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CITY OF BAYSWATER

Local Planning Scheme No. 24

Updated to include AMD 101 GG 17/02/2026

GOVERNMENT OF WESTERN AUSTRALIA

Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
26 November 2004

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CITY OF BAYSWATER LPS 24 – TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Gazetted on 26/11/04 Captured on 17/12/04 by Diane Hepden
6	7/2/06	8/2/06	DH	Appendix 3 – amending by modifying Special Purpose Zone "Broun Avenue, Corner Collier Road" to include two new entries "Lot 8 No 104 Broun Avenue, Embleton Swan Loc. T Diagram 46995" and Lots 4, 5 & 6 No 98-100 Diagram 26572".
12	7/2/06	14/2/06	DH	Part 3 – modifying Clause 3.1.2(d). Part 3 – modifying Clause 3.1.2(f). Part 3 – deleting Clause 3.1.3.
15	6/10/06	19/10/06	DH	Insert new part "Part 10 - Special Control Areas". Part 7 - inserting new clause 7.2.5. Part 8 - renumber Clause 8.1 to 8.1.1 and insert new Clause 8.1.2. Insert new appendix "Appendix 10 - Special Control Areas".
17	24/11/06	24/11/06	DH	Appendix 3 - adding Special Purpose Zone "Portion of Swan Location Y being Lot 572 on Plan 2165, Guildford Road, Mount Lawley".
14	12/12/06	15/12/06	DH	Table 2 - amending by changing the Parking (Min requirement) in column 5 for Factory/Factory Units and Warehouse to read "2 spaces / 100sqm of GLA."
22	23/2/07	13/3/07	DH	Appendix 2 - adding Additional Use Area "2. Lot 102, No. 207 Guildford Road, Maylands" with an additional use of "Hotel".
18	25/1/08	6/2/08	DH	Appendix 2 - adding Additional Use "1. Lot 132, No. 154 Wellington Road, Dianella".
9	4/4/08	18/8/09	DH	Inserting "Part 10 Special Control Areas" into the scheme. Inserting new appendix "Appendix 10 Special Control Areas. Inserting Precinct Location Plan into new Appendix 10.
34	24/4/08	6/5/08	DH	Appendix 3 - inserting new Special Zone "Lot 10 Diagram 42598 Railway Parade (No. 221), corner Eighth Avenue, Maylands".
30	16/12/08	14/1/08	DH	Appendix 10 - adding Special Control Area 4 - Corner King William Street and Guildford Road, Bayswater.
32	20/2/09	25/2/09	DH	Part 3 - inserting "Home Office" as Clause 3.1.2i). Part 8 - amending Clause 8.5.7. Appendix 1 - adding definition "Home-based business(es)", "Home Office", "Home Business" and "Cottage Industry". Appendix 1 - amending definition "Home Occupation". Table 1 - amending use class "Home Office", "Home Occupation", "Home Business" and "Cottage Industry". Adding Appendix 11 - "Home Office Registration Checklist".
38	17/7/09	22/7/09	DH	Appendix 8 - amending Appendix 8 - exempted advertisements.
40	24/7/09	28/7/09	DH	Appendix 10 - Special Control Area - amending provisions applicable to the former Senses Foundation site at 134 Whatley Crescent, Maylands (Special Control Area 3).
9	4/8/09		DH	Correction Notice: Adding clause to Appendix 10 SCA1 under Development Requirements: General.
1	17/11/09	23/11/09	DH	Part 8 - amending clause 8.3.1. Part 5 - amending Clause 5.6.4 so that "5.7.1.1" is replaced with "5.5.1.1".
39	28/5/10	02/06/10	NM	Inserted "Lot 12 No. 223 Railway Parade, Maylands" into Appendix 10 – Special Control Area.
43	25/01/11	31/01/11	NM	Inserted "Lot 26, No. 465-469 Guildford Road, Bayswater" and "Lot 11, No. 497 Guildford Road, Bayswater" into Appendix 3 – Special Purpose Zones.

44	28/03/11	22/03/11	NM	Inserted SCA 6 into Appendix 10 – Special Control Areas.
45	14/12/11	31/01/12	NM	Inserted clause 9.3. Modified Appendix 10. Corrected clause 10.1.1 in conjunction with Appendix 10 modifications. Inserted new table – Table No. 3 – Maylands Activity Centre Zoning Table. Deleted 'Corner store' from Appendix 1 – Interpretations. Inserted the definitions of 'Bed and Breakfast', 'Exhibition Centre', 'Home store', 'Serviced Apartments', 'Small Bar' and 'Telecommunications Infrastructure'. Modified the wording of Clause 7.1.1. Included 'Maylands Activity Centre zone' under 'Other Zones' in Clause 7.1.1. Reworded 'Medium Density Residential' to 'medium and High Density Residential' within Table 1 – Zoning Table. Clause 7.2 now reads 'Zoning Tables'. Inserted a new zone 'Maylands Activity Centre Zone' into Table 1 – Zoning Table. Replaced 'Corner Store' with 'Home store' within Table 1.
49	02/03/12	19/03/12	NM	Inserted Clause 3.1.2(e) and renumbered the following clauses accordingly.
54	31/7/12	7/8/12	NM	Modified appendix 3 relevant to 'Benara Road, Morley, corner of Beechboro Road' by; - Inserting 'Lot 22 (No. 289) Benara Road, Morley on Deposited Plan 48437' into the 'particulars of land' column - Inserting 'restaurant' into the 'discretionary use' column - Deleting 'Condition 3' from the 'discretionary use' column which relates to an Outline Development Plan.
36	28/9/12	23/10/12	NM	Inserted Special Control Area No. 10 within Appendix 10.
46	16/8/13	20/8/13	NM	Inserted 'Lot 2, No. 90 Collier Road, Embleton'.
60	20/3/15	29/4/15	MLD	Included the King William Street/Whatley Crescent commercial precinct in Special Control Area 12. Inserted Special Control Area 12 provisions under Appendix 10 of the Scheme. Inserted Clause 10.1.1 (l) in the Scheme. Included a new definition for "Storey" in Appendix 1 of the Scheme.
59	05/05/15	11/06/15	MLD	Insert into clause 10.1.1 – (k)Special Control Area No. 11 Lot 16, No. 30 Winifred Road, Bayswater and Lot 386, No. 3 Bassendean Road, Bayswater. Insert into Appendix 1 - Interpretations a new land use definition for Aged Residential Care. Insert into Appendix 10 'Special Control Area' provisions applicable to Lot 16 No. 30 Winifred Road, Bayswater and Lot 386 No. 3 Bassendean Road, Bayswater, Amend the Scheme Map to include SCA No. 11 over Lot 16, No. 30 Winifred Road, Bayswater and Lot 386, No. 3 Bassendean Road, Bayswater and recode the subject land from R17.5/R25 to R60.
50	11/11/16	21/12/16	GM	Inserted new definitions Liquor Store – Small and Liquor Store – Large into Appendix 1. Modified definition of Shop in Appendix 1. Inserted use classes of Liquor Store – Small and Large into Table 1 and Table 3. Inserted Liquor Store – Small into Special Control Area 7 as an Additional Discretionary Use. Inserted Liquor Store – Large and Small into Special Control Area 10 as Permitted Uses in Precinct A. Inserted Liquor Store – Small in Special Control Area 12 as a Permitted Use. Inserted use classes of Liquor Store – Large and Small into Table 2.
68	02/12/16	21/12/16	GM	Inserted new clauses 8.5.4.4 and 8.5.4.4.1. Renumbered existing clause 8.5.4.4 to 8.5.4.5. Modify Scheme Map to include the area of Noranda bound by Alexander Drive, Reid Highway, Tonkin Highway and Widgee Road that has been transferred to the City of Bayswater.

66	26/05/17	31/05/17	MLD	1. Zoning the 209.5m^2 rear portion of Lots 501 and 502 Swan View Terrace, Maylands, as 'Residential R20; and 2. Reserving the 244m^2 portion of Crown land within Reserve 12520 as 'Local Distributor Roads'.
65	25/08/17	29/08/17	MLD	Modify the Scheme Maps to reflect the new Character Protection Areas boundaries as included in the TP-P2.18 - 'Character Protection Areas - Maylands North, Mount Lawley and Bayswater'.* * The boundary of the Mount Lawley Character Protection Area be modified to delete Lot 1, 88 Guildford Road, Lot 2, 90 Guildford Road, Strata Lots 1-25, 1-25/1 Thirlmere Road and Strata Lots 1-17, 1-17/3 Thirlmere Road, Mount Lawley from the Character Protection Area.
67	25/8/17	30/8/17	AT	Rezoned Lot 8 (No. 132) Guildford Road, Maylands from 'Residential R50' to 'Maylands Activity Centre Zone' Rezoned Lot 70 (No. 55) Central Avenue, Maylands from 'Special Purpose' to 'Maylands Activity Centre Zone' Amended the Scheme maps to include a new Special Control Area 13 for Lot 8 (No. 132) Guildford Road, Maylands and Lot 70 (No. 55) Central Avenue Maylands. Amended Schedule 10 of the Scheme to insert Special Control Area 13 and the land use provisions. Modified Table 3 of Town Planning Scheme No. 24 to include a column relating to the new Special Control Area 13 and the land use permissibility Amended clause 10.1.1 of the Scheme to include the following: m) Special Control Area 13 Lot 8 (No. 132) Guildford Road, Maylands and Lot 70 (No. 55) Central Avenue, Maylands Amended the Scheme Maps.
62	03/11/17	15/11/17	GM	Inserted new clauses 8.5.9 Multiple Dwellings on Lots Coded R40 and 8.5.9.1. Modified the Scheme Map to show the core areas that reflect the WAPC Planning Bulletin 113/2015.
61	28/11/17	11/12/17	GM	Modified and expanded Scheme Map to include the entire Morley Activity Centre Structure Plan area. Rezoned Morley Activity Centre Structure Plan area as 'Centre' zone excluding all lots reserved as Public Purpose, Other Regional Roads, and Public Purpose. Inserted a new Schedule 1 - Additional Requirements that apply to land covered by a Structure Plan, Activity Centre Plan or Local Development Plan. Inserted a new land use definition for Convenience Store. Inserted a new zone 'Centre' in Table 1 Zoning Table including the text "Refer to Schedule 1" against all the use classes under the zone. Inserted new bullet point 'Centre' under 'Other Zones' in Part 7.1.1. Inserted new part 8.1.3 as follows: "The development standards specified for the Morley Activity Centre zone as set out in Schedule 1 prevail where inconsistencies arise with other provisions in this scheme. Consequential reformatting, typographical corrections, or cross-referencing as required. Deleted four Special Purpose Zones from Scheme Map and Appendix 3.
72	23/01/18	29/01/18	MLD	Modify the Special Purpose zone at Lot 71, 197 Collier Road, Embleton - Discretionary uses of 'Child Day Care' restricted to the existing building and any additions the Council may subsequently approve.
71	02/03/18	06/03/18	GM	Modified the Precinct Boundaries plan contained within Special Control Area No.10 by adjusting the common boundary between Precinct A and Precinct B. Appendix 10 – Special Control Areas – modified the existing Land Use and Development Requirements provisions which apply to Precincts A, B and C of Special Control Area No.10.
74	02/03/18	07/03/18	MLD	Modify Appendix 1 - Liquor Store - Large
73	29/03/18	10/04/18	MLD	Rezone the areas zoned Residential R17.5/25 and Residential R20/25 to Medium-High Density Residential R25.

				Replace Clause 8.5.4 (Dual Coding).
83	19/02/19	21/02/19	MLD	Amending the boundary of Bayswater Character Protection Area on the Scheme Map to exclude Lots 58-65 (Street Numbers 1, 3, 5, 7, 9, 11, 13 and 15 Roberts Street, Bayswater.
78	31/05/19	04/06/19	GM	New clause 8.3.9 Trees on Private Land and Street Verges inserted.
79	31/05/19	05/06/19	GM	Rezone lots as shown in the Scheme Amendment Map from Medium and High Density Residential with a density code of R25, Business and Service Station to Mixed Use with a density code of R-AC3. Rezone lots as shown in the Scheme Amendment Map from Medium and High Density Residential with a density code of R25 to Medium and High Density Residential with a density code of R-AC3. Rezone land as shown in the Scheme Amendment Map from Medium and High Density Residential with a density code of R50 and General Industry to Medium and High Density Residential with a density code of R80. Rezone land as shown in the Scheme Amendment Map from Medium and High Density Residential with a density code of R25 to Medium and High Density Residential with a density code of R60. Insert Special Control Area 15 as shown in the Scheme Amendment Map. Amend Appendix 10 of the Scheme to insert Special Control Area 15 – Meltham Station Precinct. Amend clause 10.1.1 to include o). Modify Clause 8.5.3 – Residential Zones. Amend the Scheme Maps accordingly.
81	31/05/19	11/06/19	GM	Rezoned Lot 22, 454 Guildford Road, Bayswater from 'Medium and High Density Residential R40' to 'Medium and High Density Residential R80'. Modified Special Control Area 8. Amended the Scheme Maps accordingly.
82	19/7/19	22/7/19	MLD	Reclassify 1256448 shown as Lots 500 and 501 on draft Deposited Plan 412539 Wyatt Road, Bayswater from Local Scheme Reserve 'No Zone' to 'Medium and High Density Residential R25' zone as depicted on the Scheme Amendment map.
80	19/11/19	28/11/19	MLD	Modifying *Table No. 4 - Morley Activity Centre Zoning Table* under Schedule No. 1 of the scheme to amend the 'D' (discretionary) permissibility of 'Transport Depot' use class within the 'Central Core' precinct to an 'X' (not permitted) use; • to amend the 'D' (discretionary) permissibility of 'Single House' and 'Grouped Dwelling' use class within the 'Outer Core' and 'Mixed Business' precincts to an 'X' (not permitted) use; • to amend the 'X' (not permitted) permissibility of 'Showroom / Warehouse' and 'Warehouse' within the 'Outer Core' precinct to a 'A' (discretionary) use; • to amend the 'P' (permitted) permissibility of 'Fast Food Outlet' within the Central Core, Outer Core and Mixed Business zones to a 'D' (discretionary) use. Amend the interpretation of 'Fast Food Outlet' in Appendix 1- Interpretations.
85	12/02/2021	14/2/21	MLD	Rezone Lot 11 (formerly Lots 1 and 66), 10 Burnett Street, Embleton from 'Public Purpose (Religious Institution)' and No Zone to 'Residential R50'.
89	05/10/2021	06/10/2021	GM	Rezone Lot 11, (No. 215 to 217) Grand Promenade, Bedford from 'Business' and 'Public Purposes – Car Park' to 'Mixed Use' and apply a density coding of R-AC0. Insert new Special Control Area SCA17 Corner Grand Promenade and Walter Road West, Bedford. Amend the Scheme Map accordingly.
90	05/11/2021	30/11/2021	HB	Rezone Lot 539 and a portion of Lot 211 Swan Bank Road, Maylands from 'Medium and High Density Residential R40' to 'Local Public Open Space'; and Amend the Scheme Maps accordingly.

