheme, no discretion shall be exercised by the Council to vary a Residential Planning Code density otherwise applicable to the land the subject of the application, but this prohibition shall not apply in respect of Heritage Precinct Development Requirements.

## 1. LIVING AREA PRECINCTS

### AC1—ALFRED COVE

#### Statement of Intent

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

#### Development Requirements

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear	Setbacks as per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height Policy.	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

### A1—APPLECROSS

#### Statement of Intent

Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

#### Development Requirements

R Code	R15, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	50% of site area and in accordance with Clause 5.9.
Maximum Building Height Policy.	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.



**Advertising Control**

Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**A2—APPLECROSS****Statement of Intent**

Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational, educational and community uses provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. A low density and moderate landscaping and setback requirements provide a buffer transition area adjoining the river. Development should be designed with minimum possible earthworks to maintain existing landform. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R17.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6.0 metres, as per R Codes.
Minimum Side Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Rear Setback	6.0 metres.
Minimum Landscaping (non-residential)	60% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**A3—APPLECROSS****Statement of Intent**

Primarily medium density residential but may include home occupations, parks, religious, recreational, educational and community uses provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R30, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6.0 metres, as per R Codes.
Minimum Side Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Rear Setback	As per R Codes.
Minimum Landscaping (non-residential)	60% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.



**AR1—ARDROSS****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational, and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2. R40 area bounded by Links Road, Leverburgh Street, Riseley Street and rear of lots facing Almondbury Road.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	50% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
For Two Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area.</li> <li>3. Side and rear setbacks to the second and any subsequent storey shall be a minimum of 4 metres.</li> <li>4. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> <li>5. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> </ol>
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**AT1—ATTADALE****Statement of Intent**

Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R15, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	50% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.



Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
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**AT2—ATTADALE****Statement of Intent**

Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R15/R25, in accordance with Clauses 5.1, 5.2. Where the higher R Code can be considered for development that complies with the split coding criteria.
Split Coding Criteria	<ol style="list-style-type: none"> <li>1. The existing house being restored and/or upgraded or any development being designed to be sympathetic with the character of the area.</li> <li>2. The subject site abutting at least three (3) lots already developed to at least the higher R Code or non-residential use(s).</li> <li>3. A landscape plan being submitted which provides for the retention of existing significant vegetation and the planting of substantial mature vegetation.</li> <li>4. The proposal having regard to the Visual Privacy Policy of the Council.</li> <li>5. Notwithstanding 2 above, the higher coding will be available for corner lots.</li> </ol>
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks (non battle-axe two storey)	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	50% of site area and in accordance with Clause 5.9.
Maximum Building Height (non battle-axe two storey)	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
For Two Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area.</li> <li>3. Two storey development (or more) shall only be permitted where two (2) abutting lots already have two storey developments.</li> <li>4. Side and rear setbacks to the second storey shall be a minimum of 4 metres.</li> <li>5. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> <li>6. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> </ol>
Minimum Car Parking —Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.



**BN1—BATEMAN****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metres in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**BN2—BATEMAN SOUTH****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on the premises and/or name of the property, building, owner occupier, not exceeding 1.0 square metres in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**BC1—BICTON****Statement of Intent**

Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.



**Development Requirements**

R Code	R17.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks (non battle-axe two storey)	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	50% of site area and in accordance with Clause 5.9.
Maximum Building Height (non battle-axe two storey)	8 metres to eaves, 10.5 metres maximum and having regard to Council Policy.
For Two Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area.</li> <li>3. Two storey (or more) development shall only be permitted where two (2) abutting lots already have two storey development.</li> <li>4. Side and rear setbacks to the second storey shall be a minimum of 4 metres.</li> <li>5. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> <li>6. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> </ol>
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
Additional Requirement	A landscape plan being submitted which provides for the retention of existing significant vegetation and the planting of substantial mature vegetation.

**BC2—BICTON****Statement of Intent**

Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R17.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	50% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.



Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
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**BC3—BICTON****Statement of Intent**

Primarily residential but may include home occupations, provided they are not developed to such an intensity that they disturb the Precinct or are out of character with the particular historic nature of the precinct. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R17.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6.0 metres, as per R Codes.
Minimum Side and Rear Setbacks (non battle-axe two storey)	As per R Codes.
Minimum Landscaping (non-residential)	50% of site area and in accordance with Clause 5.9.
Maximum Building Height (non battle-axe two storey)	8 metres to eaves, 10.5 metres maximum and in accordance with having regard to Council Policy.
For Two Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area.</li> <li>3. Side and rear setbacks to the second storey shall be a minimum of 4 metres.</li> <li>4. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> <li>5. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> </ol>
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
Additional Requirements	<ol style="list-style-type: none"> <li>1. Any residential development shall be designed to be sympathetic to the character of the existing dwellings in the area.</li> <li>2. A landscape plan shall be submitted which provides for the retention of existing significant vegetation and the planting of substantial mature vegetation where appropriate.</li> </ol>

**BC4—BICTON****Statement of Intent**

Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational, educational and community uses provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. A low density and moderate landscaping and setback requirements provide a buffer transition area adjoining the river. Development should be designed with minimum possible earthworks to maintain existing landform. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R12.5/R17.5, in accordance with Clauses 5.1, 5.2. Where the higher R Code can be considered for development that complies with the split coding criteria.
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Split Coding Criteria	<ol style="list-style-type: none"> <li>1. The existing house being restored and/or upgraded or any development being designed to be sympathetic with the character of the area.</li> <li>2. The subject site abutting at least two (2) lots already developed to at least the higher R Code or non-residential use(s).</li> <li>3. A landscape plan being submitted which provides for the retention of existing significant vegetation and the planting of substantial mature vegetation.</li> <li>4. The proposal having regard to Council Policy relating to privacy and overlooking.</li> <li>5. Notwithstanding 2 above, the higher coding will be available for corner lots.</li> </ol>
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6.0 metres, as per R Codes.
Minimum Side Setback (non battle-axe two storey)	As per R Codes and subject to Clause 5.7.
Minimum Rear Setback (non battle-axe two storey)	As per R Codes.
Minimum Landscaping (non-residential)	60% of site area and in accordance with Clause 5.9.
Maximum Building Height (non battle-axe two storey)	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
For Two Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Side and rear setbacks to the second storey shall be a minimum of 4 metres.</li> <li>2. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> <li>3. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> </ol>
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**BG1—BOORAGOON****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.



Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metres in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
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**BT1—BRENTWOOD****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metres in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**BT2—BRENTWOOD****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R25, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.



**BT3—BRENTWOOD****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks (non battle-axe two storey)	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height (non battle-axe two storey)	8 metres to eaves, 10.5 metres maximum, and having regard to Council Policy.
For Two Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area.</li> <li>3. Side and rear setbacks to the second and any subsequent storey shall be a minimum of 4 metres.</li> <li>4. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> <li>5. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> </ol>
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**BLK1—BULL CREEK****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.



Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
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**BLK2—BULL CREEK****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R17.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**CH—CANNING HIGHWAY****Statement of Intent**

Primarily medium density residential to take advantage of good public transport links but may include other activities such as home occupations, parks, religious, public recreational, educational and medical uses, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. The residential character of Canning Highway shall be preserved. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6. Any Council Policy for Canning Highway also is to apply.

**Development Requirements**

R Code	R25/R40, in accordance with Clauses 5.1, 5.2, provided that densities may be increased to R40 on lots over 1600 square metres where there is no vehicular access to or from Canning Highway.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	11 metres to eaves, 13.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.



Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
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## **CL—CONSERVATION LINK**

### **Statement of Intent**

Conservation corridors surrounding and linking areas of importance for nature conservation. Primarily low density residential in a landscaped setting but may include home occupations, parks, schools, institutions and religious facilities. Development should be designed with minimal earthworks to maintain existing landform. The residential character of major roads should be retained. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

### **Development Requirements**

R Code	R12.5, except the area bounded by the R1, AR1 & MP1 Precincts, Moyleen Road, Blue Gum reserve, BT2, Booragoon Lake reserve and Leach Highway shall be R17.5 in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	7.5 metres R12.5 and 6 metres R 17.5, as per R Codes.
Minimum Side Setback	As per R Codes and subject to Clause 5.7.
Minimum Rear Setback	As per R Codes.
Minimum Landscaping (non-residential)	33.3% of site area in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

## **K1—KARDINYA**

### **Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

### **Development Requirements**

R Code	R17.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.



Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
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**K2—KARDINYA EAST****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	
—Unsewered	R20, in accordance with Clauses 5.1, 5.2.
—Sewered	R25, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area and in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**K3—KARDINYA****Statement of Intent**

Primarily high density residential but may include home occupations, parks, religious facility, one service station site and other similar residential type uses provided they do not disturb the Precinct. All non-residential uses shall be advertised in accordance with clause 7.5 provided that home occupations shall be determined in accordance with clause 5.6.

**Development Requirements**

R Code	R80, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	9 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	10% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area and in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.



**K4—KARDINYA****Statement of Intent**

Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R10, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	7.5 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**K5—KARDINYA****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**L1—LEEMING****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.



**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area and in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**ML1—MELVILLE****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks (Non battle-axe two storey)	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height (Non battle-axe two storey)	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
For Two-Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30 % of the gross floor area.</li> <li>3. Side and rear setbacks to the second storey shall be a minimum of 4 metres.</li> <li>4. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> <li>5. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> </ol>
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.



- |                         |   |
|-------------------------|---|
| Additional Requirements | <ol style="list-style-type: none"> <li>1. Any residential development shall be designed to be sympathetic to the character of the existing dwellings in the area.</li> <li>2. A landscape plan shall be submitted which provides for the retention of existing significant vegetation and the planting of substantial mature vegetation where appropriate.</li> </ol> |
|-------------------------|---|

**MP1—MT PLEASANT****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational, and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
For Two Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area.</li> <li>3. Side and rear setbacks to the second and any subsequent storey shall be a minimum of 4 metres.</li> <li>4. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> <li>5. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> </ol>
Minimum Car Parking—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**MP2—MT PLEASANT****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R17.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.



**Minimum Car Parking**

—Residential

As per R Codes.

—Non-residential

One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.

**Advertising Control**

Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**M1—MURDOCH****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code

R17.5 in accordance with Clauses 5.1, 5.2.

Minimum Lot Area

As per R Codes.

Maximum Plot Ratio  
(non-residential)

0.4.

Minimum Front Setback

6 metres, as per R Codes.

Minimum Side and Rear Setbacks

As per R Codes and subject to Clause 5.7.

Minimum Landscaping  
(non-residential)

33.3% of site area and in accordance with Clause 5.9.

Maximum Building Height

8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.

**Minimum Car Parking**

—Residential

As per R Codes.

—Non-residential

One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.

**Advertising Control**

Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**M2—MURDOCH****Statement of Intent**

To be added by a future scheme amendment.

**Development Requirements**

To be added by a future scheme amendment.

**Note—**

This precinct was the subject of proposed Amendment No. 140 to former Town Planning Scheme No. 3. That amendment was discontinued and the Minister for Planning directed that the Council undertake a future amendment to Community Planning Scheme No. 5 to address the land's classification, use, any residential density coding and development having regard for the operations of the adjacent Industrial Foundation for Accident Prevention.

Consequently, this precinct page does not contain a Statement of Intent or Development Requirements at this stage, which will be added by a future scheme amendment.

It is important that the precinct designation of M2 be retained, however, to recognise the geographic area and to preserve the sequence of precincts in the Scheme Map and Text.

**M3—MURDOCH****Statement of Intent**

Primarily medium density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.



**Development Requirements**

R Code	R40, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**MY1—MYAREE****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. Land use and development shall have regard to the relationship with the adjoining mixed business area and in particular the interface between residential and non-residential. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks (non battle-axe two storey)	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height (non battle-axe two storey)	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
For Two Storey (or more) On Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area.</li> <li>3. Side and rear setbacks to the second storey shall be a minimum of 4 metres.</li> <li>4. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> <li>5. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to with Council Policy.</li> </ol>
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.



