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PLANNING AND DEVELOPMENT ACT 2005

CITY OF STIRLING

**LOCAL PLANNING SCHEME NO.3
AMENDMENT NO.124**

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

CITY OF STIRLING

LOCAL PLANNING SCHEME No. 3—AMENDMENT No. 124

Ref: TPS/2866

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Stirling Local Planning Scheme amendment on 18 July 2023 for the purpose of—

1. Amending the Scheme Map to include the Scarborough Special Control Area.
2. Amending the Scheme Map to include the Scarborough Special Control Area within Development Contribution Area 6.
3. Amending the Scheme Map to rezone various sites within the Scarborough Special Control Area from unzoned to Development zone.
4. Amending 6.9—Scarborough Special Control Area as follows—

6.9 Scarborough Special Control Area**6.9.1 Scarborough Special Control Area**

The Scarborough Special Control Area is the land delineated as such on the Scheme Map.

6.9.2 Purpose

To facilitate redevelopment and urban renewal of the Scarborough Special Control Area and to identify the Scarborough Development Contribution Area.

6.9.3 Subdivision and Development

- (a) The subdivision and development of all land within the Scarborough Special Control Area shall comply with the requirements of Schedule 13 of the Scheme.

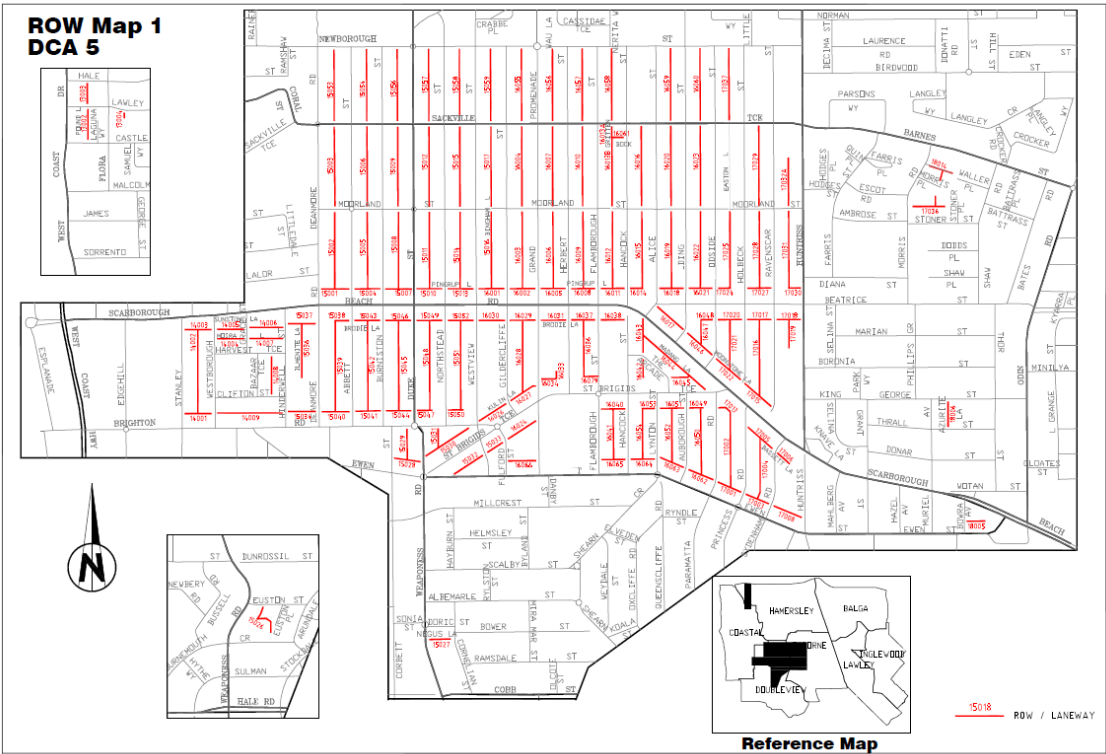
6.9.4 Planning Instruments Adopted Under the Scarborough Redevelopment Scheme

- (a) All Policies and Design Guidelines adopted under the *Metropolitan Redevelopment Authority Act 2011* for the Scarborough Redevelopment Area apply as if adopted under the provisions of Local Planning Scheme No.3 as Local Planning Policies and may be amended and revoked as needed under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (b) The Metropolitan Redevelopment Authority Scarborough Redevelopment Area Heritage Inventory applies as if included as a Heritage List under Local Planning Scheme No.3 until such time as the City of Stirling Heritage List is reviewed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5. Amending Schedule 11—Development Contribution Areas to delete the following text from DCA 4—All land within the Stirling City Centre Development Contribution Area—
"Details relating to DCA 5 'Rights of Way Improvement Works Development Contribution Area' are included in Schedule 11A."
6. Amending Schedule 11—Development Contribution Areas to include Development Contribution Area No.5 as follows—

No.	Description of land	Infrastructure to which cost sharing arrangements relate	Cost sharing arrangement
5	All land within Schedule 11A—Rights of Way Improvement Works	Details relating to DCA 5—Rights of Way Improvement Works are included in Schedule 11A.	Details relating to DCA 5—Rights of Way Improvement Works are included in Schedule 11A.
7.	Modifying Schedule 11A DCA 5 ROW Map 1 to insert the whole ROW Nos, 14003 (Sunstone Lane), 14004 (Moirra Lane), 14005 (Sunstone Lane), 14006 (Sunstone Lane) and 14007 (Moirra Lane) and portion of ROW No 14002 (abutting No. 55 Sunstone Lane, No. 8 Stanley Street and Nos. 5, 7 Westborough Street) Scarborough.		

Proposed ROW Map 1



8. Amending Schedule 11—Development Contribution Areas to include Development Contribution Area No.6 as follows—

No.	Description of land	Infrastructure to which cost sharing arrangements relate	Cost sharing arrangement
6	All land within the Scarborough Special Control Area	Details relating to DCA 6—Scarborough Development Contribution Area are included in Schedule 11B.	Details relating to DCA 6—Scarborough Development Contribution Area are included in Schedule 11B.

9. Introducing Schedule 11B Scarborough Development Contribution Plan to include DCA 6—Scarborough Development Contribution Area as follows—

Reference No.	Development Contribution Plan 6
Area name:	Development Contribution Area 6 as shown on the Scheme Map.
Relationship with other Planning Instruments:	The Development Contribution Plan (DCP) should be read in conjunction with the Scarborough Design Guidelines and Development Policies.
Infrastructure and Administrative Items to be Funded	<p>The key components of the DCP are defined below—</p> <ol style="list-style-type: none">Development Contribution Plan Administration Costs associated with preparation, implementation and review of the DCP, including—Beachside Precinct Works Works to enhance and revitalise the Scarborough foreshore area, which provides for the following—