93	26/11/2021	16/12/2021	HB	Rezone Lot 2 (No. 81) Camboon Road, Noranda from 'Special Purpose (Nursery)' to 'Medium and High Density Residential R50'; Amend the Scheme Map accordingly; and Amend Appendix 3 – Special Purpose Zones to delete reference to Lot 2 on Diagram 74032.
92	22/03/2022	23/02/2022	GM	Rezoning Lot 171, 411 Guildford Road, Bayswater from 'Public Purpose – Religious Institute' to 'Medium and High Density Residential R17.5/30'. Amending the Scheme map accordingly.
94	20/5/2022	23/5/2022	MLD	Rezoning a portion of Lot 100, (No.252) Beechboro Road North, Morley from 'Light Industry' to 'Medium and High Density Residential R25'. Amending Appendix 2 - Schedule of Additional Uses to include reference to Lot 101, (No.505) Walter Road East, Morley with an additional discretionary - 'D' use of 'Restaurant' - Lot 101 (No. 505) Walter Road East, Morley.
88	20/5/2022	26/05/2022	HB	Rezone Lot 7, 106 Guildford Road, Maylands from 'Service Station' to 'Medium and High Density Residential' with the R50 density code. Amend Schedule 10 of the Scheme text to introduce a new Special Control Area and associated development provisions covering Lot 7, No. 106 Guildford Road, Lot 8, No. 4 and Lot 5, No. 6 Third Avenue East, Maylands. Amend the Scheme Map accordingly.
97	19/05/2023	25/05/2023	GL	Zoning the unzone portion of land on the following lots. Lot 4 (No.130), Lot 1 (No 132), Lot 264 (No.134), Lot 263 (No.136), Lot 262 (No.138), Lots 1 & 2 (No.140), Lot 259 (No.144), Lot 258 (No.146), Lot 508, Lot 257 (No.150), Lot 256 (No.152), Lot 255 (No.154), Lot 1 (No.156), Lot 2 (No.156A), Lot 253 (No.158), Lots 1 & 2 (No.160), Lot 507, Lot 250 (No.168), Lot 506 Lawrence Street, Bedford and Lots 1 & 2 (No.58) Catherine Street Bedford to Medium and High Density R25. Zoning the unzoned portion of land on Lot R21522 Lawrence St, Bedford to Local Open Space and Amend the scheme map accordingly. AMD 97 19/05/23
96	5/12/2023	5/12/2023	GL	Rezone lots as detailed in the Bedford North Amendment plan from Business, Public Purposes – Car Parking and Medium and High Density Residential with density codings of R25 and R40, to Mixed Use with a density coding of R160. Rezone lots as detailed in the Bedord North Amendment plan from Business, Office and Medium and High Density Residential with a density coding of R40, to Medium and High Density Residential with a density coding of R50. Rezone lots as detailed in the Bedford North Amendment plan from Medium and High Density Residential with a density coding of R25, to Medium and High Density Residential with a density coding of R35. Amend Appendix 2 – Schedule of Additional Uses as detailed in Attachment 2. Amend Appendix 10 – Special Control Areas, to remove Special Control Area 17, Amend the objectives of the Mixed Use Zone under clause 9.1.3 as detailed in Attachment 3. Amend the Scheme Maps accordingly.
98	12/01/2024	18/01/2024	GL	Modify the definition of 'Restricted Premises'. means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of — (a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.
86	15/03/2024	26/03/2024	GL	Replace the scheme amendment text with – Schedule A – Supplemental provisions to the deemed provisions.
91	22/02/2024	28/03/2024	GL	Rezone Lots 1, 22 and 100 Caledonian Ave, Maylands from 'Maylands Activity Centre Special Control Area 4 R60' to 'Maylands Activity Centre Special Control Area 2 RAC0'. Modify the 'side setback' provisions of Schedule 10 - SCA2

99	28/06/2024	11/07/2024	GL	Rezone 1 Kelvin Street, Maylands from 'Medium and High Density Residential R50' to 'Local Public Open Space'. Amend the scheme maps accordingly.
101	17/02/2026	17/02/2026	HAB	Deleting the following land uses from Table 3 – Maylands Activity Centre Zoning Table, Table 4-Morley Activity Centre Zoning Table • Bed and Breakfast Removal of 'bed and breakfast' definition from Appendix 1 – interpretations table. Replace reference to 'bed and breakfast' within SCA 15 with 'hosted short term rental accommodation'. In Table No. 1 – Zoning Table, insert in alphabetical order the following land uses and permissibility: i. Hosted short-term rental accommodation; designate as 'P' uses in zones where a dwelling is capable of approval and 'X' uses in all other zones. ii. Unhosted short-term rental accommodation; designate as 'D' or 'A' uses in zones where a dwelling is permissible and 'X' in all other zones. In Table No. 3 – Maylands Activity Centre Zoning Table, insert in alphabetical order the following land uses and permissibility: i. hosted short-term rental accommodation; designate as 'P' uses in Special Control Areas where a dwelling is capable of approval and 'X' uses in all other Special Control Areas. ii. unhosted short-term rental accommodation; designate as 'D' uses in Special Control Areas where a dwelling is permissible and 'X' in all other Special Control Areas. In Schedule No. 1, Table No. 4 - Morley Activity Centre Zoning Table insert in alphabetical order the following land uses and permissibility: i. hosted short-term rental accommodation; designate as 'P' uses in precinct where a dwelling is capable of approval and 'X' uses in all other precincts. ii. unhosted short-term rental accommodation; designate as 'D' uses in precincts where a dwelling is permissible and 'X' in all other precincts.

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PART 1 - PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the City of Bayswater District Zoning Scheme No 24 (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 Bayswater (hereinafter called 'the Council').

1.3 SCHEME AREA

The Scheme applies to the municipal district of the City of Bayswater as generally shown by the Scheme Area boundary on the Scheme Map. The boundary of the Scheme is indicated where necessary by a broken black line. (That area is herein after referred to as 'The Scheme Area').

1.4 CONTENTS OF SCHEME

The Scheme comprises:

(a) This Scheme Text

(b) The Scheme Map (Sheets 1-2)

(c) The Schedules and Appendices of the Scheme Text.

1.5 ARRANGEMENT OF SCHEME TEXT

The Scheme Text is divided into the following parts

Part 1 – Preliminary
Part 2 – Administration
Part 3 – Use and Development of Land
Part 4 – Non-conforming Uses
Part 5 – Heritage and the Control of Advertisements
Part 6 – Reserves
Part 7 – Zones
Part 8 – General Development Requirements
Part 9 – Development – Other Zones
Part 10 – Special Control Areas

1.6 SCHEME OBJECTIVES

The general objectives of the Scheme are:-

(a) to zone the Scheme Area for the purposes described in the Scheme so as to strategically promote the orderly and proper development of land by making suitable provisions for the use of land within the Scheme Area;

(b) to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;

(c) to set aside land for future public use as reserves;

(d) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;

(e) to make provisions for the conservation and preservation of places of historic interest;

(f) to encourage the use of modern land planning and design techniques so as to realise the economic, social and aesthetic advantage of combining different types of land uses in a coordinated community design;

(g) to promote aesthetic control and design guidelines at all levels of land use and development;

(h) to promote coordinated development proposals and vehicular circulation systems;

(i) to protect coordinated development proposals from ad hoc and inconsistent development proposals;

(j) to create a pedestrian, traffic and landscape environment which complements the wide range of activities carried on or proposed within the Scheme Area;

(k) to make provision for other matters incidental to town planning and land use.

1.7 REVOCATION OF EXISTING SCHEME

1.7.1 The City of Bayswater District Zoning Scheme No 21 published in the Government Gazette on 16 September 1988 and all amendments thereto are hereby revoked.

1.7.2 The City of Stirling District Planning Scheme No 2 published in the Government Gazette on 13 September 1988, in so far as it applied to those areas of Mt Lawley and Maylands transferred to the City of Bayswater from the City of Stirling in 1998 and all amendments thereto are hereby revoked.

1.8 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 (herein after called `The Commission').

1.9 RELATIONSHIP OF SCHEME TO LOCAL LAWS

The provisions of the Scheme shall have effect notwithstanding any Local Law made under the *Local Government Act 1995* (as amended) for the time being in force in the City; and where the provisions of the Scheme are inconsistent with the provisions of any local law, the provisions of the Scheme shall prevail.

1.10 INTERPRETATION

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

1.10.2 Where a word or term is defined in the Residential Design 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 Design Codes.

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

PART 2 - ADMINISTRATION

2.1 POWERS OF THE SCHEME

The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers as referred to in sub-clause 2.1.1 to 2.1.3.

2.1.1 Agreements

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.

2.1.2 Acquisition and Disposal of Land

The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provision of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

2.1.3 Authorised Entry

An employee of the local government authorized by the local government 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.

2.2 OFFENCES

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

a) otherwise than in accordance with the provisions of the Scheme;

b) unless all approvals required by the Scheme have been granted and issued;

c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with; and

d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or the use of that part have been and continue to be complied with.

2.2.2 The Council may by notice in writing:

a) serve on a person who is undertaking any development in or partly in the Scheme Area without the approval of the Council or in contravention of a condition attached to a development approval, direct the person forthwith to cease such development; or

b) serve on a person who has undertaken any development in or partly in the Scheme Area without the approval of the Council or in contravention of a condition attached to a development approval, direct the person within such period, being not less than 21 days after service of a notice, as is specified in the notice, to remove, pull down, take up, rebuild, or alter any development undertaken without approval or in contravention of a condition, or the Council may give both such directions to a person in a single notice.

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

2.3 COMPENSATION

2.3.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 11(1) of the Town Planning Act:

a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or

b) where the land has been reserved for a public purpose and:

(i) an application made under the Scheme for approval to carry out development on the land is refused; or

(ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

not later than 6 months after the application is refused or the permission granted.

2.3.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 2.3.1.

2.4 PURCHASE OR TAKING OF LAND

2.4.1 If, where compensation for injurious affection is claimed under the Town Planning Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

2.4.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

2.5 RIGHTS OF APPEAL

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

2.6 PLANNING POLICIES

2.6.1 The Council may prepare a planning policy (herein after called 'a Policy') which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:

a) generally or in a particular class of matter or in particular classes of matters; and

b) throughout the Scheme Area or in one or more parts of the Scheme Area;

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

2.6.2 A Policy shall become operative only after the following procedures have been completed:

a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.

b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.

c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modifications, or not to proceed with the draft Policy.

d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

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

2.6.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 2.6.2.

2.6.5 A Policy may be rescinded by:

a) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and

b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.

2.6.6 A Policy shall not 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 the objectives which the Policy is designed to achieve before making its decision.

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

2.7 DELEGATION OF FUNCTIONS

2.7.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

2.7.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 2.7.1.

2.7.3 The exercise of the power of delegation under clause 2.7.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995.*

2.7.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

2.8 AMENDMENTS TO THE SCHEME

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

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

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

2.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

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

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

2.10 RESTRICTIVE COVENANTS

2.10.1 Subject to the provisions of sub-clause 2.10.2, a restrictive covenant affecting any land in the Scheme Area whereby or the effect of which is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under this Scheme.

2.10.2 Where sub-clause 2.10.1 operates to extinguish or vary a restrictive covenant the Council shall not grant planning approval to the development of the land which would but for the operation of sub-clause 2.10.1 have been prohibited unless the application has been dealt with as an 'D' or 'A' use and has complied with all of the advertising requirements of sub-clause 3.3.2.

2.10.3 A restrictive covenant affecting any land in the Scheme Area whereby, or the effect of which is that, the development is inconsistent with the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Scheme as the case requires.

PART 3 - USE AND DEVELOPMENT OF LAND

3.1 REQUIREMENT FOR PLANNING APPROVAL

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

3.1.2 The planning approval of the Council is not required for the following development of land: *AMD 49 GG 02/03/12*

a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;

(i) for the purpose for which the land is reserved under the Scheme; or

(ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.

b) The use of land which is a permitted ('P') use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works and complies with all relevant development standards.

c) The erection of a boundary fence except as otherwise required by the Scheme.

d) The erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where: *AMD 12 GG 7/2/06*

(i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;

(ii) the development will be located in a heritage area designated under the Scheme; or

(iii) the property is included on the Heritage List under clause 5.1.2 of the Scheme.

e) The erection on strata or survey strata lots of carports, patios, and ancillary outbuildings for single, grouped or multiple dwellings, except where —

(i) the proposal requires the exercise of the discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes;

(ii) the proposal is located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990;*

(iii) the property is the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;

(iv) the property is included on the Heritage List under Clause 5.1.2 of the Scheme; or

(v) the property is located within a heritage area designated under the Scheme.

f) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.

g) The carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is: *AMD 12 GG 7/2/06*

(i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or

(ii) the subject of an order under Part 6 of the *Heritage of Western Act 1990*.

h) The demolition of any building or structure except where the building or structure is:

(i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;

(ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;

(iii) included on the Heritage List under Section 5.1 of the Scheme; or

(iv) located within a heritage area designated under the Scheme.

i) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

j) Home Office. *AMD 32 GG 20/2/09*

3.2 APPLICATION FOR PLANNING APPROVAL

3.2.1 In addition to a Building Licence, the Council's approval to commence development, carry out development or change the use of land (in this Scheme, referred to as 'Development Approval') is required for any development on or partly on any land zoned or reserved under the Scheme except those referred to in clause 3.1.2. and with those exceptions no person shall commence or carry out any development unless the Council's approval has first been obtained.

3.2.2 Any application for approval to commence development shall be made in the form prescribed by the Metropolitan Region Scheme for such application. The application shall be submitted to the Council in duplicate together with such plans and other information as the Council reasonably requires.

3.2.3 Unless Council waives any particular requirement, every application for planning approval shall be accompanied by:

a) A plan or plans to a scale of not less than 1:500 showing;

(i) street names, lot number(s), north point and the dimensions of the site;

(ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;

(iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;

(iv) the location, number, dimensions and layout of all car parking spaces intended to be provided;

(v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;

(vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and

(vii) the nature and extent of any open space and landscaping proposed for the site.

b) Plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and

c) Any other plan or information that the Council may reasonably require to enable the application to be determined.

3.3 ADVERTISING OF APPLICATIONS

3.3.1 Where an application is made for planning approval to commence or carry out development which involves an 'A' 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 3.3.2.

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

a) Notice of the proposed development to be served on the owners and occupiers who in the opinion of Council likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one (21) days or a time period stipulated by the Council upon the service of such notice.

b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one (21) days from the publication thereof.

c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one (21) days from the date of publication of the notice referred to in paragraph (b) of this sub-clause.

d) The Council may use any other method or media to ensure widespread notice of the proposal.

3.3.3 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

3.3.4 After expiration of twenty-one (21) days, or any other time period stipulated by Council, from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

3.4 PROCEDURE FOR DEALING WITH APPLICATIONS

3.4.1 An application for planning approval in respect of land which is wholly within a regional reserve shall be referred by the Council to the Commission for determination in accordance with the Metropolitan Region Scheme. No separate determination of the application shall be made by the Council.

Note:
Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within the management area of the Swan River Trust is to be referred by the local government to the Swan River Trust for determination by the Minister responsible for the Swan River Trust Act 1988.