**P1—PALMYRA****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational, and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks (Non battle-axe two storey)	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height (Non battle-axe two storey)	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
For Two storey (or More) on Battle-Axe Lot	<ol style="list-style-type: none"> <li>1. Maximum plot ratio—0.4 of effective lot area.</li> <li>2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30 % of the gross floor area.</li> <li>3. Side and rear setbacks to the second storey shall be a minimum of 4 metres.</li> <li>4. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.</li> <li>5. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.</li> </ol>
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.
Additional Requirements	<ol style="list-style-type: none"> <li>1. Any residential development shall be designed to be sympathetic to the character of the existing dwellings in the area.</li> <li>2. A landscape plan shall be submitted which provides for the retention of existing significant vegetation and the planting of substantial mature vegetation where appropriate.</li> </ol>

**R1—RISELEY****Statement of Intent**

Primarily medium density residential to take advantage of good public transport links but may include other activities such as home occupations, parks, religious, public recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. The residential character of Riseley Street shall be preserved. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R25/R40, in accordance with Clauses 5.1, 5.2, provided that densities may be increased to R40 on lots over 1600 square metres where there is no vehicular access to or from Riseley Street.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.



Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

## **RFS—RIVER FORESHORE**

### **Statement of Intent**

Primarily low density residential but may include home occupations, parks, religious, recreational, educational and community uses provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. A low density and moderate landscaping and setback requirements provide a buffer transition area adjoining the river. Development should be designed with minimum possible earthworks to maintain existing landform. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

### **Development Requirements**

R Code	R12.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Lot Area	2000 square metres.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	7.5 metres, as per R Codes.
Minimum Side Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Rear Setback	7.5 metres, as per R Codes.
Minimum Landscaping (non-residential)	60% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

## **W1—WILLAGEE**

### **Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

### **Development Requirements**

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.



**For Two storey (or More) on  
Battle-Axe Lot**

1. Maximum plot ratio—0.4 of effective lot area.
2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30 % of the gross floor area.
3. Side and rear setbacks to the second storey shall be a minimum of 4 metres.
4. The rear ground floor setback for all two storey development shall be a minimum of 3 metres with an average of 6 metres.
5. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.

**Minimum Car Parking**

—Residential

As per R Codes.

—Non-residential

One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.

**Advertising Control**

Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**Additional Requirements**

1. Any residential development shall be designed to be sympathetic to the character of the existing dwellings in the area.
2. A landscape plan shall be submitted which provides for the retention of existing significant vegetation and the planting of substantial mature vegetation where appropriate.

**W2—WILLAGEE****Statement of Intent**

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. This precinct will be required to fully implement the Willagee Redevelopment Concept Plan including provision by the developer (Homeswest) of the infrastructure such as road modifications, footpaths, public open space requirements and the like. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements****R Code**

R20/R25, in accordance with Clauses 5.1, 5.2.

The higher R Code can be considered where the development is in keeping with the approved concept plan for the area and maintains a high standard of residential development. The Willagee Redevelopment Concept Plan for the area shall include a disbursement ratio for grouped housing sites (R25) such that no more than 15% of any super-lot's net land area is for lots over 800 square metres.

**Minimum Lot Area**

As per R Codes.

**Maximum Plot Ratio  
(non-residential)**

0.4.

**Minimum Front Setback**

6 metres, as per R Codes.

**Minimum Side and Rear Setbacks**

As per R Codes and subject to Clause 5.7.

**Minimum Landscaping  
(non-residential)**

33.3% of site area and in accordance with Clause 5.9.

**Maximum Building Height**

8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.

**Minimum Car Parking**

—Residential

As per R Codes.

—Non-residential

One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.

**Advertising Control**

Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.



**WP1—WINTHROP****Statement of Intent**

Primarily residential but may include, parks, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

**Development Requirements**

R Code	R17.5, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes and subject to Clause 5.7.
Minimum Landscaping (non-residential)	33.3% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 10 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

**2. CITY CENTRE PRECINCT (CC)****Statement of Intent**

The commercial, administrative, civic, entertainment and cultural centre of the City of Melville. With any expansion of retail or office floor space Council may require an equivalent floor area of housing, entertainment and cultural uses, government services, or other public uses. The Council may prepare an overall development plan and urban design guidelines for the precinct.

**Development Requirements**

R Code	At the discretion of the Council.
Minimum Lot Area	Nil.
Minimum Setbacks	Nil.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	Generally six storeys. 20 metres average with a maximum of 28 metres, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	At the discretion of the Council, in accordance with Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Retail Floor Space	Generally in accordance with the Local Commercial Strategy, as specified in Clause 5.17. Maximum 65,000 square metres (NLA).

**3. DISTRICT CENTRE PRECINCTS****DC1—CANNING BRIDGE CENTRE****Statement of Intent**

Primarily retail shopping, tourist facilities, motel/hotel, offices, and licensed premises, with residential use encouraged. Access to the car parking areas on Lots 1, 2 and 3 Canning Highway and Lot 6 Sleat Road over Lot 5 Sleat Road, shall be maintained at all times. The Council may prepare urban design guidelines for the precinct.

**Development Requirements**

R Code	R60, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	1.0.



Minimum Setback	Nil, provided that Clause 5.7 shall apply at the edge of the Precinct where residential lots abut.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	Generally six storeys. 20 metres average with a maximum of 28 metres, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, provided that a minimum of 50% of bays shall be covered, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Retail Floor Space	Generally in accordance with the Local Commercial Strategy, as specified in Clause 5.17. Maximum 5,400 square metres (NLA).

**DC2—RISELEY CENTRE****Statement of Intent**

Primarily retail shopping, boutiques, small-scale offices, restaurants and other commercial activities and residential use.

**Development Requirements**

R Code	R60, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Setback	Nil, provided that Clause 5.7 shall apply at the edge of the Precinct where residential lots abut.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	11 metres to eaves, 13.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Retail Floor Space	Generally in accordance with the Local Commercial Strategy, as specified in Clause 5.17. Maximum 11,300 square metres (NLA).

**DC3—MELVILLE CENTRE****Statement of Intent**

Primarily retail shopping but may include offices, other commercial activities and residential use.

**Development Requirements**

R Code	R60, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Setback	Nil, provided that Clause 5.7 shall apply at the edge of the Precinct where residential lots abut.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	11 metres to eaves, 13.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Retail Floor Space	Generally in accordance with the Local Commercial Strategy, as specified in Clause 5.17. Maximum 12,000 square metres (NLA).



**DC4—PETRA CENTRE****Statement of Intent**

Primarily retail shopping but may include offices, other commercial activities and residential use.

**Development Requirements**

R Code	R60, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Setback	Nil, provided that Clause 5.7 shall apply at the edge of the Precinct where residential lots abut.
Minimum Landscaping (non-residential)	10% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Retail Floor Space	Generally in accordance with the Local Commercial Strategy, as specified in Clause 5.17. Maximum 9,200 square metres (NLA).

**DC5—KARDINYA CENTRE****Statement of Intent**

Primarily retail shopping but may include offices, other commercial activities and residential use.

**Development Requirements**

R Code	R60, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Setback	Nil, provided that Clause 5.7 shall apply at the edge of the Precinct where residential lots abut.
Minimum Landscaping (non-residential)	10% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Retail Floor Space	Generally in accordance with the Local Commercial Strategy, as specified in Clause 5.17. Maximum 20,000 square metres (NLA).

**DC6—BULL CREEK CENTRE****Statement of Intent**

Primarily retail shopping but may include offices, other commercial activities and residential use.

**Development Requirements**

R Code	R60, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Setback	Nil, provided that Clause 5.7 shall apply at the edge of the Precinct where residential lots abut.
Minimum Landscaping (non-residential)	10% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.



Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Retail Floor Space	Generally in accordance with the Local Commercial Strategy, as specified in Clause 5.17. Maximum 15,600 square metres (NLA).

#### **4. COMMERCIAL CENTRE FRAME PRECINCTS**

##### **AVF—APPLECROSS VILLAGE FRAME**

###### **Statement of Intent**

Primarily residential but may include small-scale offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Buildings shall not use mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited.

###### **Development Requirements**

R Code	R40, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, provided that a minimum of 33.3% of bays shall be covered, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.

##### **CBF—CANNING BRIDGE FRAME**

###### **Statement of Intent**

Primarily residential but may include offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited. The Council may prepare urban design guidelines for the precinct.

###### **Development Requirements**

R Code	R50, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	11 metres to eaves, 13.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, provided that a minimum of 33.3% of bays shall be covered, in accordance with Clause 5.8 and having regard to Council Policy.



Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.
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## CCF—CITY CENTRE FRAME

### Statement of Intent

Medium density residential and mixed business area, including small scale offices, medical practitioners, and public purposes but excluding shops, open air display of goods and vehicles, restaurants, service stations and the like. All development shall be residential in character with a suitable landscaping provision to ensure compatibility with existing homes.

### Development Requirements

R Code	R50, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Rear Setback	6 metres.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, provided that a minimum of 33.3% of bays shall be covered, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.

## FF—FARRINGTON FRAME

### Statement of Intent

Primarily residential but may include offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Buildings shall not use mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited. In order to protect the amenity of adjoining residential lots no rear parking is permitted. The Council may prepare urban design guidelines for the precinct.

### Development Requirements

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.4.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, provided that a minimum of 33.3% of bays shall be covered, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.



**HF—HISLOP FRAME****Statement of Intent**

Primarily residential but may include small-scale offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Shops, open-air display of goods and vehicles, service stations and the like are prohibited. Building height is restricted because of the proximity of the Alfred Cove Conservation Reserve. Buildings shall not use mirror glass externally.

**Development Requirements****R Code**

—N-E portion	R30 in accordance with Clauses 5.1, 5.
—Main portion	R25/R50 in accordance with Clauses 5.1, 5.2, provided that densities may be increased to R50 on lots over 1600 square metres where there is no vehicular access to or from Canning Highway.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, provided that a minimum of 33.3% of bays shall be covered, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.

**KF—KARDINYA FRAME****Statement of Intent**

Primarily residential but may include offices, medical practitioners and churches where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited.

**Development Requirements**

R Code	R50, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, provided that a minimum of 33.3% of bays shall be covered, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.



**MF—MELVILLE FRAME****Statement of Intent**

Primarily residential but may include offices, medical practitioners, and ancillary uses, where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited.

**Development Requirements**

R Code	R50, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.

**PF—PETRA FRAME****Statement of Intent**

Primarily residential but may include small-scale offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations, restaurants and the like are prohibited.

**Development Requirements**

R Code	R50, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.

**RF—RISELEY FRAME****Statement of Intent**

Primarily residential but may include offices, medical practitioners and churches where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited.



**Development Requirements**

R Code	R50, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.6.
Minimum Front Setback	6 metres, as per R Codes.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	25% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, provided that a minimum of 33.3% of bays shall be covered, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.

**5. COMMUNITY CENTRE PRECINCTS (CCR)****Statement of Intent**

Primarily community facilities, such as shops, schools and halls but may include aged persons housing and other medium density residential to take advantage of facilities. May include licensed premises, parks, religious, public, recreational, educational and medical uses, and small scale offices provided they are not developed to such an intensity that they disturb the Precinct. Any additional retail facilities shall adjoin existing shops and shall be advertised in accordance with Clause 7.5.

**Development Requirements**

R Code	R40, in accordance with Clauses 5.1, 5.2. Except for the CCR precinct North of Somerville Boulevard in Murdoch that is coded R25.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	0.3.
Minimum Front Setback	Compatible with adjoining development.
Minimum Side and Rear Setbacks	As per R Codes, subject to Clause 5.7.
Minimum Landscaping (non-residential)	10% of site area and in accordance with Clause 5.9.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Retail Floor Space	Generally in accordance with the Local Commercial Strategy, as specified in Clause 5.17. Hislop Road maximum 2,760 square metres (NLA). Applecross Village maximum 4,000 square metres (NLA).

**6. MIXED BUSINESS PRECINCT (MB)****Statement of Intent**

An industrial area in transition to commercial use in accordance with the Local Commercial Strategy, accommodating retail uses of a bulky nature. Some residential use may occur. The amenity of the area is to be up-graded and attention given to landscaping all new development.

**Development Requirements**

R Code	R20, provided that where connection to sewer is available, R25, in accordance with Clauses 5.1, 5.2.
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Minimum Lot Area	As per R Codes.
Minimum Front Setback	10 metres, provided that a 12 metre setback shall apply in Norma Road from Kitchener Road to Leach Highway and 15 Metres in Leach Highway.
Minimum Side and Rear Setbacks	Nil.
Minimum Landscaping (non-residential)	10% of site area and in accordance with Clause 5.9, providing that this may be reduced to 5% where the verge is landscaped, reticulated and maintained to the specification and satisfaction of the City of Melville.
Maximum Building Height	Generally three storeys, 11 metres to eaves and 13.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	Number of bays shall be determined by the Council, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are generally not supported. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.
Additional Requirements	Having regard to Council Policy.