Reference No.	Development Contribution Plan 6								
	<ul style="list-style-type: none"> • Scarborough Square (including Clock Tower Piazza) • Upgrades to the public realm north and south of the Scarborough Amphitheatre. <p>3. Streetscape Upgrades East of West Coast Highway</p> <p>Provision of new infrastructure and upgrades to existing infrastructure, including local area traffic management, to the following streets located east of West Coast Highway—</p> <ul style="list-style-type: none"> • Hastings Street between Kay Street and Scarborough Beach Road; • Brighton Road between West Coast Highway and Stanley Street; • Scarborough Beach Road between West Coast Highway and Hinderwell Street; and • Manning Street between West Coast Highway and Joyce Street. <p>Specific streetscape upgrade works to be undertaken include—</p> <ul style="list-style-type: none"> • Provision of additional embayed on-street car parking; • Provision of new footpaths; • Undergrounding of existing overhead power transmission lines; • Provision of street furniture; • Provision of new street trees and coastal plantings to verge areas; and • Upgrading of existing street lighting. <p>The cost also includes the design and construction of traffic calming infrastructure such as speed bumps, plateaus and intersection treatments to provide a safe, pedestrian orientated environment.</p>								
Method for Calculating Contributions	<p>The method for calculating costs is one in which the estimated Development Costs are apportioned across the total developable site area based on the maximum number of building levels permitted under the Scarborough Design Guidelines. A higher proportion of the Development Costs will be attributed to sites where increased height and density is afforded.</p> <p>An owner's development contribution shall be calculated by multiplying the applicable contribution rate by the owners total Site Area, as illustrated in the following example—</p> <table> <tr> <td>Site Area:</td><td>1,000m²</td></tr> <tr> <td>Max Permitted Building Height:</td><td>8 storeys / 29 metres</td></tr> <tr> <td>Contribution Rate:</td><td>\$67.29 per m²</td></tr> <tr> <td>Total Development Contribution:</td><td>1,000 x \$67.29 = \$67,290</td></tr> </table>	Site Area:	1,000m ²	Max Permitted Building Height:	8 storeys / 29 metres	Contribution Rate:	\$67.29 per m ²	Total Development Contribution:	1,000 x \$67.29 = \$67,290
Site Area:	1,000m ²								
Max Permitted Building Height:	8 storeys / 29 metres								
Contribution Rate:	\$67.29 per m ²								
Total Development Contribution:	1,000 x \$67.29 = \$67,290								
Payment of Cost Contribution	<p>An owner of land in the Development Contribution Area is required to make a Development Contribution in accordance with the applicable Development Contribution Plan. An owner's liability to pay the Development Contribution arises on the earlier of—</p> <ul style="list-style-type: none"> • the approval of any development on the owner's land within the Development Contribution Area, unless the development meets the exemption requirements set out below; • the approval of any subdivision of the owner's land within the Development Contribution Area; <p>No person shall commence or carry out any subdivision or development the subject of a subdivision approval or a development approval until the owner's cost contribution in respect of the land has been paid in full, or other arrangements for payment have been made to the satisfaction of the Local Government.</p> <p>Where, prior to the operative date, DevelopmentWA (or the Metropolitan Redevelopment Authority) has given to an owner of land notice in writing that it accepts a payment made by the owner in full and final satisfaction in respect of that land, then the notice is to be taken to be a discharge of that owner's liability under Clause 6B.14.3 of the Scheme.</p>								
Exemptions:	<p>Minor Development</p> <p>Certain minor development proposals are exempt from being liable to pay the Development Contribution. For the purpose of this DCP, minor development includes the first single house on a property, or outbuilding associated with the first single house, and/or small-scale alterations and additions to a property.</p> <p>The Local Government may, on request by the landowner, agree to exempt other minor development proposals from being liable. The Local Government will at its discretion consider the exemption where it can be demonstrated to the Local Government's satisfaction that the works are minor or incidental development that does not have a connection (nexus) between the development and the demand for the infrastructure included in the DCP.</p>								

Reference No.	Development Contribution Plan 6
	<p>Should such an exemption be granted, this does not preclude the ability of the Local Government to require a Development Contribution as a result of any subsequent development or subdivision of the affected land.</p> <p>Charitable Institutions</p> <p>The Local Government may recognise the social contribution and limited financial capacity of Charitable Institutions within the DCP Area and exclude certain charitable land holdings from being liable for Development Contributions.</p> <p>The Local Government may recognise any Charitable Institution which owns land within the DCP Area and uses the land exclusively for charitable purposes, and exempt them from liability to pay the Development Contribution that is applicable to that land.</p> <p>Any application must demonstrate to the Local Government's satisfaction that the land is used for charitable purposes. An exemption may otherwise be provided, at the Local Government's discretion, for part of a land holding if only part of the land is used for charitable purposes.</p> <p>An exemption granted by the Local Government ceases to have effect if the land is no longer owned by the Charitable Institution or is no longer used for charitable purposes.</p>
Interest on Unpaid Cost Contributions:	<p>(a) Interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purposes of Section 6.13 of the <i>Local Government Act 1995</i>.</p> <p>(b) Interest payable on any cost contribution or portion of a cost contribution (as the case may be) shall be paid from the date an owner becomes liable.</p>
Period of Operation:	The DCP shall have effect until 7 September 2037.
Priority and Timing	<p>Stage 1—Beachside works—Completed</p> <p>Stage 2—Streetscape Upgrades East of West Coast Highway—as funds are available</p>
Review Process:	<p>The plan will be reviewed one (1) year from the date of gazettal of the amendment to the Local Planning Scheme to incorporate the plan.</p> <p>The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs in accordance with Clause 6B.11.2 of the Scheme.</p>

10. Introducing Schedule 13 Scarborough Special Control Area into the Scheme as follows—

SCHEDULE 13—SCARBOROUGH SPECIAL CONTROL AREA [CL 6.9]

1.0 THE VISION AND OBJECTIVES

The Vision set out below is the overall aim that underpins the preparation, content and application of the Scarborough Special Control Area provisions. The Scarborough Special Control Area provisions applies to all land shown as the Scarborough Special Control Area shown on the Scheme Map. This area is referred to as the 'Scarborough Special Control Area'.

The Local Government will have due regard for the achievement of this Vision in determining applications made under the Scarborough Special Control Area provisions and when making all other discretionary decisions regarding the Scarborough Special Control Area provisions.

1.1 The Vision

The Vision for the redevelopment and urban renewal of the Scarborough Special Control Area is to draw on Scarborough's unique identity to create an authentic, contemporary urban-coastal experience for a growing residential community, workers and visitors, befitting its role as a key tourist destination.

Scarborough will be a vibrant hub of activity with restaurants, cafés, shops and entertainment. A range of events and activities will be on offer for locals and tourists, and people of all ages, at various times of the day and night. Scarborough's role as a meeting place will be enhanced, providing a welcoming place for people from all lifestyles and backgrounds to enjoy and become a part of the community.

The Local Government will strive to create neighbourhoods that embrace and celebrate the urban-coastal lifestyle. The Scarborough redevelopment project will expand lifestyle choices and offer attractive alternatives to traditional suburban development.

The Vision is based on delivering design and development excellence through creating a great public environment, high quality buildings, connecting people and places, and ensuring a successful mixture of land uses and activities. Development will interpret and reflect Scarborough's urban-coastal character and will be highly responsive to the site context including the natural environment, topography, neighbouring sites and streetscape.

1.2 Delivering the Vision

The Scarborough Special Control Area provisions is the principal planning tool that will bring the Vision to life. The Scarborough Special Control Area provisions reinforces the strategic planning and visioning undertaken by the Local Government and embeds this in a statutory planning framework to guide redevelopment of the Scarborough Special Control Area. The

Scarborough Special Control Area provisions has the flexibility of an outcomes-based approach to development. It is supported by the Development Policies, Design Guidelines and other planning tools to achieve the sustainable development of the Scarborough Special Control Area.

The Scarborough Special Control Area provisions is designed to provide opportunities for renewal, growth and innovation that can respond to changing environmental, economic and social trends and challenges. Inherent in the Scarborough Special Control Area provisions is a quadruple bottom line approach to sustainability, providing opportunities for social enrichment, economic innovation and environmental enhancement through appropriate and transparent governance.

The Scarborough Special Control Area provisions incorporates the requirements, provisions and opportunities to ensure sustainable growth and development, and includes important sustainability outcomes such as compact growth, mixed land use, good design, primacy of public spaces, heritage conservation and reduced car use. The Scarborough Special Control Area provisions places importance on equity, opportunity, diversity and good governance, all intrinsic elements of sustainability.

The Objectives of the Scarborough Special Control Area provisions are intended to be applied in context of the most current technologies and best practices of the time. Creativity and innovation are encouraged, to achieve outstanding development outcomes.