An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is:

a) affected by a gazetted notice of resolution made by the Commission under Clause 32 of the Metropolitan Region Scheme;
b) within or partly within a planning control area declared by the Commission under Section 35C of the *Metropolitan Region Town Planning Scheme Act 1959 or Section 37B of the Western Australian Planning Commission Act 1985;*
c) partly within the management area of the Swan River Trust or which abuts waters that are in that area;
d) affected by a notice of delegation published in the Gazette by the Commission under Section 20 of the *Western Australian Planning Commission Act 1985* and is not of a type which may be determined by the local government under that notice,

is to be referred by Council to the Commission in accordance with the requirements of the Metropolitan Region Scheme and notice of delegation. Separate determinations are made by the Council under the Scheme and the Commission under the Metropolitan Region Scheme.

3.4.2 Where that Notice of Delegation requires the application to be determined by the Commission, the procedure is as follows:

a) One copy of the application and supporting papers submitted by the applicant shall, within seven days of receipt of the application, be forwarded by the Council to the Commission for determination by the Commission pursuant to the provisions of the Metropolitan Region Scheme; and

b) The Council shall retain the other copy of the application and supporting papers and determine the application in accordance with the provisions of the Scheme.

c) The Council may, within 42 days of receipt of that application (or such further period as the Commission may allow), forward to the Commission its recommendation as to the manner in which the application should be determined.

3.5 CONSULTATION WITH OTHER AUTHORITIES

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

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

3.6 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

3.6.1 The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application:

a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);

b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;

c) any approved statement of planning policy of the Commission;

d) any approved environmental protection policy under the *Environmental Protection Act 1986*;

e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;

f) any Local Planning Policy adopted by the local government under Clause 2.6, any heritage policy statement for a designated heritage area adopted under Clause 5.2, and any other plan or guideline adopted by the local government under the Scheme;

g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;

h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 5.1, and the effect of the proposal on the character or appearance of a heritage area;

i) the compatibility of a use or development with its setting;

j) any social issues that have an effect on the amenity of the locality;

k) the cultural significance of any place or area affected by the development;

l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;

m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;

n) the preservation of the amenity of the locality;

o) the relationship of the proposal to the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;

q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;

s) whether any public utility services are available and adequate for the proposal;

t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

u) whether adequate provision has been made for access by disabled persons;

v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

w) whether the proposal is likely to cause soil erosion or land degradation;

x) the potential loss of any community service or benefit resulting from the planning approval;

y) any relevant submissions received on the application;

z) the comments or submissions received from any local authority consulted under clause 3.5.1;

aa) any other planning consideration the local government considers relevant.

3.7 DETERMINATION OF APPLICATIONS

In determining an application for planning approval the local government may:

(a) grant its approval with or without conditions; or

(b) refuse to grant its approval.

3.8 FORM AND DATE OF DETERMINATION

3.8.1 As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Appendix 9 and the date of determination is to be the date given in the notice of the local government's determination.

3.8.2 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

3.9 TERM OF PLANNING APPROVAL

3.9.1 Where the local government grants planning approval for the development of land:

a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and

b) the approval lapses if the development has not substantially commenced before the expiration of that period.

3.9.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 3.9.1.

3.10 TEMPORARY PLANNING APPROVAL

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note:
A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future and is different to the term of the planning approval which is the period within which the development must commence.

3.11 SCOPE OF PLANNING APPROVAL

Planning approval may be granted:

(a) for the use or development for which the approval is sought;

(b) for that use or development, except for a specified part or aspect of that use or development; or

(c) for a specified part or aspect of that use or development.

3.12 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

3.12.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

3.12.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

3.12.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

3.13 DEEMED REFUSAL

3.13.1 Subject to clause 3.13.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

3.13.2 An application for planning approval which is the subject of a notice under clause 3.3 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

3.13.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 3.13.1 or 3.13.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

3.14 APPEALS

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may appeal under Part V of the Town Planning Act.

3.15 APPROVAL OF EXISTING DEVELOPMENTS

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

3.15.2 The application to the Council for approval under sub-clause 3.15.1 shall be made on the form prescribed under the Metropolitan Region Scheme for such purpose or a similar form prescribed by the Council for the purpose.

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

3.16 AMENDING OR REVOKING A PLANNING APPROVAL

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

PART 4 - NON-CONFORMING USES

4.1 NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent:

(a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;

(b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or

(c) subject to clause 5.6.2, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note:
"Land" has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.

4.2 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

4.2.1 A person must not:

a) alter or extend a non-conforming use;

b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.

4.2.2 An application for planning approval under this clause is to be advertised in accordance with clause 3.3.

4.2.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

4.3 DISCONTINUANCE OF NON-CONFORMING USE

Where a non-conforming use of any land has been discontinued for a period of 6 months, the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.4 TERMINATION OF A NON-CONFORMING USE

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

Note:
Section 13 of the Town Planning Act enables the local government to purchase or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997,* the provisions of that Section 13 and the Scheme.

4.5 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

4.6 SUBDIVISION OF LAND

If a non-conforming use exists on any land or in any building thereon, no person shall, without the consent of the Council carry on such non-conforming use after the subdivision of such land. Nothing herein shall be construed to limit the powers of the Western Australian Planning Commission under the Act.

PART 5 - HERITAGE AND THE CONTROL OF ADVERTISEMENTS

5.1 HERITAGE LIST

5.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

5.1.2 In the preparation of the Heritage List the local government is to:

a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and

b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

5.1.3 In considering a proposal to include a place on the Heritage List the local government is to:

a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 5.1.1 and the reasons for the proposed entry;

b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;

c) carry out such other consultations as it thinks fit; and

d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

5.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

5.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

5.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 5.1.3.

Note:

1. The purpose and intent of the heritage provisions are:

   a) To facilitate the conservation of places of heritage value; and
   b) To ensure as far as possible that development occurs with due regard to heritage values.

2. A “place” is defined in Appendix 1 and may include works, buildings and contents of buildings.

5.2 DESIGNATION OF HERITAGE AREA

5.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

5.2.2 The local government is to:

a) adopt for each heritage area a Local Planning Policy which is to comprise:

(i) a map showing the boundaries of the heritage area;

(ii) a record of places of heritage significance; and

(iii) objectives and guidelines for the conservation of the heritage area; and

b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

5.2.3 If a local government proposes to designate an area as a heritage area, the local government is to:

a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;

b) advertise the proposal by:

(i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;

(ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and

(iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal; and

c) carry out such other consultation as the local government considers appropriate.

5.2.4 Notice of a proposal under clause 5.2.3 b) is to specify:

a) the area subject of the proposed designation;

b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and

c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

5.2.5 After the expiry of the period within which submissions may be made, the local government is to:

a) review the proposed designation in the light of any submissions made; and

b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

5.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

5.2.7 The local government may modify or revoke a designation of a heritage area.

5.2.8 Clauses 5.2.3 to 5.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

5.3 HERITAGE AGREEMENTS

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

Note:

1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.

2. Detailed provisions relating to heritage agreements are set out in the Heritage of Western Australia Act 1990.

5.4 HERITAGE ASSESSMENT

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

5.5 VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA

Where desirable to:

(a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 5.1.1; or

(b) enhance or preserve heritage values in a heritage area designated under clause 5.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 3.3.

5.6 CONTROL OF ADVERTISEMENTS

5.6.1 Power to Control Advertisements

5.6.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council.

5.6.1.2 Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 3.2 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.6.2 Existing Advertisements

Advertisements which:

a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or

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

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

5.6.3 Consideration of Applications

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

5.6.4 Exemptions from the Requirement to Obtain Planning Approval

Subject to the provisions of Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provision of clause 5.6.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in a schedule in Appendix 8 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in the schedule 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 5.1 and 5.2 of the Scheme. *AMD 1 GG 17/11/09*

5.6.5 Discontinuance

Notwithstanding the scheme objectives and sub-clause 5.6.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

5.6.6 Derelict or Poorly Maintained Signs

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

a) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or

b) remove the advertisement.

5.6.7 Notices

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

5.6.7.2 Any notice served in exceptional circumstances pursuant to sub-clause 5.6.5 or 5.6.6 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.

5.6.7.3 Any person upon whom a notice is served pursuant to this Clause may within a period of 60 days from the date of the notice appeal to the 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.

5.6.8 Scheme to Prevail

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

5.6.9 Enforcement and Penalties

The offences and penalties specified in Clause 2.2 of the Scheme apply to the advertiser in this Clause.

PART 6 - RESERVES

6.1 METROPOLITAN REGION SCHEME RESERVES

The land shown as 'Metropolitan Region Scheme Reserves' or '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.

6.2 LOCAL AUTHORITY - SCHEME RESERVES

The land shown as 'Scheme Reserves' on the Scheme Map, hereinafter called 'Local Reserves' are lands reserved under the Scheme for the purposes shown on the Scheme Map.

6.3 DEVELOPMENT OF LOCAL RESERVES

Subject to clause 6.4, a person shall not commence or carry out any development on a local reserve, other than the erection of a boundary fence, without first applying for and obtaining Council's planning approval.

6.4 MATTERS TO BE CONSIDERED BY COUNCIL

In deciding whether or not to grant its planning approval under clause 6.3 above, Council shall in addition to the matters specified in clause 3.6.1, have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purposes of a public authority confer with that authority.

PART 7 - ZONES

7.1 CLASSIFICATION

7.1.1 There are hereby created the zones set out hereunder.

Residential Zones

- Residential
- Medium and High Density Residential *AMD 45 GG 14/12/11*

Commercial Zones

- Hotel
- Business
- Office
- Service Station
- Showroom/Warehouse

Industrial Zones

- Light Industry
- General Industry

Other Zones

- Mixed Use
- Special Purpose
- Special Foreshore Development
- Private Institutions
- Maylands Activity Centre Zone *AMD 45 GG 14/12/11*
- Centre *AMD 61 GG 28/11/17*

7.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon.

7.2 ZONING TABLES

7.2.1 The Zoning Tables (Tables 1 and 3) indicate, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones (Table 1) or in the special control areas contained within the Maylands Activity Centre Zone (Table 3). The permissibility of any uses listed in Tables 1 and 3 is determined by cross reference between the list of use classes on the left hand side of tables and the list of zones or special control areas at the top of the Zoning Tables. *AMD 45 GG 14/12/11*

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

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 3.3;

'X' means the use is not permitted by the Scheme.

7.2.3 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

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

a) determine by Absolute Majority that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted; or

b) determine by Absolute Majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow procedures of clause 3.3 in considering an application for planning approval; or

c) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.

7.2.5 Special Control Areas contained within Part 10 may modify the permissibility of particular uses over particular sites, as per the Special Control Area provisions contained within Appendix 10 for that particular site or area.

AMD 15 GG 6/10/06; AMD 45 GG 14/12/11

7.3 ADDITIONAL USES

An Additional Use is a land use that is permitted on a specified portion of land in addition to the uses already permitted in the zone that applies to the land.

Notwithstanding anything contained within the Zoning Table, the land specified in Appendix 2 may, subject to compliance with any condition specified in the appendix with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses are excluded or modified by a condition specified in that appendix.

TABLE NO. 1 - ZONING TABLE

AMD 45 GG 14/12/11; AMD 61 GG 28/11/17

ZONES / USE CLASSES	Residential	Medium and High Density Residential	Hotel	Business	Office	Showroom / Warehouse	Service Station	Light Industry	General Industry	Mixed Use	Special Foreshore Development	Private Institutions	Special Purpose	Maylands Activity Centre	Centre *AMD 61 GG 28/11/17*
Amusement Parlour	X	X	A	D	X	D	X	D	D	X	D	X	AS PER APPENDIX THREE CONTAINED IN SCHEME	REFER TO TABLE 3	REFER TO SCHEDULE 1
Automotive Panel Beating / Spray Painting	X	X	X	X	X	X	X	D	P	X	X	X			
Automotive Repairs	X	X	X	X	X	D	P	D	P	X	X	X			
Automotive Wrecking	X	X	X	X	X	X	X	X	D	X	X	X			
Automotive & Marine Sales & Repairs	X	X	X	D	X	D	X	D	D	X	X	X			
Betting Agency	X	X	P	D	P	D	X	X	X	X	X	X			
Builders Yard	X	X	X	X	X	X	X	P	P	X	X	X			
Car Park	D	D	D	P	P	P	D	P	P	D	D	X			
Car Wash	X	X	X	D	X	D	P	P	P	X	X	X			
Caravan Park / Camping Area	X	X	X	X	X	X	X	X	X	X	A	X			
Caretaker's Dwelling	P	P	D	D	D	D	X	D	X	D	P	D			
Child Day Care Centre	D	D	X	D	D	D	X	D	X	D	X	D			
Cinema / Theatre	X	X	X	D	X	X	X	D	D	X	D	X			
Civic Buildings	D	D	X	P	P	D	X	D	D	D	D	X			
Club Premises	A	A	D	D	D	D	X	D	D	D	D	X			
Consulting Rooms (Medical)	D	D	X	P	P	D	X	D	D	D	X	X			
Convenience Store	X	X	X	D	X	X	D	D	D	X	D	X			
Cottage Industry *AMD 32 GG 20/2/09*	D	D	X	X	X	X	X	X	X	D	X	X			
Display Home Centre	P	P	X	X	X	X	X	X	X	X	X	X			
Dry Cleaning / Laundry Premises	X	X	X	D	D	D	X	P	P	X	X	X			
Dwellings:															
Single House	P	P	X	X	X	X	X	X	X	P	P	X			
Grouped Dwelling	P	P	X	X	X	X	X	X	X	P	D	X			
Aged or Dependent Persons	P	P	X	X	X	X	X	X	X	P	D	D			
Multiple Dwelling	P	P	X	X	X	X	X	X	X	P	D	X			

ZONES USE CLASSES	Residential	Medium and High Density Residential	Hotel	Business	Office	Showroom / Warehouse	Service Station	Light Industry	General Industry	Mixed Use	Special Foreshore Development	Private Institutions	Special Purpose	Maylands Activity Centre	Centre *AMD 61 GG 28/11/17*
Educational Establishment	D	D	X	D	D	D	X	D	D	D	D	D			
Extractive Industry	X	X	X	X	X	X	X	X	D	X	X	X	AS PER APPENDIX THREE CONTAINED IN SCHEME	REFER TO TABLE 3	REFER TO SCHEDULE 1
Factory	X	X	X	X	X	X	X	P	P	X	X	X			
Factory Tenement Building	X	X	X	X	X	X	X	P	P	X	X	X			
Fast Food Outlet	X	X	D	P	X	D	D	D	D	X	X	X			
Fuel Depot	X	X	X	X	X	D	D	D	P	X	X	X			
Funeral Parlour	X	X	X	D	D	D	X	D	D	X	X	X			
Garden Centre	X	X	X	X	X	D	X	D	D	X	X	X			
General Industry	X	X	X	X	X	X	X	D	P	X	X	X			
Health Studio	X	X	X	D	D	D	X	D	D	D	D	X			
Hire Service (Industrial)	X	X	X	X	X	D	X	P	P	X	X	X			
Hire Service (Non-Industrial)	X	X	X	D	X	D	X	D	D	X	X	X			
Home Business *AMD 32 GG 20/2/09*	A	A	X	X	X	X	X	X	X	A	X	X			
Home Occupation *AMD 32 GG 20/2/09*	D	D	X	X	X	X	X	X	X	D	X	X			
Home Office *AMD 32 GG 20/2/09*	P	P	P	P	P	P	P	P	P	P	P	P			
Home Store *AMD 45 GG 14/12/11*	D	D	X	D	D	X	X	X	X	D	D	D			
Hospital	D	D	X	X	X	X	X	X	X	D	D	D			
Hosted short-term rental accommodation *AMD 101 GG 17/02/2026*	P	P	X	X	X	X	X	X	X	P	P	P			
Hostel	A	A	X	X	X	X	X	X	X	A	A	A			
Hotel	X	X	P	X	X	X	X	X	X	X	A	X			
Industry	X	X	X	X	X	D	X	D	P	X	X	X			
Infant Health Clinic	D	D	X	D	D	D	X	D	D	D	X	X			
Kiosk	X	X	X	D	D	X	X	D	D	D	P	X			
Light Industry	X	X	X	X	X	X	X	P	P	X	X	X			
Liquor Store – Large *AMD 50 GG 11/11/16*	X	X	A	A	X	A	X	X	X	X	X	X			