## 7. MIXED BUSINESS FRAME (MBF)

### Statement of Intent

Primarily commercial including offices, showrooms, consulting rooms, medical centres and the like. Buildings shall not use reflective materials that impact on the amenity of the area, and all uses are to be compatible with the adjoining residential uses. Council Policy is to apply to manage the interface between non-residential and residential uses.

### Development Requirements

R Code	R20, in accordance with Clauses 5.1, 5.2.
Minimum Lot Area	As per R Codes.
Maximum Plot Ratio (non-residential)	1.3.
Minimum Front Setback	Determined by Council having regard to Policy.
Minimum Side and Rear Setbacks	Determined by Council in accordance with the Building Code of Australia and having regard to Council Policy.
Minimum Landscaping (non-residential)	10% of site area and in accordance with Clause 5.9, providing that this may be reduced to 5% where the verge is landscaped, reticulated and maintained to the specification and satisfaction of the City of Melville.
Maximum Building Height	8 metres to eaves, 10.5 metres maximum, having regard to Council Policy.
Minimum Car Parking	
—Residential	As per R Codes.
—Non-residential	One bay per 15 square metres gross leasable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of the Council other signs may be approved in accordance with the Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10, providing no adverse impact occurs to the adjoining residential properties.
Additional Requirements	Having regard to Council Policy.

## 8. INDUSTRIAL PRECINCTS (I)

### Statement of Intent

Areas for manufacturing and other industrial use, compatible with nearby residential development.

### Development Requirements

R Code	Nil.
Minimum Lot Area	800 square metres.
Maximum Plot Ratio (non-residential)	1.2.
Minimum Front Setback	6 metres.
Minimum Side and Rear Setbacks	Nil.
Minimum Landscaping (non-residential)	15% of site area and in accordance with Clause 5.9, providing that this may be reduced to 5% where the verge is landscaped, reticulated and maintained to the specification and satisfaction of the City of Melville.



Maximum Building Height	Generally two storeys.
Minimum Car Parking (non-residential)	Number of bays shall be determined by the Council, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Signs relating to the owner, occupier or goods or services available on the premises, in accordance with Signs, Hoardings and Billposting by-laws, as specified in Clause 5.10.

## 9. HERITAGE PRECINCT/PLACE (H)

### Statement of Intent

Areas shown and designated as a heritage precinct or place may be developed providing the proposed works are compatible with the heritage values and are in character with the historic precinct or place. Any development shall be subject to Clause 6.6.

All development including change of use, construction of a single house and additions and alterations thereto requires a planning approval.

All development shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.

### Development Requirements

To facilitate retention of heritage buildings, precincts or places the following shall apply—

R Code	At the discretion of the Council.
Other	Notwithstanding the provisions of this Scheme or the Residential Planning Codes, the Council may apply whatever other development requirements it considers appropriate.
Use	The Council may approve any use provided that in the opinion of the Council the use will not impact adversely on the amenity of the locality.

## 10. LEEMING DEVELOPMENT PRECINCT

### Statement of Intent

Area for conservation and recreation. Any development within the area shall not proceed without the preparation of an overall development concept plan showing the various forms of development and the impact of the development on the natural environment.

### Development Requirements

Initially, no development requirements are specified. However, development shall not occur without the prior preparation and approval of appropriate amendments to the Scheme to incorporate policy statements, development requirements, and conservation guidelines.

## PART 5: GENERAL DEVELOPMENT REQUIREMENTS

### 5.1 RESIDENTIAL PLANNING CODES

(a) 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.

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

(c) 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.

(d) 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

To ensure that development requirements relate directly to the needs of each locality and to promote better design—

- additional provisions applying to residential development in particular precincts as contained in Part 4 of this Scheme, including provisions for two (or more) storey dwellings on battle-axe lots, prevail where they vary from provisions of the Residential Planning Codes;
- notwithstanding the provisions specified in the Residential Planning Codes and elsewhere in this Scheme, the Council may require that the setbacks for residential development be compatible with existing residential development;
- in the case of special purpose dwellings the Council shall not exercise discretion in accordance with sub-clauses 5.1.3 or 5.2.1 of the Residential Planning Codes to permit the number of dwellings to be up to 50% greater than provided for by the Code applying to the site, and in the case of car parking bays for aged or dependent persons' dwellings the Council shall exercise its discretion in accordance with sub-clause 5.1.5 of the Residential Planning Codes to require the provision of one (1) bay per dwelling;



- (d) in the case of subdivision concurrent with development, setbacks shall be as specified for each Precinct in Part 4, unless varied in accordance with this Scheme;
- (e) to aid privacy and improve visual amenity, applications for residential development shall be in accordance with any guidelines for the design of medium density housing and comply with the Visual Privacy Policy of the Council; and
- (f) if prior to gazettal of this Scheme—
  - (i) the Commission has notified an applicant in writing that the Commission is prepared to—
    - approve a Diagram or Plan of Survey in accordance with the plan submitted by the applicant, or in accordance with the plan submitted once conditions have been fulfilled;
    - or
    - endorse an appropriate form, prescribed under the *Strata Titles General Regulations 1996*, as submitted, or in accordance with the plan submitted once the conditions have been fulfilled—
  - (“the Notification”)
  - or
  - (ii) a lot (including a lot within the meaning of the *Strata Titles Act 1985*) has been created, then the Council may approve an application for development approval with respect to a lot created or proposed to be created in accordance with that Notification, or with respect to a lot already in existence, which contains—
  - (iii) less open space than the minimum set out in column 6 of Table 1 to the *Residential Planning Codes*; or
  - (iv) less area of lot per dwelling than the minimum set out in column 3 of Table 1 to the *Residential Planning Codes*.

### 5.3 CONSTRUCTION OF BOATS AND RECREATION VEHICLES IN RESIDENTIAL AREAS

To preserve amenity of residential precincts—

- (a) the construction or major repair of boats or recreation vehicles, not including servicing, within residential areas, shall not be commenced or undertaken without the prior written approval of the Council;
- (b) in considering any application, the Council shall take due cognisance of the siting of the craft, construction materials and length of time during which construction shall take place and the effect of such works on the amenity and environment of the neighbourhood;
- (c) before any approval is granted, the Council shall seek in writing the comments of owners of residential lots which in the opinion of the Council are likely to be affected, and shall consider their comments when arriving at a decision;
- (d) the period of construction on site shall be limited initially to two years, with the proviso that the Council may approve extension for a further period not exceeding twelve months, providing no complaints have been received and upheld by the Council against the construction;
- (e) the craft under construction and/or repair shall not be sited between the residential building and the street and shall be suitably screened from adjacent roads and/or residences to the complete satisfaction of the Council;
- (f) the provisions of the Environmental Protection Act shall apply to construction and/or repair work at all times;
- (g) in considering any approval, the Council shall retain the right to specify the hours of any day during which work can be carried out;
- (h) approval to construct and/or repair shall not be construed as a right to construct and/or repair more than one such craft, and approval shall not be granted where construction and/or repair is for the purpose of sale and/or resale; and
- (i) at its discretion, the Council may order operations to be discontinued if complaints are received and substantiated, or if in the opinion of the Council the amenity of the area is prejudiced by the operations.

### 5.4 STORAGE OF CARAVANS AND BOATS IN RESIDENTIAL AREAS

For reasons of aesthetics, caravans and boats in residential areas shall, where practicable, be stored behind the front building setback line.

### 5.5 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

To preserve the amenity of residential precincts, Council approval is required to park a commercial vehicle on a residential site or Crown Reserve in accordance with the following—

- (a) no more than two commercial vehicles may be parked on a lot within a residential area provided that—
  - (i) only one vehicle may exceed two (2) tonnes tare weight;
  - (ii) the vehicles are parked on a lot containing only a single house or grouped dwellings;
  - (iii) the vehicles form an essential part of the occupation of an occupant of the dwelling;
  - (iv) no vehicle exceeds ten (10) metres in length;
  - (v) any vehicle exceeding six (6) metres in length is screened from view from outside the lot;
  - (vi) no vehicle is brought to or taken from the lot between the hours of 10 pm and 7 am;



- (vii) major repairs to the vehicles are not undertaken on the lot; and
- (viii) any minor repairs, servicing or cleaning of either vehicle are carried out in an area that is screened from view from outside the lot.
- (b) notwithstanding the provisions of subclause (a) of this clause, approval of the Council pursuant to clause 7.5 is required for the parking of a commercial vehicle exceeding two tonnes tare weight;
- (c) an approval of the Council granted under this clause to a person shall not be transferred or assigned to any other person;
- (d) a person to whom an approval has been granted under this clause shall not park or cause to be parked such a vehicle on any lot within a residential precinct other than on the lot in respect of which the approval is granted; and
- (e) if a vehicle has been parked with the approval of the Council under this clause and if in the opinion of the Council such vehicle is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may revoke the approval granted by it and after such rescission, no person shall park a commercial vehicle upon the land the subject of a resolution for revocation unless approval to do so shall subsequently be granted by the Council.

## 5.6 HOME OCCUPATIONS

To preserve the amenity of residential precincts—

- (a) no home occupation may be commenced, established, advertised or undertaken from a residential lot or address unless such use has been approved by the Council;
- (b) any home occupation shall be a use carried out by an occupier of land and shall not be transferable to any subsequent owner of the land;
- (c) approval for the establishment of a home occupation shall be for a maximum period of twelve (12) months only and the applicant is to seek renewals thereafter to effect the continuance of the home occupation;
- (d) if in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood the Council may revoke its approval;
- (e) the Council may only grant approval for a home occupation where—
  - (i) that occupation consists of the establishment and conduct of a business/office or consulting room, provided that the Council shall not grant approval to any uses of retail sale, hiring or display of goods of any nature, manufacturing or production of goods, where adverse amenity impacts are likely to occur;
  - (ii) it does not entail more than one customer or client at any one time other than those members of the immediate family to travel to and from the premises in relation to the business. The Council may permit this limitation to be increased up to a maximum of three (3) customers or clients provided it is satisfied the increase will have no detrimental effect on the locality;
  - (iii) it does not create injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
  - (iv) it does not entail the employment of any person not a member of the occupier family, unless the Council grants special approval;
  - (v) it does not occupy an area greater than thirty eight (38) square metres;
  - (vi) it does not require the provision of any essential service of a greater capacity than normally required for the permitted use of the lot;
  - (vii) it is restricted in advertisement to signs in accordance with Clause 5.10; and
  - (viii) it requires the provision of one on-site parking bay for the client/customer in addition to the domestic requirements on site, such parking bay to be accommodated to the satisfaction of the Council and not disrupting the access of domestic vehicles.
- (f) Notwithstanding any other provisions of this clause 5.6, approval is not required from the Council where—
  - (i) the home occupation comprises a business office no greater than 38 square metres;
  - (ii) no clients, customers or staff other than the occupier family travel to the premises;
  - (iii) there is no advertising sign on site larger than 0.2 square metres; and
  - (iv) the home occupation does not prejudicially affect the amenity of the neighbourhood.

## 5.7 NON-RESIDENTIAL DEVELOPMENT AMENITY

For preservation of amenity—

- (a) all facades of every non-residential building shall be of masonry, plate glass or other material approved by the Council;
- (b) any trade display situated within a building setback area adjoining a road reserve requires approval by the Council. There shall be no trade display located within any road reserve; and
- (c) every non-residential building shall have minimum boundary setbacks of two (2) metres side and six (6) metres rear from adjoining residential development, other than in the City Centre and District Centre Precincts, and the Mixed Business and Mixed Business Frame Precincts, unless otherwise specified or approved by the Council.



## **5.8 CAR PARKING**

### **5.8.1 Standards of Provision**

To satisfy demands for vehicle parking, car parking shall be provided for each development in accordance with the requirements of the relevant part of the Residential Planning Codes and Part 4 of this Scheme. For non-residential car parking the Council may, however, in order to ensure adequate provision of parking while also ensuring other desirable development requirements, exercise discretion to vary the requirements contained in Part 4 having regard to Council Policy.