1.3 Objectives

The Objectives listed and described in this clause must be taken into account in the preparation and approval of the planning framework for the Scarborough Special Control Area and the assessment and determination of all applications for approval made under the Scarborough Special Control Area provisions. The Objectives are—

- Sense of Place;
- Economic Wellbeing;
- Urban Efficiency;
- Connectivity;
- Social Inclusion; and
- Environmental Integrity

Development in accordance with the Objectives will ensure the Scarborough Special Control Area develops in a sustainable manner which will enrich Scarborough's role as a premier destination for people to live, work, visit and recreate within a vibrant, mixed use setting.

All development proposals will be required to be consistent with the Objectives set out in this clause (Sub-Clauses 1.3.1—1.3.6). The Local Government will have due regard to these Objectives in discretionary decision making regarding the Scarborough Special Control Area provisions, including the assessment of—

- Development Applications;
- Structure Plan Applications;
- Local Development Plan Applications; and
- Subdivision Proposals.

1.3.1 Sense of Place

To build a sense of place by supporting high quality urban design, heritage protection, public art and cultural activities that respond to Perth's environment, climate and lifestyle; including—

- **Quality Public Realm**—Planning, design, development and management of places and spaces that contributes to the vitality, amenity, comfort and safety of the public realm which is attractive to all people;
- **Local Character**—Create development which respects, responds to and builds upon the existing coastal lifestyle and character of Scarborough and its community; protecting, maintaining and enhancing view corridors to the coast;
- **Quality Architecture and Urban Design**—Create visually attractive development, with high quality design, a diverse but architecturally urban-coastal character, well-integrated landscaping and appropriately scaled streetscapes and other elements;
- **Activation**—Increasing activation to public spaces and adding vitality through active ground floor uses and integration between the public and private realm to attract residents, workers and visitors to Scarborough;
- **Local Assets**—Development and enhancement of key focal points within Scarborough providing for community events, outdoor activities and social engagement;
- **Liveability**—A high quality of life is facilitated by accommodating a diversity of land uses, services and social infrastructure in a compatible and complimentary manner, with high levels of amenity;
- **Heritage**—Interpretation of the themes surrounding places, people and stories no longer physically evident;
- **Environment**—Protection and enhancement of the natural environment;
- **Intergenerational Equity**—Providing a quality urban environment and protecting community assets, heritage places and natural resources for future generations; and

- Health and Wellbeing—Development that facilitates physical and social health and wellbeing contributing to a safe and comfortable environment for all people through providing a high level of walkability and diverse opportunities for social interaction.

1.3.2 Economic Wellbeing

To promote economic wellbeing by supporting, where appropriate, development that facilitates investment and provides opportunity for local businesses and emerging industries to satisfy market demand; including—

- Tourism Services—Increased provision of tourism related industries, including short-stay accommodation, servicing a diverse visitor market and promoting the urban renewal of Scarborough;
- Investment Opportunities—Aid in the revitalisation of Scarborough as an attractive and sustainable coastal destination through the attraction of local and international investment;
- Connectivity and Diversity—Encourage development close to transit corridors that provides a high quality public realm and a mix of land uses to promote the exchange of ideas between people and businesses;
- Business and Employment Growth—Increased business activity establishes a critical mass of employment, services and economic activity, enhancing Scarborough's liveability and competitiveness; create diversity of land use and development which contributes to a range of enhanced employment and residential opportunities in Scarborough;
- Live and Work—Deliver a diverse range of housing choices, providing the opportunity for people to live, work and play in Scarborough; and
- Communication Networks—Encourage the progressive upgrade of data connectivity to ensure effective virtual connections locally and internationally.

1.3.3 Urban Efficiency

To promote urban efficiency through infrastructure and buildings, the mix of land use and facilitating a critical mass of population and employment, through—

- Resource Efficiency—Minimise the ecological footprint of building and lifestyles through density, diversity and efficiency in the urban environment;
- Integration—Ensure efficient integration of development with adjoining areas and the transport network;
- Diversity—Diversity of land use and development contributes to enhanced residential and employment opportunities and promotes the revitalisation of Scarborough as a metropolitan attractor; and
- Infrastructure Efficiency—Provides improved efficiency (cost effectiveness) in infrastructure services, community facilities and services

1.3.4 Connectivity

To enhance connectivity and reduce the need to travel by car, supporting development aimed at well-designed places that support walking, cycling and public transit; including—

- Connectivity—Develop a range of transport networks for visitors and commuters that facilitate access to and from Scarborough and promote the use of sustainable transport modes such as cycling, walking and public transit options.
- Land Use and Transport Integration—Development and transport systems support each other to create an efficient and successful urban environment;
- Walking and Cycling—Accessible by active transport modes (walkable and bikeable) through high levels of amenity, safety and permeability throughout the Scarborough Special Control Area;
- Alternatives to Car Use—Development will facilitate non-car based forms of travel, such as bus, cycling and walking, and the potential for future light rail;
- Equity of Access—Provide travel networks that are accessible by all; and
- Transit Integrated Development—Contemporary transport planning and design principles are used to develop appropriate land uses and population densities around well designed transport corridors.

1.3.5 Social Inclusion

To promote social inclusion by encouraging, where appropriate, a diverse range of housing and by supporting community infrastructure, activities and opportunities for visitors and residents to socialise; including—

- Place Making—Creation of high quality sustainable places is underpinned by facilitating a diverse range of land uses, housing types, buildings, events and transportation options that meet the needs of a wide demographic;
- Choice and Accessibility—Development facilitates choice and access in housing, employment, leisure and transport, for a wide range of people's needs and interests;
- Inclusive Design—Development is designed to help children, youth, seniors, indigenous people, minority groups and people with disabilities feel included and connected to Scarborough;

- Diversity—Provide a diverse range of housing types and tenures, commercial, cultural, leisure and transport options to create opportunities for everyone to live, work, and play within Scarborough;
- Activation—Promotion of key locations within the Scarborough Special Control Area as destinations for community events, ongoing place activation, recreation, socialising and leisure spaces; and
- Healthy Design—Develop green spaces and urban public spaces in strategic locations throughout Scarborough to provide opportunities for active and passive recreation, and community activities.

1.3.6 Environmental Integrity

To enhance environmental integrity by encouraging ecologically sustainable design, resource efficiency, recycling, renewable energy and protection of the local ecology; including—

- Ecological Footprint—Encourage and facilitate development which is consistent with efficient use of energy and the minimisation of greenhouse gas emissions;
- Efficient Use of Land—Redevelopment and urban infill provides improved efficiency in land and resource use;
- Environmentally Sensitive Design—Building design, construction, refurbishment and operation ensures resource efficiency and minimises use of non-renewable resources and the production of waste, pollution and other damaging emissions;
- Water Sensitive Design—Encourage and facilitate development which reduces demand on natural water resources and promotes water reuse and recycling;
- Natural Environments—Development responds to the natural coastal environment of Scarborough beach and assists in the protection of the natural environment and the management of groundwater and drainage;
- Mitigation of Urban Heat Island Effect—Conservation of existing mature trees on public and private land, and new plantings within deep soil zones to allow for growth;
- Alternative Transport—Development incorporates innovative technologies that support non-private car-based forms of transport, including bus, cycling and walking, and the potential for future light rail; and
- Site Responsive Design—Development responds to the site and environmental constraints and reduces 'heat island' impact in urban areas.

2.0 PRECINCTS

INTRODUCTION

This clause identifies the precincts that make up the Scarborough Special Control Area and sets out the intent for the future development of each precinct.