USE CLASSES / ZONES	Residential	Medium and High Density Residential	Hotel	Business	Office	Showroom / Warehouse	Service Station	Light Industry	General Industry	Mixed Use	Special Foreshore Development	Private Institutions	Special Purpose	Maylands Activity Centre	Centre *AMD 61 GG 28/11/17*
Liquor Store – Small *AMD 50 GG 11/11/16*	X	X	P	P	X	D	X	X	X	X	X	X			
Lodging House	X	A	X	X	X	X	X	X	X	A	X	X			
Lunch Bar	X	X	X	P	P	D	X	D	D	X	D	X			
Medical Centre	X	X	X	P	P	D	X	D	D	X	X	X			
Motel	X	A	P	P	X	X	X	X	X	X	A	X			
Noxious Industry	X	X	X	X	X	X	X	X	D	X	X	X			
Occasional Uses	D	D	D	D	D	D	D	D	D	D	D	X			
Office	X	X	D	P	P	D	D	D	D	D	D	X			
Open Air Display	X	X	X	X	X	D	D	D	D	X	P	X			
Public Amusement	X	X	X	D	X	D	X	D	D	X	P	X	AS PER APPENDIX THREE CONTAINED IN SCHEME	REFER TO TABLE 3	REFER TO SCHEDULE 1
Public Assembly	X	X	X	D	X	X	X	X	X	X	P	X			
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P			
Public Worship	A	A	X	D	X	X	X	D	D	D	X	D			
Radio Equipment	A	A	D	D	D	D	D	P	P	A	A	D			
Radio & Television Installations	X	X	X	D	D	D	X	P	P	X	D	X			
Reception Lodge	X	X	P	P	X	D	X	X	X	X	D	X			
Recreation Facility (Private & Public)	X	X	D	P	D	D	X	D	D	D	P	X			
Residential Building	A	A	X	X	X	X	X	X	X	A	X	X			
Restaurant	X	X	P	P	X	D	X	X	X	D	P	X			
Restricted Premises	X	X	X	X	X	X	X	X	X	X	X	X			
Retirement Village	D	D	X	X	X	X	X	X	X	D	D	D			
Service Industry	X	X	X	D	D	D	D	P	P	X	X	X			
Service Station	X	X	X	D	X	D	P	D	D	X	X	X			
Shop	X	X	X	P	X	X	X	X	X	X	A	X			
Showroom	X	X	X	X	X	P	X	P	P	X	X	X			
Showroom / Warehouse	X	X	X	X	X	P	X	D	D	X	X	X			
Storage Yard	X	X	X	X	X	X	X	D	D	X	X	X			
Tavern	X	X	P	D	X	D	X	D	D	X	A	X			
Trade Display	X	X	X	X	X	X	X	D	D	X	X	X			
Transport Depot	X	X	X	X	X	X	X	D	D	X	X	X			

USE CLASSES / ZONES	Residential	Medium and High Density Residential	Hotel	Business	Office	Showroom / Warehouse	Service Station	Light Industry	General Industry	Mixed Use	Special Foreshore Development	Private Institutions	Special Purpose	Maylands Activity Centre	Centre *AMD 61 GG 28/11/17*
Unhosted short-term rental accommodation *AMD 101 GG 17/02/2026*	A	A	X	X	X	X	X	X	X	D	D	D			
Veterinary Consulting Rooms	D	D	X	D	X	D	X	P	P	D	X	X			
Veterinary Hospital	X	X	X	X	X	D	X	D	D	X	X	X			
Warehouse	X	X	X	X	X	P	X	P	P	X	X	X			
Zoological Gardens	X	X	X	X	X	X	X	X	X	X	P	X			

PART 8 - GENERAL DEVELOPMENT REQUIREMENTS

8.1 DEVELOPMENT STANDARDS TABLE

8.1.1 The Development Standards Table contained in Table No 2 identifies the development standards applicable to the various uses specified in the Table. Subject to the provisions of this Scheme, no person shall develop or use any land or building in any zone within the Scheme Area for any of the purposes mentioned in the Zoning Table unless such development or building is in conformity with the provisions of the Scheme and the standards set out in the Development Standards Table.

Where a particular requirement is not readily determined from the Table, such requirement shall be determined by the Council in accordance with Clause 8.2.1.

8.1.2 Special Control Areas contained within Part 10 may modify the development standards for particular uses over particular sites, as per the Special Control Area provisions contained within Appendix 10 for that particular site.

8.1.3 The development standards specified for the Morley Activity Centre zone as set out in Schedule 1 prevail where inconsistencies arise with other provisions in this scheme.

AMD 61 GG 28/11/17

8.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

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

a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and

b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

8.3 GENERAL DEVELOPMENT STANDARDS

AMD 1 GG 17/11/09

8.3.1 Height Restrictions

8.3.1.1 For the purpose of development within the Residential zone, building height in accordance with the requirements of the Residential Design Codes.

8.3.1.2 For the purpose of development within an Industrial or Commercial zone, no person shall construct a building of more than two storeys being 9.0 metres in wall height and no more than 12.0 metres in height from the ground level to the roof pitch, within the Scheme Area unless the Council considers the building will not negatively affect the amenity of the surrounding area.

8.3.1.3 For all other development within land zoned or reserved no person shall construct a building of more than two storeys being 6.0 metres in wall height and no more than 9.0 metres from the ground level to the top of the roof pitch, within the Scheme Area unless the Council considers the building will not negatively affect the amenity of the surrounding area.

TABLE NO. 2 - DEVELOPMENT STANDARDS TABLE

1 Nature of use of Purpose	2 Min. Lot Area	3 Min. Street Frontage	4 Minimum Setbacks			5 Parking (Min requirement)	6 Max. site coverage %	7 Max. Plot Ratio	8 Special Conditions	9 Landscaping (Min)
			Street	Side	Rear					
Club Premises	2000 sqm	30m	13.5	3.0m	9.0m	1 bay per 10 sqm of floor space available to the public	50	0.5	Sewer connection	10% of lot area to include 2m wide strip provided to street frontage
Convenience Store	1500 sqm	30m	13.5	3.0m	3.0m	6 bays per 100 sqm plus 1 bay per bowser	50	0.5		10% of lot area to include 2m wide strip provided to street frontage
Consulting Rooms (Medical)	1000 sqm	20m	6m (Residential zones) 13.5m (Business zones)	1.5m	6.0m	5 bays per practitioner and 1 bay per staff member	30	0.3		10% of lot area to include 2m wide strip provided to street frontage
Fast Food Outlets			13.5	3.0m	6.0m	10 spaces per 100 sqm of GLA or a min of 6 - whichever is greater	30	1.0	Sewer connection	10% of lot area to include 2m wide strip provided to street frontage
Factory/ Factory Units *AMD 14 GG 12/12/06*	2000 sqm	30m	13.5	6.0m Nil side setback for parapet walls	3.0m Nil setback for parapet walls	2 spaces /100 sqm of GLA.	50	0.5	Min gross floor area of 100 sqm	10% of lot area to include 2m wide strip provided to street frontage.

TABLE NO 2 - DEVELOPMENT STANDARDS TABLE (CONT'D)

1 Nature of use of Purpose	2 Min. Lot Area	3 Min. Street Frontage	4 Minimum Setbacks			5 Parking (Min requirement)	6 Max. site coverage %	7 Max. Plot Ratio	8 Special Conditions	9 Landscaping (Min)
			Street	Side	Rear					
Health Studio	2000 sqm	30m	13.5m	0	0	1 bay per 15 sqm of floor area and 1 bay per staff member	50	0.5	Sewer connection	10% of lot area to include 2m wide strip provided to street frontage
Hotel			15.0m	10.0m	10.0m	1 bay per bedroom plus 1 for every 5 sqm bar and public area			Sewer connection	10% of lot area to include 2m wide strip provided to street frontage
Houses of Worship, Church, Public Hall	2000 sqm	30m	13.5m	3.0m	3.0m	1 bay for every 10 sqm of total floor area	30	0.3	Sewer connection	10% of lot area to include 2m wide strip provided to street frontage
Infant Health Clinic	1000 sqm	20m	13.5m	3.0m	6.0m	1 bay per staff member and 5 bays for visitor cars	30	0.3		10% of lot area to include 2m wide strip provided to street frontage
Kindergarten or Child Care Centre		20m	6.0m	3.0m	6.0m	1 bay per staff member and 1 bay per 5 children attending	30	0.3		10% of lot area to include 2m wide strip provided to street frontage
Liquor Store – Small and Large *AMD 50 GG 11/11/16*			13.5m	0	0	7 bays per 100sqm Or 6 bays per 100sqm when over 5000sqm of GLA	50	1.0	Sewer connection	10% of lot area. 2m wide strip provided to street frontage.
Lodging House, Hostel	1000 sqm	20m	6.0m	3.0m	6.0m	1 bay per Bedroom and 1 bay per staff member	50	0.5	Sewer connection	10% of lot area to include 2m wide strip provided to street frontage.

TABLE NO 2 - DEVELOPMENT STANDARDS TABLE (CONT'D)

1 Nature of use of Purpose	2 Min. Lot Area	3 Min. Street Frontage	4 Minimum Setbacks			5 Parking (Min requirement)	6 Max. site coverage %	7 Max. Plot Ratio	8 Special Conditions	9 Landscaping (Min)
			Street	Side	Rear					
Medical Centres	2000 sqm	30m	13.5m	0	0	6 bays per practitioner + 1 per staff member	50	0.5	Sewer connection	10% of lot area. 2m wide strip provided to street frontage
Motels	4000sqm	30m	13.5m	5.0m	10.0m	1 bay for each unit (+ 1 bay for 4 persons proposed to be accommodated in restaurant)	50	1.0	Sewer connection	10% of lot area. 2m wide strip provided to street frontage
Offices			13.5m	0	0	4 spaces per 100 sqm of GLA	60	1.0		10% of lot area. 2m wide strip provided to street frontage
Primary School		30m	13.5m	6.0m	6.0m	14 bays per 100 students	25	0.25	Sewer connection	
Private Hospital & Rest Home	2000 sqm	20m	15.0m	4.5m	4.5m	1 bay per staff member and 1 visitors bay for every 4 beds	40	0.5	Sewer connection	10% of lot area. 2m wide strip provided to street frontage
Reception Lodge	2000 sqm	20m	13.5m	3.0m	6.0m	1 bay per 10 sqm GLA	30	0.3	Sewer	10% of lot area. 2m wide strip provided to street frontage.
Recreation facility	2000sqm	30m	13.5m	6.0m	7.5m	1 bay per 10 sqm of GLA	50	1.0	Sewer connection	10% of lot area. 2m wide strip provided to street frontage

TABLE NO 2 - DEVELOPMENT STANDARDS TABLE (CONT'D)

1 Nature of use of Purpose	2 Min. Lot Area	3 Min. Street Frontage	4 Minimum Setbacks			5 Parking (Min requirement)	6 Max. site coverage %	7 Max. Plot Ratio	8 Special Conditions	9 Landscaping (Min)
			Street	Side	Rear					
Restaurant	1000sqm	20m	13.5m	3.0m	6.0m	10 bays per 100 sqm of GLA	50	1.0	Sewer connection	10% of lot area. 2m wide strip provided to street frontage.
Secondary School		200m	13.5m	6.0m	6.0m	14 bays per 100 students	25	0.25	Sewer connection	
Service Station	1500 sqm	30m	9m to canopy	3.0m	3.0m	8 bays	30	0.3		2m wide strip provided to street frontage
Shop			13.5m	0	0	7 bays per 100 sqm or 6 bays per 100 sqm when over 5000 GLA	50	1.0	Sewer connection	10% of lot area. 2m wide strip provided to street frontage
Showroom	1000 sqm	20m	13.5m	0	0	4 bays per 100sqm GLA	50	0.5		10% of lot area. 2m wide strip provided to street frontage
Tavern	4000 sqm	40m	15m	10.0m	10.0m	1 bay for every 5sqm bar and public area	35	0.35	Sewer connection	10% of lot area. 2m wide strip provided to street frontage
Warehouse *AMD 14 GG 12/12/06*	1000 sqm	20m	13.5m	0	0	2 spaces / 100sqm of GLA.	50	0.5		10% of lot area. 2m wide strip provided to street frontage

8.3.2 Traffic Entrances

8.3.2.1 The Council may -

(i) refuse to permit more than one vehicular entrance or exit to or from any lot;

(ii) require separate entrances and exits; or

(iii) require that entrances and exits be placed in positions nominated by it so as to avoid or to reduce traffic hazards.

8.3.2.2 Primary Regional Roads, Other Regional Roads and other Major Roads

Access for vehicles shall not be permitted directly to or from Primary Regional Roads or Other Regional Roads nor other major roads determined by the Council, where access is available from side or rear streets or from rear rights-of-way. An unpaved right-of-way shall be paved and drained at the cost of the developer to the extent considered necessary by the Council. Council will determine the location of access and egress points in order to preclude or reduce traffic hazards. Where, by virtue of the configuration or disposition of the lesser road, or where the applicant proves that the insistence of such a condition will cause undue hardship, the Council may recommend to the Western Australian Planning Commission that access and egress to and from a Primary Regional Road or Other Regional Road, in the particular situation, should be permitted.

8.3.3 Setbacks to Primary Regional Roads & Other Regional Roads

Where a lot has a frontage to a road reserved under the Metropolitan Region Scheme as amended, the Council may allow all or part of any existing or proposed widening of that road reservation to be included within the prescribed setback area if:

a) The portion of the lot required for the widening of the road reservation is transferred to the Crown free of all costs;

b) The portion of the lot within the prescribed setback area is only used for the purposes of pedestrian access, landscaping and as a means of access to the lot; and

c) Only the landscaped area of the prescribed setback area between the building and the new street alignment is included as landscape provision.

8.3.4 Corner Lot Setbacks

The prescribed front setback on a lot at the corner of two or more streets shall be to the more important road and the prescribed side setback to the less important road unless otherwise determined by Council. Consideration shall be given to the type of development proposed, the extent of traffic movement generated, the importance of the abutting roads, the shape of the lot and other related considerations in determining the more important road.