### **5.8.2 Cash in Lieu of Provision of Car Parking Spaces**

To facilitate the construction of communal car parks—

- (a) where a person who applies for planning approval is required to provide car parking spaces in accordance with the Scheme that person may, if the Council so agrees, make a cash payment to the Council in lieu of the provision of all or any of the required number of car parking spaces; in accordance with the provisions of Council Policy.
- (b) the amount of the payment shall be calculated on the basis of the cost or estimated cost to the Council of the acquisition and development of land as a car park or the cost or estimated cost of modifying the existing road carriageway for a suitable parking area. The provision of a number of car parking bays being the difference between the number of car parking bays required for the development or use and the number of car parking bays provided, if any, on the development site;
- (c) where the Council agrees to accept a payment in lieu of the provision of portion of the required number of car parking spaces, the balance of the car parking spaces shall be provided on the land the subject of the application, in accordance with the requirements of the Scheme;
- (d) the estimated cost of any land to be acquired by the Council shall be determined by the Valuer General or by a licensed valuer as may be appointed by the Council;
- (e) the estimated cost of development of a public car park shall be determined by the Council or by a person nominated by the Council who is competent in the field of architecture or engineering;
- (f) the value of land to be acquired by the Council for a public car park and the cost to the Council to develop a public car park on land owned or vested in the Council shall be reviewed annually; and
- (g) the moneys received by the Council under this clause shall be paid into a trust fund and shall only be used for the acquisition or development of land as a public car park, or to reimburse the Council any expenses it has incurred in respect thereof including loan repayments, within the immediate locality and shall relate as much as practicable to the development of the land the subject of such payment.

### **5.8.3 Landscaping in Lieu of Car Parking**

Where an applicant for development can demonstrate to the satisfaction of the Council that there is not a demand for the required number of car spaces, the Council may accept landscaping in lieu of car parking, provided a development agreement which binds successors in title is entered into which allows the Council at any time in the future to require the additional car spaces to be constructed, provided that where a site is subject to a comprehensive plan approved by the Council, the above requirements may be varied and the Council may accept cash in lieu of car parking bays.

### **5.8.4 Provision of Bicycle Parking and Facilities**

To foster bicycle transport—

- (a) in respect of commercial development and employment centres the Council may require the provision of bicycle parking, showers, change rooms and locker facilities in accordance with Council Policy;
- (b) the provision of bicycle parking and end-of-journey facilities will be encouraged particularly where existing cycle and pedestrian routes promote the use of these modes of transport.

## **5.9 LANDSCAPING (NON-RESIDENTIAL)**

To ensure proper provision, use and maintenance of landscaping—

- (a) provision: landscaping shall be provided for each development in accordance with the requirements of Part 4 of this Scheme, the R Codes and any Council Policy. The Council may, however, in order to ensure practicable development while still ensuring satisfactory amenity, exercise discretion to vary the requirements contained in Part 4 having regard to Council Policy.
- (b) location: landscaping shall be located with special attention to street frontage(s), any adjoining river foreshore reserve and any adjoining residential use; the Council may require that some or all of the landscaping provision described in sub-clause (a) of this clause shall be in-ground;
- (c) composition: the Council shall encourage the planting of indigenous trees and shrubs that require little maintenance, reduce radiant heat and encourage water infiltration, but the general composition of landscaping shall be as determined by the Council; and
- (d) maintenance—failure to maintain approved landscaping is an offence under the Scheme.

## **5.10 CONTROL OF ADVERTISEMENTS**

For reasons of safety and amenity—

- (a) 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 and requires, except as otherwise provided, the prior approval of the Council. Planning approval is



required in addition to any licence pursuant to the Signs, Hoardings and Billposting by-laws of the Council;

- (b) applications for planning approval by the Council pursuant to this Part shall be submitted in accordance with the provisions of Clause 7.4 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Schedule 4 giving details of the advertisement(s) to be erected, placed or displayed on the land;
- (c) advertisements which—
  - (i) were lawfully erected, placed or displayed prior to the approval of the Scheme; or
  - (ii) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of the 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;
- (d) 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, the Council shall examine each such application in 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 may be affected;
- (e) subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 5.10 (a), the prior planning approval of the Council is required in respect of those advertisements listed in Schedule 1 of the regulations which for the purpose of this clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 1 of those regulations 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 6.6 of the Scheme;
- (f) notwithstanding the Scheme objectives and sub-clause 5.10 (e), 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;
- (g) 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—
  - (i) repair, repaint or otherwise restore the advertisement to a standard specified by the Council in the notice; or
  - (ii) remove the advertisement;
- (h) 'the advertiser' shall be interpreted as any one person or any group composed of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned;
- (i) any notice served in exceptional circumstances pursuant to sub-clause 5.10(f) or 5.10(g) shall be served upon the advertiser and shall specify—
  - (i) the advertisement(s) the subject of the notice;
  - (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
  - (iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser;
- (j) 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;
- (k) Where the provisions of this clause are found to be at variance with the provisions of the Signs, Hoardings and Billposting by-laws of the Council, the provisions of the Scheme shall prevail; and
- (l) The offences and penalties specified in Part 9 of the Scheme apply to the advertiser in this clause.

## 5.11 HEIGHT OF BUILDINGS

To preserve local amenity—

- (a) a building shall not be erected or added to so as to exceed the height prescribed for each precinct in Part 4 or in Council Policy provided that—
  - (i) a tower mast may exceed the prescribed height subject to Clause 5.12;
  - (ii) a building may have a non-habitable tower, spire or arch feature that exceeds the prescribed height;
- (b) height shall be measured in accordance with Council Policy guiding height control and the calculation of height; and



- (c) the design of all buildings with a height greater than one storey shall consider privacy of neighbouring development and shall be in accordance with any relevant policy or guidelines prepared under Clause 9.6.

#### **5.12 TOWER MASTS**

To preserve local amenity and prevent interference with the operation of Perth and Jandakot Airports—

- (a) within any Industrial Precinct, the erection of masts for the transmission and reception of radio signals in excess of forty five (45) metres from natural ground level shall not be permitted unless the approval of the relevant airport authorities and any other affected government instrumentality is obtained;
- (b) within any other precinct, the erection of masts for the transmission and reception of radio signals, in excess of five (5) metres from natural ground level, shall not be permitted unless—
  - (i) the opinion of all adjoining property owners, or whomever the Council considers may be affected by the erection of a mast, is sought;
  - (ii) the approval of any government body or instrumentality, which may be affected by the erection of a mast, is obtained.

#### **5.13 BATTLE-AXE LOTS**

To ensure appropriate development of battle-axe lots—

- (a) due regard shall be had for Council Policy relating to development of rear strata and battle-axe lots;
- (b) front and rear setbacks shall be provided to maintain the amenity of adjacent lots, but may be located from any boundary of the effective area;
- (c) carports may be located within the front or rear setback area provided that the amenity of adjacent lots is not affected;
- (d) the Council may consider the development of a maximum of three (3) grouped dwelling units on any one battle-axe lot, subject to—
  - (i) minimum lot size complying with the relevant Residential Planning Code density;
  - (ii) minimum access width for two (2) or more grouped dwellings being five (5) metres; and
  - (iii) front, rear and side setbacks conforming to the relevant provisions of this clause;
- (e) a three (3) metre truncation shall be provided where the lot area meets the street frontage, and a four and a quarter (4.25) metre truncation shall be provided where the access leg opens out to the effective lot area.

#### **5.14 CORNER/HOME STORES**

A home store shall be—

- (a) used predominantly for the sale of groceries and other food stuffs and not include the sale or offering for sale of liquor;
- (b) limited in floor area to a maximum of fifty (50) square metres; and
- (c) located on a Collector Road or similar road as approved by the Council and preferably on a primary pedestrian/cycle route.

#### **5.15 SEWERAGE PROVISIONS**

In accordance with the sewerage policy of the State Government relating to residential development, the Council will only permit the development of unsewered lots where the lot size is greater than 700 square metres per dwelling or an alternative effluent disposal system is approved by the Health Department of Western Australia. Any change to that policy from time-to-time relevant to this matter shall consequentially amend this provision accordingly.

#### **5.16 VEHICLE WRECKING**

To preserve local amenity—

- (a) a person may wreck, dismantle, break up, store and dispose of any old or disused motor vehicle or machinery (whether part of a motor vehicle or not) only on land within an Industrial Precinct;
- (b) such activity shall not be conducted on a Sunday, or any other day between 8 pm and 7 am, unless the prior written consent of the occupiers of every adjoining property is obtained;
- (c) every person wrecking vehicles shall—
  - (i) comply with all by-laws relating to nuisance;
  - (ii) maintain those vehicles that are not immediately required to be dismantled or broken up or that have been dismantled and broken up and are not immediately disposed of, in neat rows not exceeding 2.4 metres in height; and
  - (iii) provide, or make provision for, a screen of trees or shrubs between the building line and the street alignment to the satisfaction of the Council, but not so as to restrict visibility at an intersection;
- (d) a person wrecking vehicles shall not destroy any portion of a vehicle by fire; and
- (e) a person wrecking vehicles shall dispose of all materials in accordance with the Department of Environmental Protection's requirements.



**5.17 LOCAL COMMERCIAL STRATEGY**

To control retail activity within the Scheme area—

- (a) the Council shall maintain a Local Commercial Strategy prepared in accordance with the Western Australian Planning Commission's Metropolitan Centres Policy guiding the retail capacity of centres within the Scheme area;
- (b) the Local Commercial Strategy provides policy guidance for the purposes of determining the use and development of retail centres within the Scheme area;
- (c) the Local Commercial Strategy may be amended by—
  - (i) preparation of a retail impact analysis of the affect of a proposal on all centres within the Scheme area;
  - (ii) advertising of amendments in accordance with clause 9.6, including the placement of a notice in a newspaper circulating within the district and notification to the Western Australian Planning Commission of the intended changes;
- (d) all commercial centres of District level and above shall be capped to a maximum floorspace as provided for in the relevant precincts under Part 4.

**5.18 UNKEMPT LAND**

To preserve local amenity—

- (a) for any land within the district, where in the opinion of the Council any undergrowth, refuse, rubbish or disused material is likely to adversely affect the amenity of an area, or the value of adjoining property, or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring within a specified time removal from the land of such undergrowth, refuse, rubbish or disused material;
- (b) every owner or occupier of land to whom a notice is served shall comply with it within the time period therein specified; and
- (c) any person who fails to comply with any notice served commits an offence and is liable to action under clause 9.2.

**5.19 MIXED USE PLOT RATIO**

For the City Centre, City Centre Frame, District Centre, District Centre Frame and Community Centre precincts, in the case of a mixed use non-residential and residential development, the Council may approve a maximum plot ratio for the total development up to 0.2 more than the Maximum Plot Ratio (non-residential) development requirement specified for the precinct, provided that the residential proportion of the development is a minimum of fifty percent (50%).

**PART 6: GENERAL CONSERVATION REQUIREMENTS****6.1 PROTECTION OF NATURAL RESOURCES**

To conserve natural resources, development should be in accordance with—

- (a) guidelines for solar efficient design;
- (b) guidelines for water sensitive design;
- (c) guidelines for waste recycling,

all prepared subject to Clause 9.6.

**6.2 PROTECTION OF SOILS**

For conservation of soil resources, the construction of all development shall be undertaken in such a manner as to prevent soil erosion and control sedimentation. Control practices shall include storm-water management to prevent sediments from leaving the site. Failure to undertake these works shall be an offence under the Scheme.

**6.3 PROTECTION OF WILDLIFE**

To assist in the protection of wildlife, development abutting environmentally sensitive areas shall have regard to the preservation of the wildlife in the area.

**6.4 REGISTER OF TREES AND OTHER FLORA**

To facilitate protection of significant vegetation—

- (a) the Council shall maintain a Register of Trees and Other Flora ("the Register") which the Council considers to be of botanical, historical, cultural, landscape or townscape value;
- (b) the Register shall be available for inspection by any member of the public on request;
- (c) the Council shall, subject to sub-clause (f) of this clause include in the Register—
  - (i) any tree or other flora nominated by the owner of land on which it is located;
  - (ii) any tree or other flora that the Council considers has historical or cultural associations or makes a positive contribution to the landscape or townscape of the Scheme area;
- (d) the following shall be deemed to be included in the Register—
  - (i) any declared rare flora under the Wildlife Conservation Act 1950, as amended;
  - (ii) any *Nuytsia floribunda* (WA Christmas Tree) occurring within the Scheme area; and
  - (iii) any trees or other flora within particular Precincts as specified in Part 4;
- (e) the Council may, from time to time, add to or delete from the Register any individual, group or species of tree or other flora;



- (f) the Council shall before including or excluding any tree or other flora in the Register give to the owner of the land on which the flora is situated written notice that the Council proposes to include or exclude that flora in the Register and specifying the date being not less than three (3) weeks after the notice is given by which submissions may be made to the Council by the owner; and
- (g) the Council shall not include or exclude any tree or other flora in the Register without first considering any submissions received in accordance with (f) above.
- (h) the owner of land on which a registered tree or other flora is situated is encouraged to take care of the registered tree or other flora.