The Scarborough Special Control Area is made up of five precincts, as shown in Appendix 1 to Schedule 13 of the Scheme. A Precinct Map is provided for each precinct and the corresponding text sets out the intent for the development of that precinct. All development within the Scarborough Special Control Area is required to be generally consistent with the Vision and Objectives in Clause 1 and the intent set out in this clause for the relevant precinct.

Additional precincts may be added and existing precincts removed either whole or in part from the Scarborough Special Control Area from time to time.

2.1 Beachside Precinct

The Beachside Precinct encompasses all land west of The Esplanade within the Scarborough Special Control Area, including the foreshore reserve, Scarborough Amphitheatre and Surf Lifesaving Club.

The precinct is envisaged to be the focus for year-round activity, with a series of flexible and robust open spaces which respond to the existing local assets and topography, cater for active and passive uses, and are well serviced by quality amenities and infrastructure.

The precinct will include a number of destinations which support visitor attraction and local amenity across the Scarborough Special Control Area, including Scarborough Square, Beach Hub North, Intergenerational Plaza, Sunset Hill, and Beach Hub South, incorporating the City of Stirling's Beach Pool project. These will be the driving force behind Scarborough's transformation as a contemporary, family friendly destination of State significance.

The destinations will provide contemporary yet diverse activities, which ensure Scarborough will become an inclusive, all-season, modern beach experience, with something happening during extended hours of the day and night. Centralising regional attractions will ensure that the area effectively balances the needs of local residents and regional visitors.

The natural setting, environmental richness and cleanliness of Scarborough Beach will be protected, providing controlled access and supporting rehabilitation.

2.2 Esplanade Precinct

The Esplanade Precinct is bounded by The Esplanade to the west, Reserve Street to the north, West Coast Highway to the east and the southern boundary of Lot 115 (No. 204) The Esplanade and Lot 0 (No. 273) West Coast Highway to the south.

The Esplanade Precinct forms the central core of the Scarborough Special Control Area, providing for a wide range of active recreational, retail, commercial, community, entertainment and tourism uses.

As the entry point to the beach itself, it will have a strong sense of arrival and be focussed on the beach, its activities and complementary uses. A permanent population will be established through the redevelopment of existing sites providing the community with improved 'ownership' of the area.

Road widening requirements may apply to developments on West Coast Highway and Scarborough Beach Road to allow for future transport upgrades.

2.3 Gateway Precinct

The Gateway Precinct is in two parts, at the northern and southern extents of the Scarborough Special Control Area respectively. The northern gateway is bounded by the foreshore reserve to the west, the boundary of the Scarborough Special Control Area to the north, the eastern boundaries of Lot 900 (No. 5) Pearl Parade and Lot 51 (No. 6) Nautilus Crescent and Filburn Street to the east, and Reserve Street to the south.

The southern gateway generally straddles West Coast Highway between Kay Street and the northern boundaries of Lot 114 (No. 210) The Esplanade and Lot 153 (No. 279) and Lot 201 (No. 266) West Coast Highway.

The Gateway Precinct creates the northern and southern gateways into the Scarborough Beach area. The physical form will create a sense of arrival and a transition into the intensity of the beachfront core from the surrounding residential areas. The precinct will cater for medium to high density residential development and tourism accommodation.

Reflecting Scarborough's relaxed coastal aesthetic, buildings will be positioned in landscaped settings, to provide privacy and recreation spaces for residents and a softening of the built form. Road widening requirements may apply to developments on West Coast Highway to allow for future transport upgrades.

2.4 Beach Road Precinct

The Beach Road Precinct generally encompasses land on the eastern side of West Coast Highway between Reserve Street and the south side of Brighton Road, lots on both sides of Hastings Street between Brighton Road and Scarborough Beach Road, and lots on both sides of Scarborough Beach Road between West Coast Highway and Hinderwell Street.

The Beach Road Precinct will provide a flexible mixed use environment for a diversity of commercial, tourism and medium to high density residential development. Commercial uses may include district level retail and services, and other commercial development not directly dependent on the beachfront.

Commercial development should primarily be located along Scarborough Beach Road and West Coast Highway, with the potential for commercial enterprises to establish on consolidated blocks back from these routes in the longer term.

Road widening requirements may apply to developments on West Coast Highway and Scarborough Beach Road, to allow for future transport upgrades. Pedestrian links through blocks will be promoted to create a more interesting and pedestrian friendly precinct.

For development fronting West Coast Highway or Scarborough Beach Road vehicle access should be taken from secondary streets or laneways, or consolidated access points to be shared between neighbouring sites where possible.

2.5 Groves Precinct

The Groves Precinct is generally located at the outer edges of the Scarborough Special Control Area.

The Groves Precinct will provide for medium density residential development accommodating both apartments and townhouses to facilitate continued growth of the local community and housing types to suit different household structures. New development will respond to the relaxed coastal lifestyle and character of Scarborough. It is envisaged that this precinct will provide a transitional zone between the higher intensity development at the core of the Scarborough Special Control Area and the existing predominantly single to two-storey low density residential development outside the Scarborough Special Control Area boundary.

Limited small-scale non-residential uses such as cafés, small shops or consulting rooms may be considered where it can be demonstrated that such a use would not cause undue impact on the residential amenity or character of the locality.

3.0 LAND USE

PART A: INTRODUCTION

3.1 Introduction

The Land Use clause sets out the provisions guiding the use of land within the Scarborough Special Control Area. Use of land or changing the use of land is generally considered to be "development" and may require development approval from the Local Government, in accordance with Parts 8 and 9 of the deemed provisions.

This clause establishes a land use system based on identifying the preferred activities for which a site should be used for, while generally allowing for a flexible approach to encourage mixed land use, diversity and economic prosperity. This clause also includes specific considerations for certain land uses, to enable a compatible land use mix in the Scarborough Special Control Area.

3.2 Diverse Land Use Environments

- (1) The land use system is predominantly based on the Objectives of Urban Efficiency and Economic Wellbeing, through the provision of mixed land use urban environments. Successful mixed land use environments enable a diversity of complimentary and compatible land uses to provide local convenience, connectivity, reduced travel, and day to evening vitality.
- (2) For the purpose of promoting the Objectives, and subject to any provisions of this clause to the contrary, the Local Government in dealing with any application under this Scheme shall encourage a mixture of compatible land uses throughout the Scarborough Special Control Area and may require a specified mixture of uses within any precinct, site or building.

3.3 Active Street Level Land Uses

- (1) The Local Government seeks to develop a strong sense of place in the Scarborough Special Control Area, which includes ensuring an activated and interesting public realm. An active public realm provides a diversity of activity and opportunities for social interaction, whilst also enhancing the personal experience and safety of an area.
- (2) For the purpose of promoting the Objectives, the Local Government in dealing with any application under the Scarborough Special Control Area provisions may require specific land uses at street or pedestrian level of a building or place in order to help achieve activation of the public realm.

PART B: OVERVIEW

3.4 Land Use System

- (1) The Local Government has adopted a precinct based Preferred and Contemplated land use system. The Scarborough Special Control Area provisions does not use land use zones.
- (2) Table 13.1—Land Use Categories groups together similar types of land uses into seven specific categories. Table 13.2—Land Use Table then identifies which of these categories are Preferred Uses or Contemplated Uses for each precinct within the Scarborough Special Control Area. Definitions of each land use within each category are provided in Appendix 3 to Schedule 13 of the Scheme.

3.5 Preferred Land Uses

Preferred Uses are land uses which are considered to contribute to the Vision and intent for a location, as set out in Clause 1—Vision and Clause 2—Precincts. Preferred Uses are those uses within the land use category or categories which are shown as a Preferred category for a particular precinct in Table 13.2—Land Use Table.