8.3.5 Visual Truncation of Corner Lots and Vehicular Access ways

Notwithstanding any policy adopted by the Commission dealing with the ceding of site truncations from corner lots, Council may, having due regard to amenity, safety or any other matter relevant to orderly and proper planning determine that:

a) A visual truncation shall be provided on a corner lot in accordance with the diagram as depicted in Appendix 4 where either road verge width is less than 5m or the roads intersect other than at right angles.

b) No building, wall or landscaping greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or planted on a corner lot within the visual truncation as depicted in Appendix 4.

8.3.6 Sewerage Connection

Notwithstanding anything elsewhere appearing in the Scheme, all residential development shall be connected to a comprehensive sewerage system. However, where no such connection is available, no residential development other than the erection of a single house shall be approved unless:

a) the Public Health Department recommends to the Council that there are exceptional circumstances to warrant a variation from the requirement to connect to a sewer; or

b) the lot the subject of the application has been approved for development for residential purposes in excess of a single house under the provisions of a City of Bayswater Planning Scheme previously published, and redevelopment is only being carried out to an equivalent or lesser extent as previously approved under that Scheme.

8.3.7 General Appearance of Buildings and Preservation of Amenity

The Council may refuse to approve the commencement or carrying out of any development involving any building or other work if, in its opinion, the proposed building or other work would have an adverse affect on the amenity of the locality. In exercising its discretion under this clause, the Council shall apply the provisions of sub-clause 3.6.1 in so far as they are applicable, and in addition shall have regard to:

a) the external appearance of the building and any associated structures and landscaping;

b) the dimensions and proportions of the building or structure;

c) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;

d) the effect of the building or works on nearby properties, and on the occupants of those buildings;

e) the effect of the building on existing and future services and community facilities. In particular, drainage, sewerage, water reticulation and existing or proposed community facilities such as schools, parks, civic buildings, malls and pedestrian links;

f) the effect on the landscape and environment generally; and

g) any other matter which in the opinion of the Council is relevant to the amenity of the locality.

8.3.8 Disposal of Wastes

A person shall not without the approval of Council use any privately owned land for any of the following purposes:

a) the disposal of factory wastes;

b) the disposal or dumping of rubbish;

c) the disposal or dumping of building materials or materials from demolished or partly demolished buildings; and

d) the disposal or dumping of organic waste matter.

8.3.9 Trees on Private Land and Street Verges *AMD 78 GG 31/05/19*

8.3.9.1 Scope

(i) The provisions in clauses 8.3.9.2, 8.3.9.3 and 8.3.9.4 apply to all developments.

(ii) Notwithstanding sub-clause (i), clauses 8.3.9.2, 8.3.9.3 and 8.3.9.4 do not apply to development on land subject of assessment under State Planning Policy 7.3 - Residential Design Codes Volume 2 Apartments.

8.3.9.2 Trees on Private Property

(i) A minimum of one 'standard tree' is to be provided per site for every 350m^2 of site area (rounded to the nearest whole number). At least one 'standard tree is to be provided on each site.

(ii) The total number of trees required in (i) may be reduced by one, for each 'tree worthy of retention' that is retained or relocated elsewhere on the site or 'large tree' that is provided. Where a 'tree worthy of retention' is retained or relocated elsewhere on the site and it is a 'large tree', the total number of trees required in (i) may be reduced by two.

(iii) In relation to open air car parking areas in non-residential developments, 'standard trees' that provide shade cover are to be provided at a minimum rate of 1 tree per 4 bays'.

8.3.9.3 Alternative Design Solution

An alternative design solution that varies any of the requirements contained in Clause 8.3.9.2 will only be considered in exceptional circumstances and where the alternative is consistent with the objectives of City of Bayswater policy and is satisfactorily justified in a report prepared by a landscape architect, arborist or equivalent.

8.3.9.4 Replacement of Street Verge Tree

Where development necessitates the removal of an existing street tree or street trees, Council may impose a condition of development approval requiring one new standard tree to be provided for each existing street tree removed, adjacent to the site, by the landowner/developer, where space is available.

8.4 PARKING STANDARDS

8.4.1 General Off Street Parking Requirements

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

a) No building or land the subject of the application for approval to commence development shall be occupied until all required parking and loading facilities have been provided to the satisfaction of Council.

b) Any off-street parking or loading facility which is permitted but not required by this Scheme, shall comply with the standards herein governing the location, design, improvement and operation of such facilities.

c) When the use of any land or building is changed to a use which under the Scheme requires a greater number of parking spaces, additional parking spaces shall, unless otherwise approved by the Council, be provided to meet the new requirements.

d) When a development on any land is enlarged, additional parking spaces to meet the requirements shall be provided in respect of the enlarged portion only.

e) All permitted or required parking and loading facilities shall be provided on the same site as the building or use served, except where Council considers off-site location to be appropriate due to varying physical and economic conditions.

f) Parking facilities shall not be used for the storage of:

(i) vehicles for sale;

(ii) recreational vehicles;

(iii) commercial vehicles, trucks or trailers (unless the parking facilities used to store such commercial vehicles are specifically depicted on the approved plan), nor shall parking facilities be used for the repair of vehicles.

g) If the Scheme does not specify the number of parking spaces required in respect of any particular use, then the number of parking spaces to be provided shall be determined by the Council.

h) Special spaces may be provided for small cars only. These spaces shall have the dimensions as described in this Scheme. However, no credit shall be granted for small spaces towards the satisfaction of numerical parking requirements. Small spaces may be provided in excess of the minimum requirement for the use in question.

8.4.2 Joint Use of Parking Facilities

Parking facilities may be provided jointly subject to the satisfaction of the requirements contained hereunder. When there is an overall deficiency in the number of spaces provided, parking facilities for an adjoining use, where peak hours of operation are substantially different, may be provided jointly. Such joint usage shall be subject to the satisfaction of the following conditions:

a) the submission of sufficient evidence to demonstrate that no substantial conflict will exist in the principal hours or peak demand of the buildings or uses for which the joint use is proposed;

b) the number of parking spaces which may be credited against the requirements of each building or use involved shall not exceed the number of spaces reasonably anticipated to be available during the hours of operation;

c) parking spaces designated for joint use shall be easily accessible and no further than 200 metres in distance from an appropriate entrance of the building which the spaces are proposed to serve; and

d) the Council may require an agreement to be entered into between the owners and occupiers of the adjoining properties as to the terms and conditions of the joint use of the parking facilities and providing for the creation of easements or other rights in order to ensure the continued availability of a specified number of parking spaces for the use of each of those properties.

8.4.3 General Design Requirements for Off-Street Parking

The general design requirements for off-street parking facilities are as follows:

a) all parking spaces shall have adequate access by means of manoeuvring lanes with spaces designed so that it is not necessary to back directly into a public street to enter or leave a parking area;

b) adequate entry and exits to and from the parking area by means of clearly defined drives shall be provided for all vehicles. Circulation within a parking facility shall be such that:

(i) a vehicle using the parking area need not enter the same street to reach another aisle within the same facility;

(ii) all parking spaces, garages and carports shall be accessible and useable for the full number of parking spaces required whenever the building or use which they serve is in operation;

(iii) continuous kerbs and/or headers shall be used instead of individual 'Wheel Stops'; and

(iv) the entire parking area, including parking spaces and manoeuvring lanes required under the Scheme shall be paved with either asphaltic, concrete or brick paved surfacing in accordance with specifications approved by the Council. In situations considered appropriate by Council, this provision may be varied.

8.4.4 Specific Design Requirements for Off-Street Parking

Plans for the layout and making of off-street parking facilities shall be in accordance with Appendices 5 and 6 to the Scheme. The following provisions also apply:

a) in all parking areas containing 21 or more spaces, the aisles, approach lanes, and manoeuvring areas shall be clearly marked with directional arrows and lines to expedite traffic movements. Once a parking area has been marked in accordance with the approved site plan, the marking shall be permanently maintained;

b) spaces designated for small cars shall be provided only for parking angles greater than 30 degrees. Such small car spaces shall be a minimum of 2.4 metres in width;

c) for parking angles greater than 59 degrees, up to 0.6 metres of the space depth may be provided in overhang beyond the front kerb; and

d) where car parking stalls are covered or adjoin a solid wall or other obstacle, the minimum width of the car spaces shall be increased to 3 metres.

8.4.5 Landscaping for Off-Street Parking

Boundary landscaping shall be provided for parking facilities visible from any public street and interior landscaping shall be provided for open parking facilities with 21 or more parking spaces. Landscaping shall comply with the following requirements:

a) all areas between parking facilities and adjoining streets shall have a minimum of 2m wide permanent landscape area. In addition, the Council may also require permanent landscaping between the parking facilities and all other side and rear property lines; and

b) for open parking areas, with 21 or more parking spaces, there shall be provided a minimum of 1 square metre of permanent landscaping for every 10 square metres of parking bay area. Such landscaping shall be in addition to any other landscaping required by this Scheme.

8.4.6 Cash Payment In lieu of Providing Parking Spaces

In accordance with subclause 8.1, the Council may agree with an applicant for an approval to commence development to accept a cash payment in lieu of the provision of paved car parking spaces, but subject to the requirements of this subclause:

a) a cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by this Scheme, plus the value, as estimated by a licensed valuer, of that area of this land which would have been occupied by the parking spaces and manoeuvring area;

b) before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have provided a public parking station nearby, or must have firm proposals for providing a public station within the District;

c) payments under this clause shall be paid into a special fund to be used to provide public parking stations anywhere in the District; and

d) all costs incurred in obtaining the valuation shall be borne by the applicant.

8.5 DEVELOPMENT - RESIDENTIAL

8.5.1 General

This Clause applies to the development of all residential dwelling units and other uses which are or may be permitted by the Council in the residential zone.

8.5.2 Residential Development - Residential Design Codes

8.5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

8.5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

8.5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centreline of those borders.

8.5.3 Residential Zones *AMD 79 GG 31/05/19*

The residential zones created under Part 7 of the Scheme Text are set out hereunder:

a) Residential - incorporating the R17.5 Code and R20 Code.

b) Medium and High Density Residential - incorporating the R25, R30, R40, R50, R60, R80 and R100 and RAC-3 Codes. *AMD 19 GG 23/1/07*

These zones are depicted and coloured on the Scheme Map according to the reference appended thereto.

8.5.4 Dual Coding
AMD 73 GG 29/03/18

8.5.4.1 Where an area is designated with an R-Code of R17.5/30 development to the density and standards of the higher code shall only be permitted subject to the following:

(i) The property is required to be connected to reticulated sewer.

(ii) In the opinion of the Council, the proposed development has a high degree of compliance with adoped policies of the Council, which have been endorsed by the Commission, and provide for development at the higher codes in dual coded areas.

(iii) The existing dwelling/s are to be of a standard equivalent to that of the proposed new dwelling/s. To achieve this, the Council may require that the existing dwelling/s be upgraded as a condition of development approval; and

(iv) No lot which has frontage to Guildford Road and is designated on the Scheme Maps by the R17.5/30 R-Code shall be developed such that the total number of dwellings on the lots exceeds that permitted by the R17.5 Code unless that lot has satisfactory alternative public vehicular access as determined by Council.

8.5.4.2 R17.5/35, R20/40 and R20/35

Nothwithstanding the provisions of the Residential Design Codes, within a dual coded area, when considering an application for development approval, or a built strata application, and when making recommendations to the Commission in respect of a subdivision or survey strata subdivision of land in a residential dual coded area, the Council is to apply the base density code, but may increase the density in excess of the base code and up to the maximum of the highest code designated for the site after having regard to the following:

(i) Where the application proposes more than two grouped dwellings, or more than two multiple dwellings on a lot, or when making recommendations to the Commission in respect of a subdivision application that proposes more than two lots, the lot the subject of the application must have a total lot area greater than 1300m^2.

(ii) Where the application proposes more than four grouped dwellings or more than four multiple dwellings on a lot, or when making recommendations to the Commission in respect of a subdivision application that proposes more than four lots, at least one dwelling or lot must be provided as a single bedroom dwellings or as an aged or dependant persons dwelling.

8.5.5 Character Protection Areas

8.5.5.1 The purpose of a Character Protection Area is to ensure that development in these areas, as shown on the Scheme Map, is sympathetic to the prevailing character and streetscape of the locality.

8.5.5.2 Development within a Character Protection Area shall, in the opinion of Council, demonstrate a high degree of compliance with the following:

(i) the intention of the Council specified under Clause 8.5.5.1 of the Scheme;

(ii) in the case of redevelopment in excess of a single house, unless otherwise approved by Council, such redevelopment shall reflect those architectural elements and features of existing buildings which contribute significantly to the streetscape or character of an area; and

(iii) any relevant Policies adopted by the Council.

8.5.6 Building Materials

The ground floor level of all buildings, other than outbuildings, shall be constructed from brick, stone or concrete. Ground and first floor levels may be constructed of lighter framed materials if the materials, design and anticipated final appearance of these structures is approved by the Council.

8.5.7 Home-Based Businesses
AMD 32 GG 20/2/09

8.5.7.1 Planning approval is not required for the use or development of a "Home Office" in accordance with Scheme Clause 3.1.2 i) provided that the use or development meets with the relevant definition and a registration form contained in Appendix 11 of this Scheme has been submitted to the satisfaction of the City of Bayswater.

8.5.7.2 Planning approval is required for the use or development of a "Home Occupation', "Home Business" or "Cottage Industry".

8.5.7.3 A person may, with the approval of the Council, conduct a home-based business in or from a dwelling. An approval to conduct a home-based business:

(i) is issued to a specific occupier of a particular parcel of land;

(ii) shall not be transferred or assigned to any other person; and

(iii) shall not be transferred from the land in respect of which it was granted.

8.5.7.4 Should there be a change of the occupier of the land in respect of which a home-based business approval is issued, the approval is cancelled.

8.5.7.5 If, in the opinion of Council, a home-based business is causing a nuisance or annoyance to owners or occupiers of land in the locality Council may rescind the approval.

8.5.7.6 In making its decision on an application for approval for a home-based business the Council shall take into consideration the following matters:

(i) the provisions of any Town Planning Scheme, including this Scheme, affecting the land the subject of the application or any Scheme affecting land in the vicinity;

(ii) the nature of the proposed home-based business in relation to the development of any other land in the vicinity;

(iii) the size, shape and character of the parcel of land to which the application relates and the nature and siting of the proposed building, the view from the building and the interruption of view likely to be caused by the proposed building;

(iv) any representations which may be made by any statutory authority;

(v) the existing and likely future amenity of the neighbourhood, including (but without limiting the generality of the foregoing) the question of whether the proposed home-based business is likely to cause injury to such amenity including injury due to the emission of noise, vibration, light, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or other waste products;

(vi) the nature of the roads giving access to the land;

(vii) what parking facilities are available or proposed, and the likely requirements for parking; and

(viii) any other matters the Council considers relevant.