## **6.5 PROTECTION OF VEGETATION**

For the conservation of vegetation—

- (a) the Council, in granting an application for planning approval, in addition to any other condition that the Council is required or permitted to impose, may require that—
  - (i) the development is carried out in such a way as to minimise disturbance to existing vegetation;
  - (ii) any tree or group of trees or other flora be preserved or protected, whether included in the Register or not;

## **6.6 HERITAGE—PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE**

To facilitate the conservation of places of heritage value and to ensure as far as possible that development occurs with due regard to heritage values—

- (a) the Council shall establish and maintain a List of Heritage Places of places considered by the Council to be of heritage significance and worthy of conservation;
- (b) in the preparation of the List of Heritage Places the Council shall have regard to the Municipal Inventory prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 and will include on the List such of those entries on the Inventory it considers appropriate;
- (c) the Council shall keep copies of the List of Heritage Places with the Scheme documents for public inspection during normal office hours;
- (d) 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;
- (e) the Council shall adopt for each heritage precinct a policy statement which shall comprise—
  - (i) a map showing the boundaries of the precinct;
  - (ii) a list of places of heritage significance; and
  - (iii) objectives and guidelines for the conservation of the precinct;
- (f) 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;
- (g) the procedure to be followed by the Council in designating a heritage precinct shall be as follows—
  - (i) notify in writing each owner of land affected by the proposal;
  - (ii) 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 considers necessary to ensure widespread notice of the proposal, describing the area the subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;
  - (iii) invite submissions on the proposal within twenty eight (28) days of the date specified in the notice referred to immediately above;
  - (iv) carry out such other consultations as it thinks fit;
  - (v) consider any submissions made and resolve to designate the heritage precinct, with or without modification, or reject the proposal;
  - (vi) forward notice of its decision to the Heritage Council of WA and Western Australian Planning Commission;
- (h) the Council may modify or cancel any heritage precinct, or any policy statement which relates to it, including in response to any application for planning approval, by following the procedure set out in (g) above and having regard to any heritage policy statement of the Council;
- (i) in dealing with any matters which may affect a heritage precinct or individual entry on the List of Heritage Places, including any application for planning approval, Council shall have regard to any heritage policy of the Council;
- (j) the Council may, in considering any application that may affect a heritage precinct or individual entry on the List of Heritage Places, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application;
- (k) notwithstanding any existing assessment on record, the 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 List of Heritage Places;
- (l) for the purposes of sub-clause 7.4 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 List of Heritage Places 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;
- (m) in addition to the application formalities prescribed in sub-clause 6.6 (i) to (l) 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 heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application—
- (i) 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;
  - (ii) in addition to a site plan, a plan 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 two (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;
  - (iii) 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;
  - (iv) any other information that the Council indicates it considers relevant;
- (n) 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—
- (i) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 7.5;
  - (ii) have regard to any expressed views prior to making its decision to grant the variation;
- (o) In granting variations under sub-clause 6.6 (n) 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.

## **PART 7: PLANNING APPROVAL**

### **7.1 REQUIREMENT FOR PLANNING APPROVAL**

For the consistent control of development and subject to the ensuing provisions of this Part, no person shall commence or carry out the development of any land classified under the Scheme without first having applied for and obtained the planning approval of the Council as referred to in Clauses 7.2 and 7.3 below.

### **7.2 INCLUSIONS**

- (a) all residential development, and any ancillary development thereto, which requires the exercise of a Council discretion under the Residential Planning Codes or having regard to Council Policy;
- (b) all residential development of more than one storey;
- (c) any domestic tennis court;
- (d) any change of use;
- (e) use as two or more separate dwelling units of any building hitherto used as a single dwelling;
- (f) storage of materials or deposit of refuse or waste on land;
- (g) excavation or filling of land by more than 0.6 metres;
- (h) advertising signs larger than 0.2 square metres;
- (i) additions to any building other than to a single house or to two grouped dwellings;
- (j) construction of buildings on local reserves, in accordance with clause 3.4; and
- (k) satellite dishes and radio or mobile telephone transmission towers, having regard to Council Policy.

### **7.3 EXCLUSIONS**

- (a) notwithstanding Clause 3.4, the use of land in any reserve held by the Council for the purpose for which it is reserved under the Scheme, or any use incidental thereto;
- (b) the use of any land or buildings which is a permitted ("P") use in a precinct, provided it does not involve any construction or other works, and any building to be occupied has been constructed in accordance with the Scheme as determined by the Council;
- (c) the erection of a boundary fence;
- (d) the construction of a retaining wall less than 0.6 metres in height;
- (e) the demolition of any building or structure;
- (f) single storey residential development, and any ancillary development thereto, which does not require the exercise of a Council discretion under the Residential Planning Codes or having regard to Council Policy;



- (g) the maintenance and repair of any building, plant or machinery being lawfully used immediately prior to the Scheme having effect;
- (h) works by any public authority acting pursuant to the provisions of any Act on, in, over or under a public street, or works for a utility service;
- (i) works for the improvement of any building which affect only its interior or do not materially affect its external appearance; and
- (j) works urgently necessary for public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment.

#### 7.4 APPLICATION FOR PLANNING APPROVAL

For consistency, every application for planning approval shall be made in the form specified by the Council and shall be accompanied by such plans and other information as is required by the Scheme.

#### 7.5 USE CLASS TABLE AND ADVERTISING OF APPLICATIONS

To ensure compatibility with adjoining development and preservation of the amenity of the locality—

- (a) except as provided in (b) herein, all development shall be in accordance with the provisions of Table 1: Use Class Table;
- (b) notwithstanding anything contained in Table 1, land listed in Schedule 3 may be used for the uses specified therein, in addition to any uses permitted in the precinct in which the land is situated, subject to the special conditions as specified in Schedule 3 with respect to that land; and provided that any alteration of an additional use or special condition, or the introduction of any further additional use or special condition, shall require an amendment to the Scheme;
- (c) where any inconsistency exists between the Precinct Description and this table, the Use Class Table shall prevail;
- (d) where an application is made for planning approval to commence or carry out development which involves an "S" 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 (f) of this clause;
- (e) where an application is made for planning approval to commence or carry out development which involves a "D" 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 (f) of this clause;
- (f) where the Council is required or decides to give notice of an application for planning approval the Council shall require—
  - (i) notice of the proposed development to be served on the owners and occupiers likely to be affected as determined by the Council by the granting of planning approval stating that submissions may be made to the Council within twenty-one (21) days of the service of such notice;
  - (ii) a sign or signs each of a minimum size of one square metre displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty one (21) days from the date of service of the notice referred to in (i) above;
- (g) where the Council is required or decides to give notice of an application for planning approval the Council, in addition to the requirements of sub-clause (f) above, may require notice of the proposed development to be published in a newspaper circulating within the district;
- (h) the notices referred to in sub-clauses (f)(i) and (g) above shall be in the form specified by the Council with such modifications as circumstances require;
- (i) after expiration of twenty-one (21) 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 any submissions and determine the application; and
- (j) notwithstanding anything else in this Part, residential development involving the exercise of a Council discretion under the Residential Planning Codes or Council Policy may require advertising in accordance with (f) to (i) above.

**TABLE 1: USE CLASS TABLE**

<i>Uses//Precincts</i>	Living Areas	City Centre (CC)	District Centres (DC)	Community Centres (CCR)	Commercial Centre Frames (various)	Mixed Business (MB)	Mixed Business Frames (MBF)	Industry (I)	<i>Leeming Development Precinct (DP)*</i>
Auction Premises	X	X	D	X	X	P	D	P	X
Car Sales Premises	X	X	S	X	X	P	X	D	X
Child Minding Centre	S	P	P	P	D	D	P	D	X
Cinema/Theatre	X	P	S	X	X	S	X	X	X
Conservation/Recreation	P	P	P	P	P	P	P	P	P
Consulting Room (s)	S	P	P	P	P	P	P	X	X
Convenience Store	X	P	P	P	X	P	X	P	X
Corner Store	S	P	P	P	S	D	D	X	X
Educational Establishment	S	P	P	D	S	P	S	D	D
Garden Centre	X	P	P	P	P	P	P	X	X
Hospital	X	D	S	S	X	D	S	X	X
Hotel/Tavern	X	D	S	S	X	S	X	X	X



<i>Uses//Precincts</i>	Living Areas	City Centre (CC)	District Centres (DC)	Community Centres (CCR)	Commercial Centre Frames (various)	Mixed Business (MB)	Mixed Business Frames (MBF)	Industry (I)	<i>Leeming Development Precinct (DP)*</i>
Industry Light & Service	X	X	X	X	X	D	S	P	X
Industry General	X	X	X	X	X	X	X	P	X
Industry Noxious & Hazardous	X	X	X	X	X	X	X	X	X
Lunch Bar	X	P	P	P	X	P	D	P	X
Medical Centre	X	P	P	S	S	P	D	X	X
Motor Vehicle Hire/Repair/Sales	X	X	X	X	X	P	S	P	X
Motor Vehicle Wrecking	X	X	X	X	X	X	X	P	X
Office	X	P	P	P	S	I	P	I	X
Open Air Display	X	X	D	S	X	P	X	P	X
Plant Nursery	X	X	X	X	X	D	X	P	X
Public Amusement	X	P	P	S	S	D	S	D	X
Public Worship	S	D	D	S	S	D	S	D	X
Restaurant	X	P	P	P	X	P	X	S	X
Residential	P	D	D	D	D	D	D	X	X
Restricted Premises	X	X	X	X	X	X	X	D	X
Service Station	X	P	P	P	X	P	X	P	X
Shop	X	P	P	P	X	I	I	I	X
Showroom	X	D	D	X	X	P	P	D	X
Storage	X	D	D	D	D	D	D	P	X
Veterinary Clinic	X	P	P	P	S	P	P	P	X
Veterinary Hospital	X	S	S	X	X	D	S	P	X
Other uses not listed above	S	D	D	D	S	D	S	D	X

\* All uses are subject to a structure plan being approved for the development precinct.

Uses listed above are defined in Schedule 1: Interpretations.

Symbols used above have the following meanings—

P— use permitted,

D—use not permitted unless the Council exercises discretion and grants planning approval,

S— use not permitted unless the Council exercises discretion and grants planning approval after advertising in accordance with Clause 7.5(d), and the exercise of that discretion in the case of an 'Other use not listed above' in a Living Area Precinct shall require a Special Majority of the Council.

I— use not permitted unless incidental to the predominant use as decided and approved by the Council,

X— use not permitted.

Any conflict between this table and any statement of intent in Part 4 of the text—this table shall prevail.

## 7.6 CONSULTATIONS WITH OTHER AUTHORITIES

To ensure that the Council is fully informed prior to determining any application for planning approval—

- the Council may consult with any other statutory, public or planning authority or advisory committee or any other party it considers appropriate;
- in the case of land reserved under the Scheme for the purpose of a public authority, the Council shall consult that authority before making its determination.

## 7.7 ADVISORY COMMITTEES

To assist the Council in determining applications for planning approval—

- the Council may appoint a—
  - Design Advisory Committee, to advise on matters relating to architectural or landscape design, privacy, aesthetics and general amenity;
  - Heritage Advisory Committee, to advise on conservation of heritage places and the built environment generally;
  - Conservation Advisory Committee, to advise on conservation of trees, vegetation, landscape and the natural environment generally; and
  - any other advisory committee to advise on matters the Council deem fit;
- any committee established under sub-clause (a) of this clause shall consist of at least three (3) persons, being other than elected members and qualified by reason of their respective professions or experience;
- any committee established under sub-clause (a) of this clause shall operate as follows—
  - in giving advice to the Council the committee shall have regard to the provisions of the Scheme and may, where the committee considers necessary, make recommendations for amendments to, or waiving the requirements of, any provision of the Scheme;
  - the Council shall not be bound to accept any advice given or adopt any recommendation made by the committee, but shall state its reasons for not agreeing with the committee; and



- (iii) the Council shall make available to any member of the public on request any recommendation made by the committee;
- (d) The by-laws and standing orders of the Council shall bind such committees.