- (1) If Table 13.2 stipulates a land use category as Preferred for a particular precinct the Local Government shall not refuse a Development Application for a use within that category on the basis that the proposed use is not suitable for that location, unless the Preferred Uses for that site are limited by provisions of a Design Guideline.
- (2) In dealing with a Development Application, the Local Government may, having due regard to Parts 8 and 9 of the deemed provisions and Clause 3, relax or vary any requirement of the Scarborough Special Control Area provisions or any relevant Design Guideline or Development Policy if the Local Government considers it desirable to encourage the incorporation of a Preferred Use into the development.

3.6 Contemplated Uses

Contemplated Uses are land uses which the Local Government may consider suitable for a location if it can be shown that such a use would not detract from the precinct intent and the amenity of the locality. Contemplated Uses are those uses within the Land Use Category or Categories which are shown as a Contemplated category for a particular precinct in Table 13.2—Land Use Table.

- (1) If Table 13.2 stipulates a Land Use Category as Contemplated for a particular precinct, in dealing with a Development Application involving a use within that category the Local Government may—
 - (a) require written justification from the applicant detailing the suitability of the use in that location, including consistency with the Vision and precinct intent and its compatibility with surrounding land uses;
 - (b) seek expert advice on the application or require the applicant to obtain expert advice (at the applicant's cost) on aspects of the proposal;
 - (c) advertise the application for public comment; and/or
 - (d) require the incorporation of a Preferred Use into the development instead of or as well as the Contemplated Use.
- (2) The Local Government may approve or refuse an application involving a Contemplated Use, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Local Government considers appropriate to manage the suitability or compatibility of that use in its location.

3.7 Uses Not Preferred or Contemplated

Where a use is a defined use in Table 13.1 but is not included in a category that is shown in Table 13.2 as a Preferred or Contemplated use for a relevant precinct, the use or uses are generally considered inconsistent with the precinct intent and may be inappropriate for that precinct. However, those uses may be considered for approval.

- (1) In dealing with a Development Application for a defined use that is not Preferred or Contemplated the Local Government may—
 - (a) require written justification from the applicant detailing the suitability of the use in that location, including its consistency with the Vision and precinct intent and its compatibility with surrounding land uses;
 - (b) seek expert advice on the application, or require the applicant to obtain expert advice (at the applicant's expense) on aspects of the proposal;
 - (c) advertise the application for public comment; and/or
 - (d) require the incorporation of a Preferred Use or Contemplated Use into the development instead of or as well as the proposed use.
- (2) The Local Government may approve or refuse an application involving a use that is not Contemplated or Preferred, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Local Government considers appropriate to manage the suitability or compatibility of that use in its location.

PART C: OBJECTIVES FOR SPECIFIC LAND USES

3.8 Culture and Creative Industry Uses

Cultural activities and creative industries have the potential to make a positive contribution to the urban renewal of Scarborough. These land uses can provide both character and economic advantage to an area, and engender diversity and a unique sense of place.

- (1) In determining a Development Application for a land use within the Culture and Creative Industry land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives—
 - (a) infusing creativity, originality and innovation into the built environment;
 - (b) the encouragement of creative industries;
 - (c) providing opportunities for business incubation;
 - (d) the provisions of flexible and adaptive spaces to live, work and display; and
 - (e) ensuring the compatible operation of culture and creative land uses with other land uses in the vicinity of the proposed development.

3.9 Commercial Land Uses

Commercial activities are a fundamental aspect of the function of the Scarborough Special Control Area. The Local Government seeks to encourage a considerable portion of commercial development throughout the Scarborough Special Control Area to facilitate economic growth and job creation, the achievement of urban efficiency, and connection of residents to workplaces and services.

- (1) In determining a Development Application for a land use within the Commercial land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives—
 - (a) facilitating prosperity and diversity in economic activity and commercial buildings and premises;
 - (b) ensuring an active interface of ground floor development with the public realm;
 - (c) healthy, functional and environmentally sustainable workplaces; and
 - (d) accessibility to workplaces by sustainable modes of transport.

3.10 Light Industry Land Uses

Given the Vision, Objectives and intent of the Scarborough Special Control Area, light and service industry uses are not encouraged in any precinct of the Scarborough Special Control Area. However, development applications may be considered, subject to detailed justification for the proposal and how it complies with the Vision, Objectives and precinct intent, as well as other relevant provisions of the Scarborough Special Control Area, Design Guidelines and Development Policies.

- (1) In determining a Development Application for a land use within the Light Industry land use category, in addition to the other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives;
 - (a) ensuring the proposed use is generally compatible with the intent of the Precinct within which it is proposed to be developed;
 - (b) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise, emissions and other operations are compatible with surrounding land uses; and
 - (c) ensuring an appropriate interface of the development with the surrounding environment, including amenity and quality streetscape.

3.11 Retail Land Uses

Retail development is an important activity throughout the Scarborough Special Control Area, both in supporting tourism and the visitor market and in providing convenient goods and services to local residents.

- (1) In determining a development application for a land use within the Retail land use category, in addition to the other provisions of Scarborough Special Control Area, the Local Government shall have regard to the following objectives;
 - (a) encouraging a diversity of retail services and premises in appropriate locations; and
 - (b) ensuring an active interface of ground floor development with the public realm.

3.12 Residential Land Uses

Increasing both the permanent and transient residential population in the Scarborough Special Control Area is a key element of the Vision and Objectives, to create dynamic, authentic and sustainable places. An increased population will facilitate critical mass and provide increased vibrancy and improved efficiencies. The Local Government also recognises that all types of individuals and households should have the opportunity to live in the Scarborough Special Control Area.

- (1) In determining a Development Application for a land use within the Residential land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives—
 - (a) encouragement of a socially diverse population;
 - (b) the provision of a diversity of housing and accommodation types, size and tenure;
 - (c) the provision of social and affordable housing;
 - (d) the provision of universally accessible and adaptable housing; and
 - (e) the appropriate interface of new residential development with non-residential development.
- (2) Where the provisions of this clause or a Design Guidelines indicate that residential development generally or a specific type of Permanent Residential or Transient Residential development is a Preferred Use within a specific precinct or site, the Local Government when dealing with a Development Application within that precinct may require the inclusion of a residential component within the proposed development, and may require a minimum level intensity or proportion for the residential component as against any non-residential component.

3.13 Community Land Uses

The need for social interaction, physical activity, leisure, health services and social support are fundamental aspects of any successfully functioning community. The Local Government seeks to promote social inclusion and a strong sense of place, and will encourage and support community land uses that enhance the quality of life for residents, and support local workers and visitors.

- (1) In determining a Development Application for a land use within the Community land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives—
 - (a) encouraging facilities that provide essential services or enhanced lifestyles to segments of the community or to the general public;
 - (b) facilitating social interaction and community building;
 - (c) supporting physical activity and healthy lifestyles; and
 - (d) ensuring the appropriate interface of development with the surrounding environment, including patron and traffic management and a high quality public realm.

3.14 Dining and Entertainment Land Uses

Dining and Entertainment land uses in the Scarborough Special Control Area are important in supporting the role of the Scarborough Special Control Area as a key tourist and visitor destination, and in enhancing the lifestyle for residents. However, entertainment land uses generally need to be carefully planned and managed to ensure compatibility with residential or other sensitive land uses.