8.5.8 Parking of Commercial Vehicles

8.5.8.1 A person may park one commercial vehicle in the residential zone if all of the following requirements are met:

(i) no part of the vehicle is parked on any portion of a right of way or public road contiguous with the lot;

(ii) the vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried upon the lot does not contravene the Scheme;

(iii) the vehicle does not exceed 3 metres in height or 8 metres in length;

(iv) the vehicle is not brought to or taken from the lot between the hours of midnight or 6.00am;

(v) major repairs to the vehicle are not undertaken on the lot;

(vi) any minor repairs, servicing or cleaning of the vehicle are carried out in an area which is effectively screened from view from outside of the lot;

(vii) operation of the vehicle does not adversely impact on the amenity of the neighbourhood due to noise or other emissions;

(viii) the vehicle is parked behind the front building line; and

(ix) the vehicle is effectively screened, through fencing, landscaping, outbuildings or other measures, from outside the lot and from neighbouring properties.

8.5.8.2 The Council may, in writing, permit a relaxation of the provisions contained in Clause 8.5.8.1, if in the opinion of Council the proposal will not have an adverse effect on the amenity and character of the residential area. Prior to permitting such relaxation, Council shall write to owners and occupiers of surrounding land and invite their comments on the proposal.

8.5.9 Multiple Dwellings on Lots Coded R40
AMD 62 GG 03/11/17

8.5.9.1 Notwithstanding the provisions of the Residential Design Codes, where land with a residential density Code of R40 is located outside the core areas as shown on the scheme map or does not have any frontage to Guildford Road, the development of multiple dwellings on the land:

(i) shall be subject to the average site area per grouped dwelling

requirement specified by the Residential Design Codes for grouped dwellings on land with an R40 residential density code; and

(ii) shall not be subject to any maximum plot ratio requirements specified by the Residential Design Codes.

8.6 DEVELOPMENT - INDUSTRIAL

8.6.1 Preliminary

This Clause applies to development in all Industrial zoned areas.

8.6.2 Sale of Goods

In the General Industry and Light Industry Zones, a person may offer goods for sale by wholesale, but may only offer goods for retail sale providing:

a) the goods or produce are manufactured, processed or repaired on the lot;

b) not more than 50% of the total area of the occupancy is used for the display and sale of the goods or produce and the remaining space is used for related purposes of an industrial nature; and

c) the goods or produce sold are not foodstuffs, liquor or beverages, items of clothing or personal adornment, magazines, newspapers, books or paper products, medicinal or pharmaceutical products, china, glassware, small electrical goods of a domestic nature, toys and generally items of a cash and carry nature related to daily household and recreational needs and consumption unless those goods are manufactured on site.

8.6.3 Industrial Use Adjoining Residential Use

In the General Industry or Light Industry Zone a person shall not use land which adjoins a lot zoned for residential purposes unless:

a) the industrial or light industrial use is screened from the residential lot by a wall or fence not less than 2 metres in height;

b) any building on the industrial zoned lot is setback a minimum of 6 metres from the boundary that abuts the Residential zoned lot;

c) any building on the land and the openings of the building are so designed and located as to minimise visual and noise disruption; and

d) landscaping is provided to minimise the impact of the building on the adjoining residential lot/s.

8.6.4 Industrial Building Standards

8.6.4.1 Minimum Development Standards

Subject to the provisions of the Scheme, a person shall not develop or use land or a building in the General Industry or Light Industry Zone unless the development or use is in accordance with the provisions of this clause and the standards specified in Table 2.

8.6.4.2 Setback Requirements - Corner Lots

Where a lot in a Light Industry or General Industry Zone has frontage to two streets, the prescribed front setback of 13.5 metres shall apply to the more important road and the setback of 6 metres shall apply to the less important road, unless otherwise determined by the Council.

8.6.4.3 Use of Setback Areas

A person shall not in the General Industry or Light Industry Zone, use the land between the street alignment and the setback distance for any purpose except one or more of the following:

(i) a means of access and egress;

(ii) the parking of vehicles used by customers and employees;

(iii) the loading and unloading of vehicles;

(iv) open air display if such display does not cover more than one fifth of the setback area, is not within 3 metres of the street alignment and does not reduce the area set aside for landscaping, parking and manoeuvring areas;

(v) landscaping; or

(vi) the display and sale of motor vehicles where Council approval has been granted.

8.6.5 Landscaping

A person shall not carry out any development in the Light Industry or General Industry Zone unless provision is made for garden areas in accordance with the following requirements:

a) the required landscaping shall cover a minimum of 10% of the total site area in the form approved by the Council. Such landscaping should include a landscaped area of not less than 2 metres wide adjoining all street boundaries;

b) any landscaped area shall be separated from an adjacent vehicular area by a wall or kerb at least 150mm higher than the adjacent vehicular area or in some other manner be protected from vehicular damage; and

c) landscaping areas provided under this subclause shall be planted in accordance with an approved plan, and within 30 days of practical completion of the development, or any relevant part thereof, as determined by the Council or at such later time as may be agreed in writing by the Council.

8.6.6 Off Street Parking

Provision shall be made for off-street parking of motor vehicles for all developments in the General Industry and Light Industry Zones in accordance with Clauses 8.4.1, 8.4.3 and 8.4.4. Parking bays shall be clearly indicated on development plans.

8.6.7 Facades

All facades of all buildings in the General Industry or Light Industry Zones within 20 metres of the road frontage shall be constructed of:

a) brick, stone, concrete or glass or a combination of one or more of those materials or similar materials; and

b) other materials of a type and to a design approved by the Council may be permitted on a l which extends 2.7m above ground level.

8.6.8 Factory Tenement Buildings and Factory Units

A person shall not construct, occupy or use a factory tenement building unless the following requirements are complied with:

a) the floor area per unit is not less than 100 square metres;

b) neither the width nor length of any unit is less than 6 metres;

c) there is not more than one occupancy per unit; and

d) there is provision for a bin area of not less than 10 square metres and shall be in such a position that vehicles have direct access to it by a paved internal service road.

8.6.9 Panel Beating, Spray Painting & Automotive Repairs

A person shall not occupy or use an industrial unit in the Light Industry Zone for the purposes of automotive panel beating, spray painting, or automotive repairing without the approval of the Council. The Council may grant approval where:

a) the use carried on in adjoining units will not be detrimentally affected by the proposed use;

b) the number of paved parking spaces allocated to the unit is satisfactory to accommodate the proposed use; and

c) no vehicles or parts of vehicles are stored or worked upon or equipment, machinery, tools of trade or materials connected with the process are stored, either temporarily or permanently, on any part of the lot other than within the industrial unit.

8.6.10 Refuse, Storage and Service Areas

8.6.10.1 Provision shall be made for service storage and service areas whereby the access way shall be so constructed that vehicles using it may return to a street in forward gear.

8.6.10.2 A refuse or storage area shall be screened from view from any public street and enclosed by a wall of masonry or other approved building material and being of not less than 1.8 metres in height.

8.7 DEVELOPMENT - COMMERCIAL

8.7.1 Specific Application

This clause applies to the development of uses of a commercial nature which are permitted or may be permitted by Council in any of the Commercial Zones listed in Clause 8.7.2.

8.7.2 Classification

The Commercial Zones are:

- Business
- Hotel
- Office
- Showroom/Warehouse
- Service Station

8.7.3 Commercial Building Standards

8.7.3.1 Minimum Development Standards

Subject to the provisions of the Scheme a person shall not, develop or use any land or building in a Commercial Zone unless the development or use is in accordance with the provisions of this Clause and standards specified in Table 2 (Development Standards Table).

8.7.3.2 Off-Street Parking

Subject to the requirements of Clause 8.4.1, 8.4.3 and 8.4.4, provision shall be made for off-street parking of motor vehicles for all developments in a Commercial Zone in accordance with the requirements of Table 2.

8.7.3.3 Setback Requirements

The setback requirements for all developments in a commercial zone shall be in accordance with the provisions of Table 2. Subject to the provisions of this clause the Council may permit a commercial development in a Commercial Zone to have no side or rear setback if it is of the opinion that this will not prejudicially affect the amenity of surrounding properties.

Where a commercial development is proposed to be located adjacent to a lot within a residential zone, the side and rear setbacks shall not be less than the distance set out hereunder:

(i) 3 metres for buildings of one storey; or

(ii) 6 metres for buildings of two storeys.

This provision shall be interpreted to allow the progressive setting back of the building.

8.7.3.4 Corner Lots

Where a lot in a Commercial Zone has frontage to two streets, the prescribed front setback of 13.5 metres shall apply to the more important road and the setback of 6 metres to the less important road, unless otherwise determined by Council.

8.7.3.5 Facades

Having regard to the provisions of clause 8.3.7, all facades of buildings in the Commercial Zones shall be constructed of brick, stone, concrete or glass or a combination of one or more of those materials or similar materials. Any other material must be approved by Council.

8.7.4 Use of Setback Areas

A person shall not, in a Commercial Zone, use the land between the street alignment and the setback distance for any purpose other than one or more of the following:

a) a means of access and egress;

b) the parking of vehicles used by employees and customers;

c) the loading and unloading of vehicles;

d) open air display where approved by the Council; and

e) landscaping.

8.7.5 Service Access

Provision shall be made for service access to the shop, showroom/warehouse, restaurant or other commercial premises for the purpose of loading and unloading of goods unless, in the opinion of Council, circumstances do not warrant provision of such access. The service access shall be provided in accordance with the provisions set out hereunder:

a) the access way shall be constructed such that vehicles using it may return to a street in forward gear;

b) if there exists a right-of-way to the rear or side of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right-of-way and the area shall be of such size that if no alternative route exists, vehicles may turn so as to return to a street in forward gear;

c) except as hereinafter mentioned the access way shall be not less than 4.5 metres in width for one way access and 6 metre for two way access, but if the size of the lot makes the provision of a 4.5 metre wide access way impracticable or unreasonable, the Council may permit an access way of a lesser width, but in no case less than 3.5 metres for one way access;

d) the access way as required above should be designed so as to segregate service vehicles, both moving and stationary, from parking areas and access ways provided for customer parking; and

e) where alternative service access is provided and such access is considered acceptable by the Council, the Council may waive this requirement.

8.7.6 Refuse & Storage Areas

Provision shall be made for one or more areas for the storage of cartons, containers or refuse in any development in a commercial zone. The refuse or storage areas shall be not less than 10 square metres and:

a) screened from view from every public street and enclosed by a masonry wall or other approved building material of not less than 1.8 metres in height;

b) located not less than 10 metres from any residential building which is situated on an adjoining lot unless the area is fully enclosed; and

c) accessible to service vehicles.

8.7.7 Landscaping

8.7.7.1 Within any development in a commercial zone a minimum of ten percent (10%) of the total site area shall be provided as landscaping in the form approved by the Council and principally as landscaped buffers to adjacent properties as approved by the Council, of a minimum width of 2 metres and as shade and screen planting within parking areas. The area of the site required to be provided under this Clause shall not include areas which would normally be set aside for pedestrian movement.

8.7.7.2 Landscaped areas provided under sub-clause 8.7.7.1 shall be planted in accordance with an approved landscape plan, and within thirty (30) days of practical completion of the development, or part thereof, as determined by the Council.

8.7.8 Showroom/Warehouse Development

8.7.8.1 A landowner may construct a showroom/warehouse or showroom/warehouse units on a lot in the Showroom/Warehouse Zone providing:

(i) the showroom component is no greater than half the area of the overall area of the building with which it is associated; and

(ii) the showroom component is partitioned from the warehouse component. The partition must be:

i) at least 1.8 metres in height;

ii) constructed across the full width of the building with access way(s) to allow the movement of goods between the showroom and warehouse prior to the building being occupied.

8.7.8.2 If it is established to the satisfaction of the Council that a particular requirement or standard specified in parts (a) to (b) inclusive of sub-clause 8.7.8.1 is unreasonable or undesirable in a particular circumstance of the case, the Council may at its discretion modify the requirement or standard subject to such conditions as it thinks fit.

8.7.9 Sale of Goods in the Showroom/Warehouse Zone

8.7.9.1 In the Showroom/Warehouse Zone a person may offer for sale from a site goods by retail or wholesale to the public provided the goods are of a bulky nature or are sold in bulk (large quantities per order).

8.7.9.2 Where goods of a bulky nature are displayed and sold, non-bulky goods may also be displayed and sold providing these goods are in the opinion of Council ancillary to the bulky goods on display; required to be sold in conjunction with the sale of bulky goods, and providing the predominant activity carried out on site is the display and sale of bulky goods.

8.7.9.3 Offering for sale or rental of non-bulky goods other than those sold in bulk or required to be sold in conjunction with the sale of bulky goods is not permitted.

PART 9 - DEVELOPMENT - OTHER ZONES

9.1 MIXED USE ZONE

9.1.1 The Mixed Use Zone is intended to accommodate a mixture of residential development with small businesses in a primarily residential scale environment. The predominant non-residential uses will be office, consulting, dining and limited retail uses occupying the street frontage.

9.1.2 The Mixed Use Zone will provide an intermediate stage between Residential and Commercial or Business zone areas. A high level of pedestrian amenity should be provided.

9.1.3 The objectives of the Mixed Use Zone are to:
AMD 96 GG 5/12/23

- To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.
- To allow for the development of a mix of varied but compatible land uses which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.

9.2 SPECIAL PURPOSE ZONE

9.2.1 The purpose and intent of the Special Purpose zone is to allow the Council to make provision for a special use or combination of uses on a particular parcel/s of land where the provisions of the Zoning Table are not sufficiently adequate or comprehensive to achieve the same objective. The Council shall only make such provision by way of creating a Special Purpose Zone where it considers that the provisions:

a) will satisfy a specific need in the locality where the subject land is situated;

b) would enhance the amenity and the interest of orderly and proper planning of the locality; or

c) would, for some other reason, be specifically appropriate or desirable.

9.2.2 No person shall use any land, or any building or structure thereon in a Special Purpose Zone, except for the purpose set against that land in Appendix 3 and subject to compliance with any conditions specified in the Appendix with respect to the land as approved by the Council.

9.3 MAYLANDS ACTIVITY CENTRE ZONE
AMD 45 GG 14/12/11

9.3.1 Purpose

The purpose of the Maylands Activity Centre Zone is to facilitate and implement the recommendations of the Maylands Activity Centre Urban Design Framework.

9.3.2 General Objectives

The general objectives of the Maylands Activity Centre Zone are to -

a) create an attractive and sustainable activity centre that is a vibrant, desirable and safe place to live, work and socialise;

b) facilitate viable, enduring and high quality development in the activity centre with an appropriate mix of land uses;

c) enhance the local heritage, character and streetscapes of the activity centre;

d) encourage appropriate redevelopment of under-utilised sites;

e) promote an appropriate mix of housing choices; and

f) provide certainty to enable investment decisions to be made with reasonable confidence.

9.3.3 Relationship to Other Development Standards

a) Where there are inconsistencies between the development standards specified in Part 9.3 of the Scheme and other parts of this Scheme or the Residential Design Codes (as amended), the development standards specified in Part 9.3 and the associated Special Control Area(s) contained in Appendix 10 shall prevail.

b) The following design elements of the Residential Design Codes (as amended) do not apply in the Maylands Activity Centre Zone unless otherwise specified -

(i) Housing Density Requirements;

(ii) Streetscape Requirements;

(iii) Site Coverage;

(iv) Plot Ratio;

(v) Boundary Setbacks;

(vi) Open Space Requirements;

(vii) Access and Parking Requirements;

(viii) Site Works;

(ix) Building Height Requirements; and

(x) Design for Climate Requirements.