### **7.8 MATTERS TO BE CONSIDERED BY COUNCIL**

To provide guidelines on matters to be considered, the Council in determining an application for planning approval shall have due regard to the following—

- (a) the objectives and provisions of this Scheme and any other relevant town planning scheme operating within the district, including the Metropolitan Region Scheme, and any relevant proposed scheme amendment or proposed revised scheme of the Council or proposed MRS amendment insofar as it may be regarded as a seriously entertained planning proposal;
- (b) the orderly and proper planning of land within the area;
- (c) the existing and likely future amenity of the area;
- (d) any approved Statement of Planning Policy prepared under the Town Planning and Development Act, 1928 as (amended);
- (e) any planning policy adopted by the Government of the State of Western Australia;
- (f) any non-statutory guideline, planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;
- (g) the need for additional infrastructure generated by the development;
- (h) the nature of the proposed development in relation to development either existing or proposed on adjoining land and the need to upgrade existing roads;
- (i) the size, shape and character of the lot upon which the development is to be carried out, and the influence which this may have on the siting and nature of any new building;
- (j) the design and external appearance, including the exterior cladding, of any new building and its effect upon the amenity of existing buildings and the area generally;
- (k) any relevant submissions received on the application;
- (l) the needs of cyclists and disabled persons including access, storage, toilets and showers;
- (m) the effect of the proposal on the objectives and specific strategies as outlined by the Community Concept Plan; and
- (n) any other planning considerations which the Council considers relevant.

### **7.9 DETERMINATION OF APPLICATION**

To ensure certainty of outcome for planning applications—

- (a) in determining an application for planning approval the Council may in accordance with the Scheme—
  - (i) grant its approval with or without conditions;
  - (ii) refuse to grant its approval;
- (b) the Council shall convey its decision to the applicant in writing.

### **7.10 TIME FOR DETERMINATION**

To ensure determination of applications—

- (a) the Council shall, within a period of 60 days of the date of receipt of an application, endeavour to determine that application and convey the decision to the applicant;
- (b) the Council may at its discretion defer determination of an application for a period of not more than 30 days pending the receipt of further information, the re-submission of drawings to incorporate amendments made at its request, or the expiration of a notice given under clause 7.5. Such deferral does not remove the right of the applicant to appeal after 60 days from the date of lodgement of the application, as set out in clause 7.11 (a).

### **7.11 DEEMED REFUSAL**

To provide default determinations—

- (a) subject to sub-clause 7.11 (b) below, 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;
- (b) an application for planning approval which is the subject of a notice under clause 7.5 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 in writing between the applicant and the Council; and
- (c) notwithstanding that an application for planning approval may be deemed to have been refused under sub-clauses 7.11(a) and (b) above, the Council may issue a decision in respect of the application at any time after the expiry of the 60 day or 90 day period specified in those sub-clauses, and that decision shall be regarded as being valid.

### **7.12 CURRENCY OF APPROVAL**

To allow sufficient time for an applicant to give effect to an approval which reflects current needs—

- (a) where the Council grants planning approval that approval continues in force for two years, or such other period as is specified in the approval from the date the application is approved;



- (b) any planning approval lapses if the development has not been substantially commenced before expiry; and
- (c) the Council may grant a planning approval permitting a development for a temporary period.

#### **7.13 SUBSTANTIALLY COMMENCED**

For the purpose of clause 7.12 (b), a development shall—

- (a) be substantially commenced if at least 25% of its cost has been expended, excluding that referred to in (b) below; and
- (b) not be substantially commenced if only demolition and/or site works have been undertaken in preparation.

#### **7.14 UNAUTHORISED EXISTING DEVELOPMENTS**

For the control of unauthorised existing developments—

- (a) the Council by a Special Majority decision may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area;
- (b) development which was unlawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced shall upon the grant of planning approval be deemed to always have been lawful development; and
- (c) consideration of unauthorised existing developments for approval shall be subject to the provisions of this Part.

### **PART 8: NON-CONFORMING USES**

#### **8.1 NON-CONFORMING USE RIGHTS**

To safeguard the rights of existing land users, except as otherwise provided in this Part, no provision of the Scheme shall prevent—

- (a) the continued use of any land, building or advertising sign for the purpose for which it was being lawfully used at the time of coming into force of the Scheme;
- (b) the carrying out of any development thereon for which, immediately prior to the gazettal date of this Scheme, 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**

To prevent non-conforming uses becoming more entrenched, 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**

To assist the phasing out of non-conforming uses, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed non-conforming 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 precinct.

#### **8.4 DISCONTINUANCE OF NON-CONFORMING USE**

To remove non-conforming uses—

- (a) 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;
- (b) the Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or 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; and
- (c) when in the opinion of the Council a non-conforming use has been discontinued, the landowner shall upon request provide evidence that the non-conforming use has continued to operate, otherwise the non-conforming use shall be deemed to have ceased.

#### **8.5 DESTRUCTION OF BUILDINGS**

To prevent a non-conforming use re-establishing, if any building is being used for a non-conforming use is destroyed or damaged to an extent of 75% or more of its value, as determined by a licensed valuer appointed by the President of the Institute of Valuers, the land on which the building is built may not thereafter be used other than in conformity with the Scheme, and the building may 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.

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

**8.6.1** The Council shall keep a Register of non-conforming uses at the offices of the Council that shall be made available for public inspection during office hours.



**8.6.2** A person who wishes the Council to record that a non-conforming use exists may submit to the Council in writing full details of the nature, location and extent of the non-conforming use claimed.

**8.6.3** Where the Council is satisfied that a non-conforming use exists, it shall record details of the non-conforming use on the Register.

**8.6.4** A non-conforming use does not cease to exist if it is not registered on the Register.

## **PART 9: ADMINISTRATION**

### **9.1 POWERS OF THE SCHEME**

To implement the Scheme, the Council 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 Scheme area 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 purposes may make such agreements with other owners as it considers fit; and
- (c) an officer of the Council, authorised by the Council for the purpose having resolved to do so in each case, 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**

To clarify the requirements of the Scheme—

- (a) no person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, the use of any land or building or any development within the Scheme Area—
  - (i) otherwise than in accordance with the provisions of the Scheme;
  - (ii) unless all approvals required by the Scheme have been granted and issued;
  - (iii) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with; and
  - (iv) 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 have been and continue to be complied with;
- (b) 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 the penalties prescribed by the Act.

### **9.3 ENFORCEMENT**

To ensure compliance with the Scheme, the Council may by written notice served on the owner and/or occupier of the land, require any development to be carried out in accordance with the plans approved in the grant of any such approval, within the period specified in the notice (not being less than 28 days).

### **9.4 COMPENSATION**

- (a) Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act resultant from the making of or the making of an amendment to the Scheme, is six (6) months from the date of publication of the Scheme or the Scheme Amendment in the Government Gazette;
- (b) 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 appellant body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection.

### **9.5 RIGHTS OF APPEAL**

For the resolution of disputes—

- (a) 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;
- (b) any person upon whom a notice is served requiring that person to undertake work or remedial action or lodge additional information in accordance with the Scheme may, within a period of 28 days from the date of the notice, appeal 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.



**9.6 NON-STATUTORY PLANNING POLICIES**

To provide additional information to applicants for planning approval and to ensure that information is public and current—

- (a) the Council may prepare any non-statutory planning policy, guideline, strategy or plan (herein called “a Policy”) which may make provision for any matter related to the planning or development of the Scheme area and which may be prepared so as to apply—
  - (i) generally, or in a particular class of matter or in particular classes of matters;
  - (ii) 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;
- (b) a Policy shall become operative only after the following procedures have been completed—
  - (i) the Council, having prepared and adopted a draft Policy and determined the operative date of that policy, shall publish a notice 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;
  - (ii) Where, in the opinion of the Council, the provisions of any Policy affects the interests of the Commission, a copy of the Policy shall be forwarded to the Commission;
  - (iii) the Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy; and
  - (iv) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area;
- (c) the Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours;
- (d) 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 (b) of this Clause;
- (e) a Policy may be revoked by—
  - (i) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy;
  - (ii) publication of a formal notice of revocation by the Council in a local newspaper circulating in the district;
- (f) a Policy shall not absolutely bind the Council in respect of any application for planning approval, but the Council shall have due regard to the provisions of the Policy and shall be satisfied that the application is not prejudicial to the objectives of the Policy before making its decision; and
- (g) each Policy shall be reviewed annually.

**9.7 DELEGATION**

- (a) 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—
  - (i) 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
  - (ii) that officer of the Council holding the office of Chief Executive Officer (CEO). The CEO may further delegate to any employee of the Council any of the CEO's powers or duties made under this Scheme, other than this power of delegation. Such delegation must be in writing and may be general or as otherwise specified in the instrument of delegation,

or those persons who from time to time occupy the positions referred to in (i) and (ii) above;

- (b) Any delegation made under sub-clause 9.7 (a) 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;
- (c) 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;
- (d) The performance of the function by a delegate under sub-clause 9.7 (a) 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;
- (e) 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 or 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;
- (f) A resolution to revoke or amend a delegation under this clause may be passed by an absolute majority of the Council;
- (g) 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; and



- (h) 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**

To provide guidelines for amendments to the Scheme—

- (a) 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;
- (b) in making its assessment of whether to support an amendment to this Scheme or not, the Council shall have regard to the long term vision for the City as set out in the Community Concept Plan;
- (c) 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;
- (d) in the case of a proposed amendment to the classification 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;
- (e) the Council may accept the advertising of an amendment to the Scheme as satisfying the requirements for advertising of a development application, providing full details are available for the development at the scheme amendment stage.

### **9.9 RESTRICTIVE COVENANTS**

To clarify the relationship between the Scheme and restrictive covenants—

- (a) a restrictive covenant existing on land, where inconsistent with the provisions of the Scheme in respect of the number of residential units permitted on the land, shall be extinguished or varied to the extent that it is inconsistent with the Scheme;
- (b) where the Council has issued planning approval for development consistent with the Scheme but inconsistent with the restrictive covenant, the Council shall advise the Registrar of Titles in writing to that effect; and
- (c) notwithstanding the provisions of paragraphs (a) and (b) of this clause, the amalgamation or subdivision of land affected by this Scheme shall not have the effect of extinguishing any restrictive covenants that are consistent with this Scheme.

### **9.10 REQUIREMENT FOR BUILDING APPROVAL**

To clarify administrative requirements—

- (a) planning approval granted under the Scheme shall not be construed as approval to plans and specifications under Section 374 of the Local Government (Miscellaneous Provisions) Act 1995 (as amended) or as a building licence;
- (b) plans and specifications lodged with the Council for approval under Section 374 of the Local Government Act 1995 (as amended) or for a building licence, shall be in accordance with any planning approval for the same development; and
- (c) where an application for a building licence is submitted which proposes a change to the shape or material of any building from that identified in the planning approval, a fresh application for planning approval shall be submitted.

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## **SCHEDULE 1: INTERPRETATIONS**

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

- ‘Abutting lot’ means a lot that shares a common boundary but does not include a lot that shares only a corner point of one or both of the lots.
- ‘Absolute Majority’ means a total majority of members for the time being of the Council whether present and voting or not.
- ‘Act’ means the Town Planning and Development Act 1928 (as amended).
- ‘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.
- ‘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 facility’ means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.
- ‘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 associated with and incidental to the predominant use; 'Ancillary Development' shall have a similar meaning.
- 'Auction premises' 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 or right of way included in the Certificate of Title of that lot.
- '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' shall have the same meaning as is given to it in and for the purpose of the Residential Planning Codes when related to residential use, but for all other purposes shall have the same meaning as is given to it in the Building Code of Australia 1990 (as amended).
- '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.
- 'Car Sales Premises' means the use of land and buildings for the display, sale and repair of new and second hand automotive vehicles and includes the sale of parts and accessories associated with the activity.
- 'Caravan' means a vehicle as defined under the Road Traffic Act 1974 (as amended) maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.
- '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 a site or building used primarily for parking private cars or taxis whether as a public or private car park, but does not include any part of a public road used for parking or for a taxi rank, or any land or building on or in which cars are displayed for sale.
- 'Child Minding 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 child minding conducted in a private dwelling where children are received for care but does not include a Child Minding 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.
- 'City of Melville' and 'City' mean the municipality of the City of Melville a body corporate pursuant to the provisions of the Local Government Act 1995 (as amended).
- '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 in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes.
- 'Commission' means the Western Australian Planning Commission.
- '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;



(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(s)' means any land or buildings other than a hospital used by not more than two (2) health consultants and one (1) staff member for the investigation or treatment of human injuries or ailments and for general patient care.