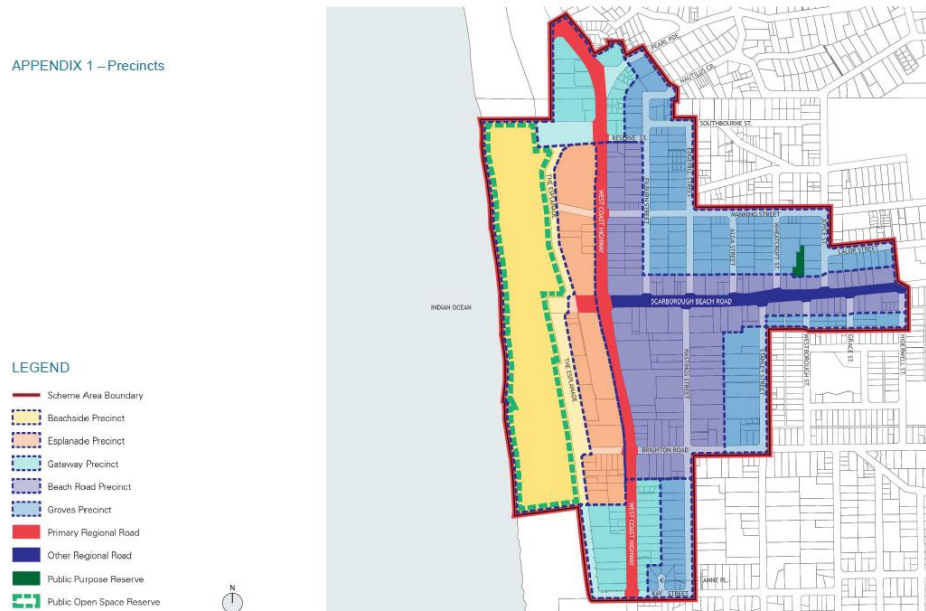
- (1) In determining a Development Application for a land use within the Dining and Entertainment land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives—
 - (a) enhancing lifestyle, character and vibrancy in the Scarborough Special Control Area;
 - (b) achieving effective venue management, including venue operation, patron management, and customer and public safety; and
 - (c) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise or other emissions, and is compatible with surrounding land uses.

Table 13.1 Land Use Categories

Land Use Category	Land Use Type
<p>Category 1: Culture and Creative Industry</p> <p>Category Description:</p> <p>Businesses and activities which have their origin in individual creativity, skill and talent and which contribute to the cultural richness and economic advantage of an area. Provides opportunities for business incubation and job creation through exploitation of intellectual property and/or unique skills.</p>	<p>Media Production, Artist Studio, Theatre/Performance Venue, Exhibition Centre, Event Space.</p>
<p>Category 2: Commercial</p> <p>Category Description:</p> <p>Business activities, professional services and other principally profit-based land uses of a non-retail, low impact nature. The category does not include businesses of an industrial, entertainment or other moderate to high impact nature.</p>	<p>Office, Business Services, Consulting Rooms, Medical Centre, Laundromat, Veterinary Centre, Trade Display, Commercial Car Park.</p>
<p>Category 3: Light Industry</p> <p>Category Description:</p> <p>Low to moderate impact businesses, predominately based in skilled trades, manufacturing, goods handling, the automotive industry and other land uses of an industrial nature. The land uses usually require large purpose built premises and may not be appropriate for mixed-use buildings or residential areas.</p>	<p>Industry—Light, Industry—Service, Motor Vehicle Maintenance, Warehouse, Showroom, Research & Development, Self-Storage Unit, Outdoor Display Centre, Transport Depot, Convenience Store, Service Station, Animal Establishment, Caretakers Dwelling, Lunch Bar, Telecommunications Infrastructure.</p>
<p>Category 4: Retail</p> <p>Category Description:</p> <p>Places of business offering goods displayed on the premises for sale or hire to the public, and also includes premises for the provision of services of a personal nature. May include the preparation of goods for sale on site but not manufacturing of goods.</p>	<p>Shop, Shopping Complex, Personal Services, Dry Cleaning, Garden Centre, Market, Liquor Store.</p>
<p>Category 5: Residential</p> <p>Category Description:</p> <p>A building or a portion of a building that is designed or adapted for habitation either as Permanent Residential—being private dwellings, or as Transient Residential—being accommodation provided for temporary periods, generally for commercial gain</p>	<p>Category 5A Permanent Residential—Single House, Multiple Dwellings, Group Dwellings, Specific Purpose Housing, Aged Persons Accommodation, Home Business, Home Store.</p> <p>Category 5B Transient Residential—Bed and Breakfast, Motel, Short Stay Accommodation, Serviced Apartments, Hotel, Hostel.</p>
<p>Category 6: Community</p> <p>Category Description:</p> <p>Premises or land uses which provide essential services or leisure facilities to local residents and workers or the wider community, also referred to as 'social infrastructure'. May include activities for commercial gain which provide a social benefit.</p>	<p>Community Facility, Commercial Hall, Recreation & Sporting Facilities, Library, Public Open Space, Place of Worship, Funeral Parlour, Child Care Premises, Hospital, Educational Establishment.</p>
<p>Category 7: Dining and Entertainment</p> <p>Category Description:</p> <p>Premises designed and used to provide public entertainment or social interaction, principally dining and drinking. Usually involves extended/evening trading and may involve service of alcohol and amplified music. Includes land uses which may present moderate impacts on residential amenity, due to noise, patronage and hours of operation.</p>	<p>Tavern, Small Bar, Night Club, Entertainment Complex, Function Centre, Club Premises, Restaurant/Café, Fast Food Outlet, Cinema, Amusement & Gaming Centre, Betting Agency, Exhibition Centre</p>

Table 13.2 Land Use Table

Precinct	Category 1 Culture and Creative Industry	Category 2 Commercial	Category 3 Light Industry	Category 4 Retail	Category 5 Residential	Category 6 Community	Category 7 Dining and Entertainment
Beachside	Contemplated	-	-	Contemplated	-	Preferred	Preferred
Esplanade	Contemplated	Contemplated	-	Preferred	Preferred	Contemplated	Preferred
Gateway	Contemplated	Contemplated	-	Contemplated	Preferred	Contemplated	Contemplated
Beach Road	Preferred	Preferred	-	Preferred	Preferred	Contemplated	Preferred
Groves	Contemplated	-	-	Contemplated	5A Preferred 5B Contemplated	Preferred	Contemplated



APPENDIX 2 DEFINED TERMS

Disclaimer—The definitions in this Appendix 2 only applies to Schedule 13 of the Scheme for the Scarborough Special Control Area, and where these conflict with other definitions these definitions prevail

WORD/EXPRESSION	DEFINITION
Advertisement or Advertising Device:	means any object or structure on which words, numbers, figures or drawings are displayed for the purpose of advertising, announcing or providing direction to any business, function, operation, development, event undertaking or any product;
Amplified Music Entertainment Venue:	means a hotel, tavern, nightclub, small bar, function centre, entertainment complex, theatre/performance venue, or other such entertainment premises, that plays amplified music, either live or pre-recorded, on a regular or periodic basis for the entertainment of customers or the general public;
Applicant:	means a person, company or body authorised by the owner to make an application for development, subdivision or other application under the Scheme, or to act on any other matter in relation to the land;
Building:	means any structure whether fixed or moveable, temporary or permanent, placed or erected on land;