9.3.4 Minimum Development Standards for the Maylands Activity Centre Zone

Minimum development standards apply in the Maylands Activity Centre Zone as follows -

<u>Height and Massing</u>

a) Height, form and setbacks are specified on a precinct by precinct basis. Refer to the relevant Special Control Area provisions contained in Appendix 10 for further information.

<u>Facades</u>

b) Development in the Maylands Activity Centre Zone shall be of a high quality and all facades and frontages shall be designed and finished with high quality materials and finishes.

c) Building facades (including car park structures above ground level) shall be articulated, coloured and detailed to contribute positively to the character of local streetscapes and adjoining properties.

d) Building facades and frontages shall highlight a vertical emphasis through the shape and placement of windows and openings and the use of building materials, colours and textures.

e) Feature elements are strongly encouraged on building facades, including (but not limited to) variations to colours and building materials, coloured or textured banding, recesses, ornamental details, gables, verandahs, balconies, pillars, awnings, canopies and bay windows.

f) Extensive blank walls, facades and featureless glazing are not permitted.

g) The development of sites containing or directly adjoining a building listed on the City's Heritage List (as amended) or the State Heritage Register (as amended) shall respect and complement the heritage of the relevant site. Part 5 of the Scheme is applicable to all sites containing a building on the City's Heritage List (as amended).

Other

h) Development is to be constructed in such a manner as to ameliorate noise and vibration from adjacent land uses, roads and the railway line. The City may require an acoustic assessment report detailing the likely noise effects of the redevelopment on its surrounds and/or external noise impacts on the development.

Note:
There are also development standards applicable to each Precinct or Special Control Area. Refer to the relevant Special Control Area provisions contained in Appendix 10 for further details.

9.3.5 Land Uses

The permissibility of land uses in the Maylands Activity Centre Zone shall be in accordance with Table 3 – Maylands Activity Centre Zoning Table. The administrative provisions for Table 3 are the same as those specified in Clause 7.2 of the Scheme.

9.3.6 Subdivision of Land

Land in the Maylands Activity Centre Zone (with the exception of land within the Character Residential Precinct) shall only be subdivided or strata titled following the completion of development built in accordance with objectives and standards of the Maylands Activity Centre Zone. The City will only consider exceptions to the above where —

a) subdivision of the subject land would not prejudice the objectives and standards of the Maylands Activity Centre Zone in the opinion of the City; or

b) the Commission approves subdivision of the subject land.

9.3.7 Housing Diversity

New residential or mixed use developments containing 10 or more dwellings shall have -

a) at least 20% of all dwellings in a development to be single bedroom dwellings;

b) no more than 30% of all dwellings in a development to be single bedroom dwellings; and

c) at least 70% of all dwellings in a development to have two or more bedrooms.

Note:

Single bedroom dwellings are defined for the purposes of this clause as having one bedroom and a maximum internal floorspace of 70m². The specified percentages may be rounded down to the nearest whole dwelling number.

9.3.8 Car Parking

On-site vehicle parking is to be provided in accordance with an approved local planning policy relating to car parking in the Maylands Activity Centre Zone or otherwise in accordance with Clauses 8.2 and 8.4 and Table 2 of the Scheme.

9.3.9 Environmental sustainability

Development in the Maylands Activity Centre shall have due regard to any approved local planning policy relating to environmental sustainability.

TABLE NO. 3 – MAYLANDS ACTIVITY CENTRE ZONING TABLE

AMD 45 GG 14/12/11; AMD 67 GG 25/08/17

PRECINCT / USE CLASSES	**Special Control Area 1** *Main Street*	**Special Control Area 2** *Guildford Road*	**Special Control Area3** *Town Centre Extension*	**Special Control Area 4** *Character Residential*	**Special Control Area 5** *Ross's Site*	**Special Control Area 6** *Civic*	**Special Control Area 13** *Guildford Road Residential*
Amusement Parlour	P	D	D	X	X	X	X
Automotive Panel Beating/Spray Painting	X	X	X	X	X	X	X
Automotive Repairs	X	X	X	X	X	X	X
Automotive Wrecking	X	X	X	X	X	X	X
Automotive & Marine Sales	X	X	X	X	X	X	X
Bed and Breakfast	DELETED BY AMD 101 GG 17/02/2026						
Betting Agency	D	P	D	X	X	X	X
Builders Yard	X	X	X	X	X	X	X
Car Park	D	D	D	X	D	P	D
Car Wash	X	D	X	X	X	X	X
Caretaker's Dwelling	D	D	D	D	D	D	P
Child Day Care Centre	P	P	D	X	D	P	D
Cinema/Theatre	P	D	D	X	X	P	X
Civic Buildings	P	P	P	P	P	P	P
Club Premises	D	D	D	X	X	P	A
Consulting Rooms	P	P	P	A	D	D	D
Convenience Store	P	P	P	D	D	D	X
Cottage Industry	D	D	D	D	D	D	D
Display home Centre	D	D	D	D	D	X	P
Dry Cleaning Premises	D	D	X	X	X	X	X
Dwellings -							
Single House	P	P	P	P	P	X	P
Grouped Dwelling	D	D	D	D	D	X	P
Aged or Dependent Persons	D	D	D	D	D	D	P
Multiple Dwelling	P	P	P	P	P	D	P
Ancillary Accommodation	P	P	P	P	P	X	P
Educational Establishment	D	P	P	X	X	D	D
Exhibition Centre	P	P	P	X	X	P	X
Extractive Industry	X	X	X	X	X	X	X
Factory	X	X	X	X	X	X	X
Factory Tenement Building	X	X	X	X	X	X	X
Fast Food Outlet	P	P	D	X	X	X	X
Fuel Depot	X	X	X	X	X	X	X
Funeral Parlour	X	D	X	X	X	X	X

PRECINCT / USE CLASSES	**Special Control Area 1** *Main Street*	**Special Control Area 2** *Guildford Road*	**Special Control Area3** *Town Centre Extension*	**Special Control Area 4** *Character Residential*	**Special Control Area 5** *Ross's Site*	**Special Control Area 6** *Civic*	**Special Control Area 13** *Guildford Road Residential*
Garden Centre	X	A	X	X	X	X	X
General Industry	X	X	X	X	X	X	X
Health Studio	D	P	D	X	D	P	X
Hire Service (Industrial)	X	X	X	X	X	X	X
Hire Service (Non-Industrial)	D	D	D	X	D	D	X
Home Occupation	D	D	D	D	D	D	D
Home Business	A	A	A	A	A	A	A
Home Office	P	P	P	P	P	P	P
Home Store	P	P	P	D	D	D	D
Hospital	X	A	X	X	X	X	D
Hosted short-term rental accommodation *AMD 101 GG 17/02/2026*	P	P	P	P	P	P	P
Hostel	A	A	A	A	A	A	A
Hotel	D	D	A	X	A	X	X
Industry	X	X	X	X	X	X	P
Infant Health Clinic	P	P	P	P	P	P	X
Kiosk	P	P	P	X	P	P	D
Light Industry	X	X	X	X	X	X	X
Liquor Store – Large *AMD 50 GG 11/11/16*	A	A	X	X	A	X	X
Liquor Store – Small *AMD 50 GG 11/11/16*	P	P	A	X	P	X	X
Lodging House	A	A	A	A	A	A	X
Lunch Bar	P	P	P	X	D	D	A
Market	P	P	P	X	D	P	X
Medical Centre	D	P	D	X	X	D	X
Motel	X	X	X	X	X	X	X
Noxious Industry	X	X	X	X	X	X	A
Occasional Uses	D	D	D	D	D	D	X
Office	P	P	P	A	D	D	D
Open Air Display	X	X	X	X	X	X	X
Public Amusement	D	D	D	X	X	D	X
Public Assembly	X	X	X	X	A	P	X
Public Utility	P	P	P	P	P	P	X
Public Worship	D	D	D	A	X	P	P
Reception Lodge	D	D	D	X	X	P	A
Recreation Facility Private	D	D	D	X	A	P	X
Recreation Facility Public	D	D	D	A	A	P	X
Residential Building	A	A	A	A	A	A	X

PRECINCT / USE CLASSES	**Special Control Area 1** *Main Street*	**Special Control Area 2** *Guildford Road*	**Special Control Area3** *Town Centre Extension*	**Special Control Area 4** *Character Residential*	**Special Control Area 5** *Ross's Site*	**Special Control Area 6** *Civic*	**Special Control Area 13** *Guildford Road Residential*
Restaurant	P	P	D	X	D	D	A
Restricted Premises	X	X	X	X	X	X	X
Retirement Village	X	X	X	X	X	X	X
Service Industry	X	D	X	X	X	X	D
Service Station	X	X	X	X	X	X	X
Shop	P	P	P	X	P	D	X
Serviced Apartments	P	P	P	X	D	X	X
Showroom	X	D	X	X	X	X	X
Showroom/Warehouse	X	X	X	X	X	X	X
Small bar	P	P	D	X	D	D	X
Storage Yard	X	X	X	X	X	X	X
Tavern	D	D	A	X	X	X	X
Telecommunications Infrastructure	P	P	P	X	P	P	X
Trade Display	X	X	X	X	X	X	X
Transport Depot	X	X	X	X	X	X	X
Unhosted short-term rental accommodation *AMD 101 GG 17/02/2026*	D	D	D	D	D	D	D
Veterinary Consulting Rooms	X	D	X	X	X	X	D
Veterinary hospital	X	X	X	X	X	X	X
Warehouse	X	X	X	X	X	X	X
Zoological Gardens	X	X	X	X	X	X	X

PART 10 - SPECIAL CONTROL AREAS

10.1 OPERATION OF SPECIAL CONTROL AREAS

AMD 15 GG 6/10/06; AMD 9 GG 4/4/08; AMD 45 GG 14/12/11; AMD 67 GG 25/08/17

10.1.1 The following special control areas area shown on the scheme maps:

a) SCA 1 - 'Main Street' Precinct of the Maylands Activity Centre Zone.

b) SCA 2 - 'Guildford Road' Precinct of the Maylands Activity Centre Zone.

c) SCA 3 - 'Town Centre Extension' Precinct of the Maylands Activity Centre Zone.

d) SCA 4 - 'Character Residential' Precinct of the Maylands Activity Centre Zone.

e) SCA 5 - 'Ross's Site Redevelopment' Precinct of the Maylands Activity Centre Zone.

f) SCA 6 - 'Civic' Precinct of the Maylands Activity Centre Zone.

g) SCA 7 - Peninsula Tavern site, Lot 12 No. 223 Railway Parade, Maylands.

h) SCA 8 - Lot 22, No. 454 Guildford Road (corner King William Street), Bayswater.

i) SCA 9 - Lot 100, No. 293 Guildford Road, Maylands.

j) SCA 10 – Lot 10, No.2-4 Railway Parade, Bayswater.

k) SCA 11 - Lot 16, No. 30 Winifred Road, Bayswater and Lot 386, No. 3 Bassendean Road, Bayswater. *AMD 59 GG 5/5/15*

l) SCA 12 – King William Street/Whatley Crescent Commercial Precinct. *AMD 60 GG 20/3/15*

m) SCA 13 - Lot 8 (No. 132) Guildford Road, Maylands and Lot 70 (No. 55) Central Avenue, Maylands *AMD 67 GG 25/08/17*

o) Special Control Area 15 Meltham Station Precinct *AMD 79 GG 31/05/19*

10.1.2 In respect of a Special Control Area shown on a Scheme Map, the provisions applying to a Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

10.1.3 Special Control Areas are shown on the Scheme Map as SCA with a number and included in Appendix 10 including a Precinct Location Plan.

10.1.4 The purpose of Special Control Areas are to:

a) identify areas requiring comprehensive planning to allow redevelopment in an appropriate form;

b) coordinate subdivision and development in areas requiring comprehensive planning.

10.1.5 Appendix 10 describes the Special Control Area(s) in detail and sets out the specific purposes and requirements that apply to the Special Control Area.

10.1.6 The development and subdivision of land within a Special Control Area is to comply with the requirements of Appendix 10.

SCHEDULES & APPENDICES

Schedule 1	Additional requirements that apply to land covered by a Structure Plan, Activity Centre Plan or Local Development Plan
Schedule A	Supplemental provisions to the deemed provisions
Appendix 1	Interpretations
Appendix 2	Schedule of Additional Uses
Appendix 3	Special Purpose Zones
Appendix 4	Visual Truncations
Appendix 5	Parking Standards
Appendix 6	Parking Facility Design Requirements
Appendix 7	Additional Information Sheet for Signage Applications
Appendix 8	Exempted Advertisements
Appendix 9	Notice of Determination on Application for Planning Approval
Appendix 10	Special Control Areas
Appendix 11	Home Office Registration Checklist

SCHEDULE 1 - ADDITIONAL REQUIREMENTS THAT APPLY TO LAND COVERED BY A STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN

AMD 61 GG 28/11/17

Morley Activity Centre Structure Plan area

1.0 PURPOSE

The purpose of the Morley Activity Centre is to facilitate the development of the Morley Activity Centre into a mature mixed use urban centre.

2.0 INTERPRETATION AND RELATIONSHIP TO OTHER DEVELOPMENT STANDARDS

Where there are inconsistencies between the development standards specified in this schedule and other parts of the Scheme or the Residential Design Codes (as amended), the development standards specified in this schedule shall prevail.

3.0 DELINEATION OF THE ZONE

The Morley Activity Centre Zone is delineated and shown on the Scheme Map and referred to in the legend of the Scheme Map.

4.0 PRECINCTS ON SCHEME MAP

The Morley Activity Centre is divided into Precincts and the location and boundaries of the Precincts are shown on the Scheme Map.

5.0 LAND USE PERMISSIBILITY

5.1 The Morley Activity Centre is divided into several precincts as defined on the Scheme map comprising:

a) Central Core.

b) Outer Core.

c) Mixed Business.

d) Civic and Education.

e) Inner City Residential.

5.2 The Zoning Table (Table No. 4) identifies the use class permissibility within each of the designated precincts.

5.3 Land uses are to be configured to promote land use compatibility and reduce potential for land use related conflicts.

5.4 Land use permissibility shall be determined by reference to Table No. 4 and any additional land use requirements under the development standards of the relevant precinct.