'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 square metres gross leasable area.

'Corner lot' means a lot that permits vehicular access from at least two street frontages and is immediately adjacent to the intersection of the two streets.

'Corner Store' means a combined residence and shop on one lot where the occupier of the residence is the same person or persons who occupy the shop.

'Council' means the executive body of the City of Melville.

'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.

'Curtilage' in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.

'Development' shall have the same meaning given to it in and for the purposes of the Act.

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

'Dwelling' means a separate self-contained place of residence.

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

'Effective Area' shall have the same meaning as is given to it in and for the purpose of the Building Code of Australia 1990 (as amended).

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

'Factory unit building' means a building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.

'Frame' means in relation to a precinct identified under this Scheme the area directly abutting the precinct and identified as such on its Scheme Maps.

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

'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 approval of this Scheme is published in the *Government Gazette*.

'Gross floor area' means the area of all floors confined within the finished surfaces of walls.

'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.

'Habitable Room' shall have the same meaning as is given to it in and for the purpose of the Building Code of Australia 1990 (as amended).

'Health centre' 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 is determined as per Council Policy—

'Heritage List' means the List of Heritage Places as referred to in clause 6.6.

'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 boundary controls may be necessary to retain and enhance its character.

'Hire Service (Industrial)' means any land or building used for offering for hire or rent of bulky items including machines and mechanical equipment.

'Hire Service (Non-Industrial)' means any land or building used for the offering for hire or rent of goods of a non-bulky nature which does not include large mechanical devices or equipment.



'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.

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

'Hotel' means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988 and may include a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.

'Industry' means the carrying out of any process 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—general' means an industry other than a home, 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 that is subject to licensing as "Prescribed Premises" under the Environmental Protection Act 1986 (as amended).

'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.

'Inventory of Buildings' means those buildings, objects and places that the Council considers are, or may become, of cultural heritage significance, identified in accordance with the requirements of Section 45 of the Heritage of Western Australia Act 1990 (as amended).

'Kindergarten' means any land or buildings used as a school for young children.

'Land' shall have the same meaning as is given to it in and for the purposes of the Act.

'Landscaping' shall have the same meaning as is given to it in and for the purpose of the Residential Planning Codes.

'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.

'Licensed premises' means land and buildings which are subject to the granting of a licence under the provisions of the Liquor Act 1970 (as amended) and includes a tavern, hotel, liquor store and other premises as defined.

'Living Area Precinct' means an area with predominantly residential use that may also contain other uses as permitted by the Scheme.

'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' shall have the same meaning as is given to the term in and for the purposes of the Health Act 1911. (as amended).

'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 sandwiches and similar foodstuffs between the hours of 9 AM 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 stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
- 'Medical centre' means premises for more than two (2) health consultants and ancillary services and may include chemists, pathologists, radiologists, paramedics and the like.
- 'Metropolitan Region Scheme' means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 published in the *Government Gazette* of August 9 1963 and as amended from time to time.
- '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.
- 'Museum' means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.
- 'Net floor area' means the area of all floors of a dwelling confined within the finished surfaces of permanent walls but excludes lift shafts, stairs or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than one dwelling or private open balconies.
- '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; and
  - (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 the entertainment and/or eating facilities and to which a licence under the provisions of the Liquor Licensing Act 1988 has been granted.
- '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, including motor vehicles, caravans and boats.



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

'Place' means an area of land sufficiently identified by survey, description or otherwise so 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' shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.

'Precinct' means an area delineated on the Scheme Map and referred to in Part 4 of the Scheme.

'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 Purpose' means the use of land for the benefit of the State, a social service, public recreation or public utility.

'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.

'Reception centre' means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for un-hosted use for general entertainment purposes.

'Recreation' means an activity, pastime, diversion or exercise affording relaxation and enjoyment.

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

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

'Recreation Vehicles' includes caravans, off-road vehicles, racing vehicles, vintage and other collectors' vehicles.

'Register of Trees and Other Flora' means those trees and other flora that the Council considers to be of botanical, historical, cultural, landscape or townscape value.

'Reserved Land' means any land referred to in Part 3 of this Scheme.

'Residential' means a building or use for human habitation or ancillary thereto.

'Residential Building' means any land or buildings used to accommodate persons but does not include a caravan and camping park, or corrective institution.

'Residential Planning Codes' means Appendix 2 to the Statement of Planning Policy No 1 as published in the Government Gazette on 13 December 1991 and any amendments thereto.

'Restaurant' means a building or portion of a building wherein food is prepared for sale and consumption within the premises.

'Restricted Premises' means any premises, part or parts thereof used or designed to be used primarily for a service, the sale by retail or wholesale or the offer for hire, loan or exchange or the exhibition, display or delivery of—

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
- (b) services, 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.
- 'Service Area' means an area for the storage of wastes or materials or goods used on-site for the loading and unloading of materials, goods or wastes.
- '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.
- 'Setback' means the closest point to a lot boundary at which buildings may be constructed or other specified activities may occur.
- 'Shop' means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.
- 'Showroom' means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.
- 'Sign' means a notice, message or display by means of a freestanding or fixed sign or hoarding.
- 'Simple majority' means a majority of members of the Council present and voting.
- 'Special majority' means a majority comprising enough of the members for the time being of the Council to be at least 75% of the number of offices (whether vacant or not) of member of the Council.
- '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.
- 'Strata Title' has the same meaning as that given to the term in the Strata Title Act, 1966, (as amended).
- 'Storage' means the use of a building or land for storage of goods, equipment, plant or materials.
- 'Super-lots' means the collection of residential lots typically bound by four service roads in a configuration usually two lots deep by eight to sixteen lots long not suitable for further provision of access roads.
- '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.
- '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.
- 'Video Store' means any land or building for the offering for hire or rent of pre-recorded videotapes and may include the retail of incidental items as determined by the Council
- 'Warehouse' means a building wherein goods are stored and may be offered for sale by wholesale.
- 'Waterway' shall have the same meaning given to it in and for the purposes of the Act.
- '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.



**SCHEDULE 2: LIST OF HERITAGE PLACES**

<i>Code</i>	<i>Place</i>	<i>Address</i>
H1	Arts Centre—Atwell House	Canning Hwy, Alfred Cove
H2	Reserve—Alfred Cove	Alfred Cove and Attadale
H3	Hospital—Heathcote	Pt Heathcote, Applecross
H4	Jetty—Applecross	Pt Dundas, Applecross
H5	Hall—RSL	98 Kintail Rd, Applecross
H6	School—Applecross Primary	Kintail Rd, Applecross
H7	Church—St George's	Kintail Rd, Applecross
H8	Hall—Applecross District	Kintail Rd, Applecross
H9	Hotel—"Raffles"	Canning Hwy, Applecross
H10	Reserve—Wireless Hill Park	Wireless Hill, Ardross
H11	Museum—Wireless Hill Park	Wireless Hill, Ardross
H12	Dwelling—Caretakers	Wireless Hill, Ardross
H13	Dwelling	8 Hickey St, Ardross
H14	Dwelling	6 Hickey St, Ardross
H15	Dwelling	4 Hickey St, Ardross
H16	Dwelling	2 Hickey St, Ardross
H17	Dwelling	230 Preston Pt Rd, Bicton
H18	Workshop—Fitzgerald and Son Panel-beaters	3 Point Walter Rd, Bicton
H19	Reserve—Fred Jones	Westbury Crescent cnr Canning Highway, Bicton
H20	Dwelling- "Grasmere"	Cnr Spinaway Cr and Pulo Rd Brentwood
H21	Reserve—Stone Court	Stone Court, Kardinya
H22	Delicatessen & Antique Shop	58 Carrington St, Palmyra
H23	Shop—Butcher	61 Carrington St, Palmyra
H24	Dwelling	61 Carrington St, Palmyra
H25	Office—Melville Road Board	387 Canning Hwy, Palmyra
H26	Library—Bracks	Stock Rd, Palmyra
H27	Hall—Roy Edinger Hall	Stock Rd, Palmyra
H28	Recreation Centre—Palmyra	Canning Hwy, Palmyra
H29	School—St Gerard's Catholic	Foss St, Palmyra
H30	Museum—Miller Bakehouse	Baal St, Palmyra
H31	School—Palmyra Primary	McKimmie St, Palmyra
H32	Dwelling	15 Zenobia St, Palmyra
H33	Dwelling	17 Zenobia St, Palmyra
H34	Dwelling	60 Petra St, Palmyra
H35	Cemetery and Cottage—Fremantle	Carrington St, Palmyra
H36	Police Station—Lock up	S/W cnr Canning Hwy and Harris Rd, Palmyra
H37	Police Station—Dwelling	S/W cnr Canning Hwy and Harris Rd, Palmyra
H38	Dwelling—the Campbell farmhouse	119 North Lake Rd, Willagee

**SCHEDULE 3: ADDITIONAL USES AND SPECIAL CONDITIONS**

NO.	ADDRESS	ADDITIONAL USES	SPECIAL CONDITIONS
1.	L1 (69) Parry Avenue, Murdoch	Medical Centre Dentist Four (4) Doctors Speech Pathologist Dentist Diagnostic	Medical Centre only for four (4) doctors one (1) speech pathologist one (1) dentist one (1)diagnostic office
2.	L337 (80) Carrington Street, Palmyra	Service Station	
3.	L10 (67A B 69) McKimmie Street, Palmyra	Hairdresser Pet Supplies	
4.	L29 (14) Carrington Street, Palmyra	Cycle Shop	
5.	L16 (34A) Rome Road, Melville	Veterinary Clinic	Veterinary clinic use only
6.	L17 (34B) Rome Road, Melville	Storage Warehouse	The storage of electronic information—including paper support data permitted



**SCHEDULE 3: ADDITIONAL USES AND SPECIAL CONDITIONS—*continued***

NO.	ADDRESS	ADDITIONAL USES	SPECIAL CONDITIONS
7.	L4 (36) Rome Road, Melville	Tyre Retail Minor Mechanical Repairs Workshop Truck Storage Automotive Gauge Repairs	
8.	L13 (86) Kitchener Road, Alfred Cove	Car Sales Premises Car Wreckers Yard Car Repairs	
9.	L14 (88) Kitchener Road, Melville	Car Repairs Printers	
10.	L114 (427) Marmion Street, Melville	Podiatrist	One (1) podiatrist permitted
11.	L235 (340) Marmion Street, Melville	Doctors' Surgery	Four (4) Doctors permitted
12.	L192 (2), L189 (4), L190 (6), L191 (8) Harrison Street, Willagee	Bakery Hairdresser Wood turning classroom and workshop Retail (Wood turning and woodworking machinery)	
13.	L4 (7), L5 (5), L6 (3) Archibald Street, Willagee	Fish and Chips Hairdresser Op Shop Doctor Surgery Accountant—Office	Two (2) Doctors Accountants' Office
14.	L1 (96), L2 (94), L3 (92), L4 (90), L5 (88) Bawden Street, Willagee	Retail (Christian Book Shop) Butcher Op Shop Retail (Furniture)	
15.	L108 (88) Gilbertson Road, Kardinya	Service Station	
16.	L400 (76) Calley Drive, Leeming	Radiology	One (1) Radiologist permitted
17.	L106 (10) Robson Way, Murdoch	Service Station Convenience Store	
18.	L107 (6) Robson Way, Murdoch	Doctors' Surgery Occupational Therapist	Two (2) doctors One (1) occupational therapist permitted
19.	L97 (7) Robson Way, Murdoch	Orthodontist Dentist Veterinary Surgeon Office (Real Estate Agent) Office (Accountant) Office (Settlement Agent)	
20.	L10 (1) Westminster Road, Leeming	Medical Centre Doctors' Surgery Dietitian	Three (3) doctors one (1) dietitian permitted
21.	2 Gracechurch Crescent, Leeming	Consulting Rooms	Only two (2) doctors permitted to consult at the same time
22.	L102 (63) North Lake Road, Myaree	Office	Permitted use tax consultant office
23.	L3 (1) Point Walter Road, Bicton	Restaurant	
24.	L4 (3) Point Walter Road, Bicton	Smash Repairs	
25.	L1 (326) Canning Highway, Melville	Licensed Premises	
26.	Canning Highway/Foss Street, Melville	Restaurant	Fast food/restaurant use only
27.	L18 (338) Canning Highway, Melville	Shop (TAB)	Permitted use Totalisator Agency Board (TAB)
28.	L2 (21) Hislop Road, Attadale	Hospital	
29.	L3 (550) Canning Highway, Attadale	Lunch bar/Cafe Shop (Hairdresser)	