WORD/EXPRESSION	DEFINITION
Building Height:	means the full and greatest height of a building or structure, as measured at any point from ground level at the lot boundary to the highest point of any roof;
Charitable Institution:	means an establishment, organisation or association that is instituted and operated to advance or promote a charitable purpose, and does not engage in activities that do not further, or are not in aid of, its charitable purpose; such as institutions providing not for profit services to the homeless, sick, disabled, aged, or under privileged persons, and is not an individual, a partnership, a political party, a superannuation fund or a government body;
Contemplated Use:	means land uses falling within a Land Use Category that is listed in Table 13.2 as 'Contemplated' for a specified Precinct, or a land use/s specified in a Design Guideline as Contemplated for a Precinct, site or part of a building;
Council:	also Local Government, means the Council of the relevant Local Government (whether City, Town or Shire) which has statutory jurisdiction under the <i>Local Government Act 1995</i> (as amended) over the district in which the subject land is located;
Cultural Heritage Significance:	means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations;
Design Guideline:	provide specific development requirements for project or site specific areas to ensure quality development outcomes;
Development:	has the same meaning as the <i>Planning and Development Act 2005</i> ;
Development Application:	means an Application for Approval to Undertake Development issued by the Local Government;
Development Approval:	means an Approval to Undertake Development issued by the Local Government, including the approval form and any conditions of approval and all plans and documents of that approval;
Development Contribution:	means a financial contribution required from an owner towards the Development Costs in a Development Contribution Area, in accordance with a Development Contribution Plan. Liability for a Development Contribution is set out in Schedule 11B;
Development Contribution Area:	means an area as defined in Schedule 11B and shown on the Scheme Map;
Development Contribution Plan:	means a plan which sets out the Development Costs required for a Development Contribution Area and the calculation system for Development Contributions, prepared in accordance with Schedule 11B;
Development Costs:	means the infrastructure and administrative costs as identified in Schedule 11B;
Development Policy:	detailed statutory requirements to achieve issue specific outcomes for the Scarborough Special Control Area;
Dwelling:	means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family;
Gross Floor Area:	means the gross total of the area of all floors within a building including the thickness of all walls but excluding non-habitable floor space in basements; areas used exclusively for the parking of wheeled vehicles at or below ground level; lift shafts, stairs, and stair landings, open balconies, verandas, courtyards and roof terraces; lobbies or amenities common to more than one dwelling or occupancy; machinery/air conditioning/plant rooms;
Heritage Conversation:	means, in relation to any place, the management of that place in a manner that will enable the cultural heritage significance of that place to be retained and yield the greatest sustainable benefit to the present community without diminishing the cultural heritage significance of that place, and may include preservation, stabilisation, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards and as appropriate to the place;
Heritage Inventory:	the inventory of heritage places and precincts that are of recognised cultural heritage significance, adopted under the Scheme;

WORD/EXPRESSION	DEFINITION
Heritage Place:	means land, building/s or structure/s within a defined area that is of recognised cultural heritage significance and is listed in the Local Government's Heritage Inventory or the State Register of Heritage Places;
Land Use:	means the development or use of land for a specified purpose, including but not limited to the Land Uses listed within each Land Use Category in Table 13.1;
Land Use Category:	means a Land Use Category listed as one of the seven categories of Table 13.1 and includes all Land Uses listed in Table 13.1 as being within that category;
Land Use Table:	means Table 13.2 that indicates the Preferred and Contemplated Land Use Categories for each Precinct within the Scarborough Special Control Area;
Local Development Plan:	also referred to as Detailed Area Plans approved by the Local Government under the Scheme to provide specific and detailed planning to guide and coordinate development, which may include variation(s) to development requirements;
Mixed Land Use:	means the existence of a variety of different land uses within a project area, precinct, site or locality;
Mixed-Use:	buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration;
Net Lettable Area:	means the gross floor area of a building minus the area of the thickness of external walls and excludes the following areas— <ul style="list-style-type: none"> (a) all stairs, toilets, cleaner's 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;
Owner:	<ul style="list-style-type: none"> (a) 'Owner' in relation to any land includes the Crown or any instrumentality of the Crown or the Council and every person who jointly or severally, whether at law or in equity is in possession as— <ul style="list-style-type: none"> (i) the holder of a legal or equitable estate of freehold in possession in the land; (ii) a Crown lessee with a right to purchase or acquire the freehold; (iii) a mortgagee of the land; or (iv) a trustee, executor, administrator, attorney or agent of any of the foregoing. (b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a) of this interpretation except that of mortgagee; (c) in regard to State Crown land not vested in any department, authority, instrumentality, Council, body or person and not the subject of a lease with a right to purchase or acquire the freehold means the Crown in right of the State of Western Australia; (d) in regard to State Crown land vested in any department, authority, instrumentality, Council, body or person for any purpose, means that department, authority, instrumentality, Council, body or person; and (e) an owner of land that is located within a Development Contribution Area;
Planning and Development Act:	means the <i>Planning and Development Act 2005</i> (as amended);
Precinct:	means a definable area within a project area;
Preferred Use:	means land uses falling within a Land Use Category that is listed in Table 13.2 as "Preferred" for a specified Precinct, or a land use/s listed in a Design Guideline as a Preferred Use for a Precinct, site or part of a building;
Project Area:	means a definable area within the Scarborough Special Control Area designated on the Scheme Map;

WORD/EXPRESSION	DEFINITION
Public Realm:	also means public domain, means the public setting of place that people can see and access, and interact with each other and their surroundings, including public land, public places, public gardens, streets, laneways, footpaths and the associated environmental setting and building frontages;
Structure Plan:	a framework to coordinate future land use, subdivision and development, including the provision of transport networks, public open space, utility and service networks;
Undertake:	when the term is used in relation to development it means to commence, carry out or continue development;
Universal Access:	means the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design;

APPENDIX 3 DEFINED LAND USES

Disclaimer—The definitions in this Appendix 3 only applies to Schedule 13 of the Scheme for the Scarborough Special Control Area, and where these conflict with other definitions these definitions prevail

WORD/EXPRESSION	DEFINITION
Aged Persons Accommodation:	means a dwelling or group of dwellings designed and used for the accommodation of aged persons or for a person living with a disability but does not include a hostel or a nursing home;
Amusement and Gaming Centre:	means premises providing public amusement facilities such as amusement machines, computer gaming, karaoke, pool tables or bowling alleys. The premises may be open evenings or late night;
Animal Establishment:	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include veterinary centre;
Artist's Studio:	means a premises from which an artist or artists work to produce items of an artistic nature including paintings, ceramics, sculptures, craft, photography, jewellery, fashion and mixed-media art. It may also include the ancillary display and sale of artistic goods produced on site. An artist studio does not allow for accommodation on the premises;
Bed and Breakfast:	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
Betting Agency:	means premises used for betting and operated in accordance with the <i>Racing and Wagering Western Australia Act 2003</i> (as amended);
Business Services:	means premises used for the provision of commercial services which are predominantly administrative in nature but which are dependent on direct access to the public and generally have a retail shop front, includes a bank or similar financial services, real estate agency or similar property services, post office, travel agency, and other similar such businesses;
Caretaker's Dwelling:	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
Child Care Premises:	means land and buildings used for the daily or occasional care of children in accordance with the <i>Children and Community Services (Child Care) Regulations 2006</i> (as amended);
Cinema:	means land and buildings designed and used for the public viewing of motion pictures which include the provision of single or multiple cinemas or screens, and may also include large scale parking areas and facilities for patron dining or drinking and other ancillary public amusements;
Club Premises:	means land or buildings used solely by a legally constituted club or association, or other membership-based group to pursue an identified common interest;
Commercial Car Park:	means land and buildings used primarily for parking cars, taxis or wheeled vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale or hire;

WORD/EXPRESSION	DEFINITION
Commercial Hall:	means a structure designed and used for commercial gatherings and public meetings;
Community Facility:	means a premises used for the purposes of public meeting, social interaction and other non-commercially based social activities;
Consulting Rooms	means premises used by not more than two legally qualified health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
Convenience Store:	means premises <ul style="list-style-type: none"> (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods; (b) operated during hours which include, but may extend beyond, normal trading hours; (c) which provide associated parking; and (d) the floor area of which does not exceed 300 square metres net lettable area;
Dry Cleaning Premises:	means premises used for the cleaning of garments and other fabrics by chemical processes;
Educational Establishment:	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
Entertainment Complex:	means a large scale multi-purpose sports, concert and entertainment venue, which may include associated dining and drinking facilities and may be subject to a Special Facility or other such licence under the <i>Liquor Control Act 1988</i> ;
Event Space:	means land and/or premises regularly or occasionally used for temporary events such as festivals, fairs, expos, concerts, artist performances and art exhibitions or art installations;
Exhibition Centre:	means premises used for the display and ancillary sale of materials of an artistic, cultural, historical or scientific nature, such as an art gallery or museum, with or without facilities for the ancillary sale of refreshments and/or souvenirs;
Fast Food Outlet:	means premises where food is prepared and sold for consumption on the premises and/or to be taken away and the operation of which is likely to attract a high level of pedestrian and/or vehicular traffic, including a drive through facility;
Function Centre:	means premises used, by arrangement, to accommodate for private functions, which would usually include the provision of meals and/or alcohol and may include amplified music or live entertainment. May be subject to a Special Facilities licence under the <i>Liquor Control Act 1988</i> ;
Funeral Parlour:	means premises used to prepare and store bodies for burial or cremation;
Garden Centre:	means premises used for the display and sale of garden products, including ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings;
Grouped Dwelling:	a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;
Home Business:	means any business, commercial or occupational activity operated from a private residential dwelling or within a residential lot. A private residential dwelling is one used for permanent residence and not used for temporary or commercial accommodation;
Home Store:	means any shop with an NLA not exceeding 100m ² attached to a dwelling and which is operated by a person resident in the dwelling;
Hospital:	means a premises used to provide health care services and treatment to the public or to private patients including medical, surgical, psychiatric, diagnostic and other such services, and includes provisions for the temporary accommodation of patients and may include provisions for visitors, ambulances, and service vehicles;

WORD/EXPRESSION	DEFINITION
Hostel:	means accommodation premises specifically used for temporary accommodation of tourists or members of associations or institutions, including youth hostels, backpacker establishments, educational institutions, religious retreats or similar;
Hotel:	means premises providing accommodation the subject of a hotel licence under the <i>Liquor Control Act 1988</i> , and may include a betting agency on those premises, but does not include a tavern or motel;
Industry—Light:	means premises used for industrial activity of a low impact nature in which the associated processes, machinery, goods or transportation do not present a significant adverse effect on the amenity of the locality from the emissions of bi-products, particles, odours or noise, or other disturbances; and which will not impose an undue load on service infrastructure;
Industry—Service:	means premises used similar to Light Industry but that also include a retail shop front used for the sale of goods manufactured on the premises or the receiving of goods to be serviced on the premises;
Laundromat:	means premises open to the public in which washing machines, with or without provision for drying clothes, are available for use;
Liquor Store:	means premises licensed under the <i>Liquor Control Act 1988</i> providing for the sale of packaged liquor for consumption off the premises only, but does not include a Hotel or a Tavern;
Lunch Bar:	means premises or part premises used for the sale of take-away food in a form ready to be consumed without further preparation;
Market:	means land or premises used for the temporary or permanent establishment of stalls for the display and retail sale of goods or to provide services of a personal nature, by independent vendors or stall holders;
Media Production:	premises designed and used for production, post production, or broadcasting of media;
Medical Centre:	means premises, other than a hospital, used by three or more legally qualified health consultant/s for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment);
Motel:	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the <i>Liquor Control Act 1988</i> ;
Motor Vehicle Maintenance:	means premises used for or in connection with— <ul style="list-style-type: none"> (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
Multiple Dwelling:	means a dwelling in a group of more than one dwellings on a lot where any part of a dwelling is vertically above part of any other but— <ul style="list-style-type: none"> (a) does not include a grouped dwelling; and (b) includes any dwellings above the ground floor in a mixed use development;
Night Club:	means premises used for late night live entertainment and/or amplified music, with or without eating facilities; and that may be subject of a Nightclub, Cabaret or other licence under the <i>Liquor Control Act 1988</i> , but does not include takeaway (packaged) liquor sales;
Office:	means premises used for administrative, clerical, technical, professional or other like business activities;
Outdoor Display Centre:	means premises which include an open air land area used for the display, hire or sale of goods by wholesale or retail, usually of a bulky nature or in large quantities, such as garden and landscaping products, outdoor leisure goods, hardware goods, and usually also includes large parking and delivery areas and buildings for office or shop purposes;

WORD/EXPRESSION	DEFINITION
Personal Services:	means an establishment providing services of a personal beauty or wellbeing nature such as hairdressers, massage, manicure, solariums and beautician services;
Place of Worship:	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
Recreation and Sporting Facilities:	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public, and to which a charge may or may not be made for use;
Research and Development:	means premises used for scientific and industrial research and the development, production and assembly of products associated with that research;
Restaurant/Café:	means premises including a building and any outdoor area used for the primary purpose of providing meals or snacks and/or coffee and other non-alcoholic beverages for consumption on the premises. The sale of alcohol for consumption on the premises or the sale of food for consumption off the premises may be ancillary to this. May or may not be subject to a Restaurant licence under the <i>Liquor Control Act 1988</i> ;
Self Storage Unit:	means building/s used for the storage of goods, equipment or material;
Serviced Apartments:	means buildings which include self-contained units used for transient accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel, short stay accommodation, student accommodation or a residential building;
Service Station:	means any land or building used for the supply of vehicle fuels and which includes the provision of lubrication and greasing services, tyre repairs and minor mechanical repairs;
Shop:	means a small scale building or premises used for the display and sale of goods by retail sale, which does not require a large car parking requirement. Includes premises selling items such as clothing, footwear, jewellery, books, music, homewares, plants, flowers, sporting goods and small scale electrical goods, as well as bakeries, butchers, chemists, newsagents and like stores. May include some preparation but not manufacturing of goods for sale on site;
Shopping Complex:	means a large scale premises, building, or group of buildings and associated land and car parking, used for large retail outlets displaying and selling bulky goods or a large variety of goods, such as a supermarket, variety store, department store, retail showroom, or a shopping centre containing several shops;
Short Stay Accommodation:	means premises used for accommodation that may be occupied by the same person/s for a maximum period of three months within any twelve month period, and are not subject to residential tenancy agreements (residential leases);
Showroom:	premises used to display, sell by wholesale or retail, or hire goods of a bulky nature that require a large area for handling, display or storage; or direct access to the site of the premises by the public for the purpose of loading goods into a vehicle after purchase or hire. For example: automotive parts and accessories; camping and recreational equipment; electrical light fittings; animal pet supplies; floor coverings; furniture; home entertainment goods, household appliances;
Single House:	means a dwelling standing wholly on its green title own lot or survey-strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property;
Small Bar:	means premises licensed as a Small Bar under the <i>Liquor Control Act 1988</i> to sell liquor for consumption on the premises. May or may not provide live entertainment and the supply of food for consumption on the premises;
Specific Purpose Accommodation:	means a dwelling or collection of dwellings designed and/or set aside for a specific or special accommodation need usually of a permanent nature and may include student accommodation;

WORD/EXPRESSION	DEFINITION
Tavern:	means premises licensed as a Tavern under the <i>Liquor Control Act 1988</i> to supply liquor for consumption on the premises;
Telecommunications Infrastructure:	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
Theatre/Performance Venue:	means a premises designed and used for the regular performance and public viewing of a theatrical, dance, music, or comedy performance or other such live artistic performance. The premises usually includes a stage, public seating and the ancillary service of beverages or light food, but does not include a Tavern or Nightclub or other such venue operated predominately for the sale and consumption of liquor;
Trade Display:	means premises used for the display of trade goods and equipment for the purposes of advertisement;
Transport Depot:	means land and associated buildings for the holding or storage and ancillary servicing of transport vehicles such as trains, trams, buses and trucks and related infrastructure, equipment, and offices;
Veterinary Centre:	means any premises used in practice by a registered veterinary surgeon for the medical or surgical treatment of animals other than for the purpose of the hospitalisation or boarding of animals;
Warehouse:	means premises used to store or display goods and may include sale by wholesale;

M. IRWIN, Mayor.
S. JARDINE, Chief Executive Officer.