**SCHEDULE 3: ADDITIONAL USES AND SPECIAL CONDITIONS—*continued***

NO.	ADDRESS	ADDITIONAL USES	SPECIAL CONDITIONS
30.	L127 (16) Ogive Road (entrance from Kishorn Road), Mount Pleasant	Lunch bar Restaurant	
31.	L5 (434) Canning Highway, Attadale	Veterinary Clinic	
32.	L62 (568) Canning Highway, Attadale	Residential, Consulting rooms, Coffee Shop/Restaurant Medical suites Office Professional Office	Use shall be contained within the existing building. Should the subject house, identified in the Municipal Inventory, be demolished the special use will cease to operate
33.	Lot 145 (846) Canning Highway, Applecross	Office	
34.	L4 (848) Canning Highway, Applecross	Service Station	
35.	L1/9 (63) Duncraig Road, Applecross	Community Facilities, Educational, Restaurant, Office, Kiosk, Recreation, Residential	Density Code R15
36.	L242 (17) Winthrop Drive, Winthrop	Medical Centre (Orthodontist)	Limited to two (2) only orthodontists with hours of operation limited to 8 AM to 6 PM (Monday to Friday)
37.	L157/Strata L1 (25) South Street, cnr Gilbertson Road, Kardinya	Professional Office	Single storey residential character of the lot being retained. Signage being limited to Home Occupation standards.
38.	L168 (87) North Lake Road, Myaree	Office	Any development of the site for office purposes shall be: single level, residential in character, designed to give maximum privacy to the abutting residential properties, comply with all other provisions of the scheme, be limited to 450m <sup>2</sup> gla and a plot ratio of 0.5.
39.	L40 (572) Canning Highway, Attadale	Grouped dwellings	Up to a maximum of five (5).

**SCHEDULE 4: CONTROL OF ADVERTISEMENTS****ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL**

(to be completed in addition to Application for Planning Approval)

Name of Advertiser (if different from owner): .....

Address in full:

.....

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

.....



## 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:

.....

State period of time for which advertisement is required:

.....

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 above.

Signature of Advertiser(s): .....

(if different from land owners)

Date:.....

**ADOPTION PAGE****ADOPTION**

Adopted by Resolution of the Council of the City of Melville at the meeting of the Council held on the 17<sup>th</sup> day of December 1996.

K. MAIR, Mayor.

J. McNALLY, Chief Executive Officer.

**FINAL APPROVAL**

1. Adopted by Resolution of the Council of the City of Melville at the meeting of the Council held on the 16<sup>th</sup> day of February 1999 and pursuant to that Resolution the Seal of the Municipality was hereunto affixed in the presence of—

K. MAIR, Mayor.

J. McNALLY, Chief Executive Officer.

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.4 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

2. Recommended/Submitted for Final Approval—

R. KOHN, for Chairperson of the Western Australian Planning Commission

Date: 18 November 1999.

3. Final Approval Granted—

G. D. KIERATH, Minister for Planning.

Date: 2nd December 1999.

**POLICE****PE401****ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Bicycle time trials by members/entrants of the Australian Time trial Assn on November



16th, December 14th, 21st, 1999 January 11th, 2000 between the hours of 0630 and 0730 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Perry Lakes Dve, Oceanic Dve, West Coast Hwy, Rochdale Rd, Stephenson Ave, Perry Lakes Dve.

All participants to wear approved head protection at all times.

Dated at Perth this 10th day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of cycle time trials by members/entrants of the Albany Cycle Club on December 8th, 15th, 1999 January 5th, 12th, 2000 between the hours of 1700 and 1830 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to: Bird Park, Golf Links Rd, Swanbrick St, Golf Links Rd, Albany.

All participants to wear approved head protection at all times.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of, the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Bicycle time trial by members/entrants of the Australian Time Trial Assn on December 26th, 1999 between the hours of 0730 and 1000 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Lakes Roadhouse, Grt. Southern Hwy, Inkpen Rd and return to start.

All participants to wear approved head protection at all times.

Dated at Perth this 9th day of December 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **PE402**

#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Charity run by members/entrants of the Royal Australian Navy on December 10th, 1999 between the hours of 0730 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Garden Island, Causeway, Point Peron Rd, Perkin St, Patterson Rd, Rockingham Rd, Stock Rd, Leach Hwy, High St, Stirling Hwy, Canning Hwy, Riverside Dve, Leeuwen Barracks.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **PE403**

#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the Peel District Cycling Club on December 7th,



14th, 21st, 1999 between the hours of 1700 and 1830 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Patterson Rd, Pinjarra.

All participants to wear approved head protection at all times.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle races by members/entrants of the Melville Fremantle Cycling Club on December 7th, 14th, 21st, 28th, 1999 between the hours of 1800 and 1915 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined, to the left hand side of the carriageway on: Lyon Rd, Gaebler Rd, Beenyup Rd, Bartram Rd, Banjup.

All participants to wear approved head protection at all times.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycling road races by members/entrants of the Masters Cycling Club on December 8th, 15th, 1999 January 12th, 19th, 2000 between the hours of 1800 and 1900 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Chisholm Cres, Kalamunda.

All participants to wear approved head protection at all times.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle event by members/entrants of the Bunbury Cycle club on December 11th, 1999 between the hours of 1500 and 1800 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Trumper Dve, Cook St, Ponsford St, Hassett way, Bradman St, Busselton.

All participants to wear approved head protection at all times.

Dated at Perth this 7th day of December 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the Spokes Cycle club on December 12th, 1999 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Moreton Tce, Dongara, Brand Hwy, Broadhead Ave, Willcock Dve, Geraldton.

All participants to wear approved head protection at all times.

Dated at Perth this 9th day of December 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).



**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycle races by members/entrants of the Peel District Cycle club on December 12th, 1999 January 2nd, 16th, February 13th, 27th, 2000 between the hours of 0800 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Panton Way, Cumberland St, Hampton St, Panton Rd, Mandurah.

All participants to wear approved head protection at all times.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Cycling races by members/entrants of the Northern districts cycle club on December 18th, 19th, 27th, 1999 between the hours of 1530 and 1900 on the 18th, and 0800 and 1130 on the 19th, 27th, do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: (1) Hunt St, Montgomery Way, Irvine Dve, (2) Century Rd, Trade Rd, Industry St, Malaga.

All participants to wear approved head protection at all times.

Dated at Perth this 30th day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the Peel District Cycle Club on December 19th, 1999 between the hours of 0800 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Merchant Rd, Enterprise Way, Rockingham.

All participants to wear approved head protection at all times.

Dated at Perth this 30th day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle race by members/entrants of the Spokes Cycle club on December 19th, 1999 between the hours of 0900 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing, to be confined to the left hand side of the carriageway on: Walkaway/Nangetty Rd, Burma Rd, Walkaway.

All participants to wear approved head protection at all times.

Dated at Perth this 9th day of December 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle races by members/entrants of the Melville Fremantle Cycling Club on January 4th, 11th, 18th, 25th, 2000 between the hours of 1800 and 1915 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.



Racing to, be confined to the left hand side of the carriageway on: Lyon Rd, Gaebler Rd, Beenyup Rd, Bartram Rd, Banjup.

All participants to wear approved head protection at all times.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle races by members/entrants of the Masters Cycling Club on January 26th, February 2nd, 9th, 16th, 2000 between the hours of 1800 and 1900 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Chisholm Cres, Kewdale.

All participants to wear approved head protection at all times.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **PE404**

#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Footrace by members/entrants of the W.A. Marathon Club on December 12th, 1999 between the hours of 0700 and 0930 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to: The Esplanade, Regent St, Mt. Henry Bridge, Kwinana Freeway Cyclepath to Canning Bridge to Deepwater point.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **PE405**

#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of the Mandurah Triathlon Club on December 12th, 1999 between the hours of 0730 and 1030 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Halls Head Pde, Clipper Way, McLarty Rd, Peelwood Pde to Casuarina and return.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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#### **ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of Triathlons by members/entrants of the Esperance Triathlon assn on December 12th, 1999 January 9th, 16th, 23rd, 2000 between the hours of 0830 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to: James St, The Esplanade, Fisheries Rd, Norseman Rd, James St, Esperance.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).



**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of Triathlon W.A. on December 19th, 1999 between the hours of 0700 and 1000 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on: Honour Ave, Carroll Dve, Burke Dve, Hurst St, Bicton and return to start.

Dated at Perth this 30th day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of the Albany Triathlon Club on December 19th, 1999 between the hours of 0930 and 1200 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to: Hollies Rd, Inlet Dve, Albany

Dated at Perth this 30th day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of the Albany Triathlon Club on January 2nd, 2000 between the hours of 0930 and 1130 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to: Camp Quararnup, to Mistaken Island Rd and return.

All participants to wear approved head protection at all times.

Dated at Perth this 22nd day of November 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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**ROAD TRAFFIC ACT 1974**

Peter John Otway, Superintendent (Traffic and Operation Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Triathlon by members/entrants of Triathlon W.A. on January 9th, 2000 between the hours of 0700 and 1100 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined, to: Warnbro Beach Rd, Shelton St, Blakey St, Fendam. St to Grand Ocean Boulevard and return.

Dated at Perth this 9th day of December 1999.

P. J. OTWAY, Superintendent (Traffic & Operation Support).

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**PE501****POLICE ACT 1892****POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by public auction at Smith Broughton & Sons, 1 Clayton Street, Midland on Saturday 18th December 1999 at 9.00 a.m.

The Auction is to be conducted by Mr Gary Silcock.

B. MATTHEWS, Commissioner of Police,  
West Australian Police Service.



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## PUBLIC NOTICES

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**ZZ201****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Dorothy Phyllis (Dot) Hewitt and Bertram Groves (Bay) Hewitt late of unit 7, 56 Kent Street, Rockingham 6168 WA, Retired Farmers, deceased.

Creditors and other persons having claims in respect to the Estate of the late Dorothy Phyllis (Dot) Hewitt who died on the 4th September 1999 at Royal Perth Hospital and Bertram Groves (Bay) Hewitt who died on the 1st October 1999 at Royal Perth Hospital are requested to send particulars of claims to the Executors Bertram. (Bill) Hewitt and Neil Ernest Hewitt 56 First Avenue Nungarin 6490 WA, within (1) month from the date of this notice after which date the Executors may distribute the assets having regard only to claims of which they have then had notice and the said Executors shall not be liable to any person of whose claim they have had no notice at any time of administration or distribution.

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**ZZ401****CHARITABLE TRUSTS ACT 1962****NOTICE PURSUANT TO SECTION 11**

Perpetual Trustees WA Limited as the Executor of the estate of Lillian Lesley Graham intends to make application for approval of a Scheme pursuant to the Charitable Trusts Act.

The proposed Scheme will provide for the residue of the estate to be held by Perpetual Trustees WA Ltd upon a charitable trust in perpetuity, with the income to be applied for one or more annual scholarships to one or more outstanding secondary school student teachers from Edith Cowan University. The scholarships will be of one year duration for further studies in English at Edith Cowan University.

The application for approval of the Scheme is listed for hearing before the Supreme Court of Western Australia on **27 January 2000 at 10.30 a.m.**

Any person desiring to oppose the scheme must give written notice of their intention to do so to the Principal Registrar of the Supreme Court of Western Australia, Perpetual Trustees WA Ltd of 89 St George's Terrace Perth and the Attorney General of Western Australia **not less than 7 clear days** before the date proposed for hearing.

The application, Scheme and Report of the Attorney General are open for inspection by the public without charge at the office of Merle Bloch, Solicitor, 6th Floor, 89 St George's Terrace, Perth.