TABLE NO. 4 – MORLEY ACTIVITY CENTRE ZONING TABLE

USE CLASSES / PRECINCT	CENTRAL CORE	OUTER CORE	MIXED BUSINESS	CIVIC AND EDUCATION	INNER CITY RESIDENTIAL
Residential					
Aged or Dependent Persons Dwelling	D	D	D	D	P
Caretaker's Dwelling	D	D	D	D	D
Cottage Industry	D	D	D	D	D
Display Home Centre	D	D	D	D	D
Family Day Care	P	P	D	D	P
Grouped Dwelling *AMD 80 GG 19/11/19*	X	X	X	X	P
Home Business	D	D	D	D	D
Home Occupation	P	P	P	P	P
Home Office	P	P	P	P	P
Home Store	P	P	D	D	D
Multiple Dwelling	P/X*[1]	P	P/X*[1]	D	P
Residential Building	D	D	D	A	A
Retirement Village	D	D	D	D	P
Single House *AMD 80 GG 19/11/19*	X	X	X	X	P
Short Stay Accommodation					
Bed and Breakfast	DELETED BY AMD 101 GG 17/02/2026				
Caravan Park / Camping Area	X	X	X	X	X
Hosted short-term rental accommodation *AMD 101 GG 17/02/2026*	P	P	P	P	P
Hostel	D	A	A	D	A
Hotel	P	A	A	X	X
Lodging House	D	A	A	A	A
Unhosted short-term rental accommodation *AMD 101 GG 17/02/2026*	D	D	D	D	D
Community Uses					
Car Park	P	D	D	P	D
Child Day Care Centre	P	P	P	P	D
Civic Buildings	P	P	P	P	D
Club Premises	P	P	D	P	A
Funeral Parlour	D	D	P	X	X
Occasional Uses	P	D	D	P	D

USE CLASSES / PRECINCT	CENTRAL CORE	OUTER CORE	MIXED BUSINESS	CIVIC AND EDUCATION	INNER CITY RESIDENTIAL
Public Amusement	D	D	D	D	X
Public Assembly	D	D	D	D	X
Public Utility	P	P	P	P	P
Public Worship	D	D	D	D	A
Zoological Gardens	D	D	D	P	X
Education					
Educational Establishment	D	D	D	P	D
Retail					
Convenience Store	P	P	P	D	D
Hire Service (Non-Industrial)	P	P	P	X	X
Kiosk	P	P	P	P	X
Market	P	D	D	X	X
Restricted Premises	A	A	A	X	X
Shop	P	D	D	P	A
Liquor Store - Large	A	A	D	X	X
Liquor Store - Small	P	P	D	X	A
Office					
Office	P	P	P	D	D
Entertainment					
Amusement Parlour	P	D	D	X	X
Betting Agency	P	D	D	X	X
Cinema / Theatre	P	P	P	D	X
Reception Lodge	D	D	D	P	X
Dining					
Fast Food Outlet *AMD 80 GG 19/11/19*	D	D	D	X	X
Lunch Bar	P	P	P	D	X
Small Bar	P	D	D	X	X
Restaurant	P	P	P	X	A
Tavern	P	A	A	X	X
Recreation					
Health Studio	P	P	P	D	X
Recreation Facility (Private & Public)	P	P	P	D	X

USE CLASSES / PRECINCT	CENTRAL CORE	OUTER CORE	MIXED BUSINESS	CIVIC AND EDUCATION	INNER CITY RESIDENTIAL
Health					
Consulting Rooms (Medical)	P	P	P	D	D
Health Centre	D	A	A	X	X
Hospital	D	A	A	X	X
Infant Health Clinic	P	P	P	P	D
Medical Centre	P	P	P	P	X
Veterinary Consulting Rooms	P	P	P	X	D
Veterinary Hospital	D	X	D	X	X
Bulky Goods, Showrooms and Services					
Car Wash	D	D	D	X	X
Garden Centre	D	X	D	X	X
Dry Cleaning / Laundry Premises	P	P	P	X	X
Open Air Display	X	X	X	X	X
Service Industry	D	D	P	X	X
Showroom	D	D	P	X	X
Showroom / Warehouse *AMD 80 GG 19/11/19*	X	A	D	X	X
Industrial					
Automotive Panel Beating / Spray Painting	X	X	X	X	X
Automotive Repairs	A*[2]	D	D	X	X
Automotive Wrecking	X	X	X	X	X
Automotive & Marine Sales	X	D	D	X	X
Builders Yard	X	X	X	X	X
Extractive Industry	X	X	X	X	X
Factory	X	X	D	X	X
Factory Tenement Building	X	X	D	X	X
Fuel Depot	X	X	X	X	X
General Industry	X	X	X	X	X
Hire Service (Industrial)	X	X	D	X	X
Industry	X	X	X	X	X
Light Industry	X	X	D	X	X
Noxious Industry	X	X	X	X	X
Radio Equipment	D	D	D	D	A

USE CLASSES / PRECINCT	CENTRAL CORE	OUTER CORE	MIXED BUSINESS	CIVIC AND EDUCATION	INNER CITY RESIDENTIAL
Radio & Television Installations	D	D	D	X	X
Service Station	A/X*3	D/X*3	D/X*3	X	X
Storage Yard	X	X	X	X	X
Trade Display	X	X	A	X	X
Transport Depot *AMD 80 GG 19/11/19*	X	X	X	X	X
Warehouse *AMD 80 GG 19/11/19*	X	A	D	X	X

***Notes:**

1. Multiple dwellings are not permitted on the ground floor of any development.
2. Where incidental to the overall use of the land and incorporated into the built form and/or parking areas so as not directly visible from any part of a street or public space.
3. Service stations are prohibited on landmark development sites identified in Clause 11.2.

5.5 In addition to the uses outlined in Table No. 4, the following land use permissibility is applicable:

Location	Additional Uses
Lot 423, No. 176 Walter Road West, Morley; and Lot 110, No. 180 Walter Road West, Morley	Recreation Facility (Private & Public) - 'A' Medical Centre - 'A'
Collier Road, Morley, between Walter Road West and Johnsmith Street	Office - 'P' Consulting Rooms - 'P' Convenience Store - 'P' Shop (maximum 300m² NLA) - 'P'
Lot 111, No. 47 Russell Street, Morley; and Lot 104, Nos. 231-235 Walter Road West, Morley	Dry Cleaning / Laundry Premises - 'D' Lunch Bar - 'D' Health Studio - 'A'

6.0 PARKING

6.1 Car parking and bicycle parking shall be provided in accordance with Table 5 as below. Additional requirements relating to the provision and specifications of car and bicycle parking are included in the Morley Activity Centre Structure Plan.

TABLE NO. 5 - CAR PARKING AND BICYCLE PARKING STANDARDS

Land Use	Minimum Car Parking Requirement	Bicycle Parking Requirement	
		Minimum Employee Spaces (Long Term)	**Minimum Visitor Spaces (Short Term)**
Residential	As per Residential Design Codes	As per Residential Design Codes	As per Residential Design Codes
Short Term Accommodation	1 bay per 4 beds provided	1 bay per 40 bedrooms	2 spaces
Community Uses	At the discretion of the local government	At the discretion of the local government	At the discretion of the local government
Education	1 bay per 10 students	1 bay per 5 students over year 4	N/A
Retail	1 bay per 25m² NLA	1 bay per 300m² NLA	1 bay per 500m² NLA
Office	1 bay per 50m² NLA	1 bay per 200m² NLA	1 bay per 750m² NLA
Entertainment	1 bay per 25m² NLA	1 bay per 4 staff members	1 bay per 200m² NLA
Dining	1 bay per 25m² NLA	1 bay per 100m² NLA	2 spaces
Recreation	1 bay per 20m² NLA	1 bay per 4 staff members	1 bay per 200m² NLA
Health	3 bays per practitioner plus 1 bay per staff member	1 bay per 400m² GFA	1 bay per 200m² GFA
Bulky Goods, Showrooms and Services	1 bay per 50m² NLA	1 bay per 750m² NLA	1 bay per 1000m² NLA
Industrial	1 bay per 50m² NLA	1 bay per 150m² NLA	N/A

Notes:

1. Land Use shall be in accordance with the corresponding Use Class headings in Table No. 4.
2. Onsite parking requirements to be rounded up to the nearest whole number.
3. 'Staff member' and 'practitioner' relates to the full-time equivalent.
4. NLA = Net Lettable Area.
5. GFA = Gross Floor Area

6.2 Where the discretion of the local government is required in Table No. 5, the local government shall determine the parking rate having due regard to the following:

a) the provision of parking for similar land uses in the Morley Activity Centre;

b) the availability of public parking in the vicinity of the subject site; and

c) the objectives of the Morley Activity Centre Zone.

6.3 To establish parking rates for a use which is not listed in Table No. 4, the local government may:

a) determine that the use falls within one of the categories listed in Table No. 4 and apply those parking rates accordingly; or

b) determine parking rates at its discretion having due regard to the factors listed in Clause 6.2.

6.4 Multi-storey car parks shall incorporate screening devices and/or architectural features where directly fronting a street or public space.

6.5 At-grade parking areas shall include a minimum 2 metre wide natural landscaping strip along all street boundaries.

6.6 Large areas of car parking shall be located behind buildings and provided with safe and clearly sign-marked pedestrian routes to the building entrances.

6.7 Where the minimum car parking requirements specified in Table No. 5 are not met, the applicant/owner shall pay the local government cash in lieu of the required car parking, in accordance with the relevant scheme and/or local planning policies, unless otherwise approved by the local government.

7.0 BICYCLE PARKING

7.1 Employee/long term bicycle parking shall include a lockable, sheltered enclosure where the cyclist is able to store a bicycle throughout the day.

7.2 Visitor/short term bicycle parking shall include bicycle rails or racks to which bicycles frames or wheels can be locked.

7.3 End of trip facilities for pedestrians and cyclists shall be provided for any office development exceeding 250m² GFA.

7.4 End of trip facilities for pedestrians and cyclists shall be provided for any development exceeding 500m² GFA involving a use or combination of uses which are categorised under Table No. 5 as retail, entertainment, dining, recreation or health.

8.0 PRIVATE SPACE

8.1 A terrace, balcony or courtyard is to be provided for each multiple dwelling and shall:

a) be an area equal to 20% of the plot ratio area of that dwelling, or 10m², whichever is greater;

b) have a minimum dimension (width and length) of 2.5 metres and shall be directly accessible from a habitable room; and

c) be orientated to receive northern sunlight, wherever possible.

9.0 APPROVAL NOTWITHSTANDING NON-COMPLIANCE

Except for development for which the Residential Design Codes apply within the 'Inner City Residential' precinct, if a development application does not comply with the development criteria prescribed in the Morley Activity Centre Zone, the Council if it is satisfied that:

(a) such a variation will not prejudice the achievement of the objectives of the Morley Activity Centre Zone, and

(b) the orderly and proper planning and amenity of the precinct are maintained, may vary any development criteria and approve the application unconditionally or subject to such conditions as it deems fit.

10.0 MAJOR DEVELOPMENT

10.1 Where an application is made for a major development, in addition to the relevant requirements, the following elements shall be provided:

a) road and intersection upgrades which are required as a result of the proposed development; and

b) precinct specific major development requirements.

10.2 Where an application is made for a major development to be constructed on Lot 213, No. 4 Collier Road, Morley, in addition to the relevant requirements, the following elements are to be provided:

a) a town square/piazza at the terminus of Progress Street and Bishop Street, of sufficient size to support the function of a town square, and comprised both of hard and natural landscaping and quality materials;

b) buildings surrounding and fronting onto the town square/ piazza on the Galleria Shopping Centre side of Bishop Street which accommodate land uses that encourage activity outside of normal business hours; and

c) improved integration between the Morley Bus Station and surrounding land uses including building interfaces and a significantly visually appealing, integrated and covered pedestrian connection between the bus station and Galleria Shopping Centre.

10.3 Where the requirements of Clause 10.1 are unable to be provided prior to first occupation of the shop/retail floor space, the applicant/owner may enter into a legal agreement with the local government to defer these works to a reasonable time period as determined by the local government.

10.4 If 2 or more development applications are received for the same site(s) within a period of 2 years, which collectively constitute a major development, then the requirements of Clause 10.1 shall apply in full to the latter application.

11.0 LOCAL DEVELOPMENT PLAN

11.1 A local development plan shall be provided where required under the provisions of the Morley Activity Centre Structure Plan, and shall be prepared in accordance with Part 6 — Local development plans of Schedule 2 — Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

11.2 A local development plan shall be provided for development on the following Landmark Development sites:

a) Lot 1, No. 243-253 Walter Road West, Morley.

b) Lot 213, No. 4 Collier Road, Morley.

c) Lot 1105, No. 70-84 Collier Road, Morley.

d) Lot 303, No. 65-79 Russell Street, Morley.

e) Lot 28, No. 129 Russell Street, Morley.

f) Reserve 38328, No. 61 Broun Avenue, Morley.

g) Lot 2, No. 2 Progress Street, Morley.

12.0 PLANNING REQUIREMENTS FOR MORLEY ACTIVITY CENTRE PRECINCTS

The following provisions and planning requirements apply to the respective precincts as set out in Table 6 below:

TABLE NO. 6 – PLANNING REQUIREMENTS FOR MORLEY ACTIVITY CENTRE PRECINCTS

		CENTRAL CORE	OUTER CORE	MIXED BUSINESS	INNER CITY RESIDENTIAL	CIVIC AND EDUCATION
Height	**Max**	No limit	8 storeys	8 storeys	As per the Residential Design Codes Non - Residential: Maximum: 2 storeys, unless multiple dwellings occupy the level above the second storey	4 storeys
	Min	Russell Street - 3 storeys or 12m Other streets - 2 storeys.	NA, except for Walter Road West & Wellington Road - 2 storeys	NA	NA	NA
Setbacks	**Front**	Key Roads A[1] - Nil for first 2 storeys Russell Street - Nil for first 3 storeys All other streets - maximum setback of 2m. Above 4th storey: minimum - 5m from the street level building line Requirements can be varied through an approved Local Development plan	Minimum nil and a maximum of 4m for the first 2 storeys. Above 4th storey: minimum - 5m from the street level building line.	Russell St and Collier Rd - minimum setback Nil and a maximum setback of 2m All other roads minimum setback 2m and a maximum setback of 6m, (a maximum setback of 14m permitted for a maximum of 1 row of at-grade parking, drive aisle and landscaping strip). Above 4th storey (3): Minimum - 5m from the street level building line	Ground floor maximum setback of 6m. Above 2nd storey: minimum - 2m from the street level building line. Multiple Dwellings minimum of 1m from the secondary street.	In accordance with approved local development plan
	Side and Rear	Nil for first two storeys Above 4th storey Minimum - 5m	Nil for first two storeys Above 4th storey Minimum - 5m, from the 4th storey building line Requirements can be varied through an approved Local Development plan Sites adjoin the	Above 4th storey Minimum - 5m, from the 4th storey building line Sites adjoin the 'Inner City Precinct' - building setback as per the 'Inner City Precinct' requirements.	Above 2nd storey Minimum - 5m.	In accordance with approved local development plan

			'Inner City Precinct' - building setback as per the 'Inner City Precinct' requirements.	Requirements can be varied through an approved Local Development plan		
Visual Perme-ability	**Com-mercial**	Visual permeability at street level on Key Roads B[2] to be minimum - 80% and 60% of all other roads Visual permeability requirements can be varied through an approved Local Development plan The use of reflective or obscure glazing is not permitted on ground floor street frontages. Ground floor to floor height: Minimum - 4m	Visual permeability at street level: Minimum - 50% The use of reflective or obscure glazing is not permitted on ground floor street frontages	NA	NA	NA

Notes:

1. Key Roads A - Progress Street, Bishop Street, Old Collier Road, Wellington Road, Walter Road West, Collier Road and Rudloc Road.

2. Key Roads B - Progress Street, Bishop Street, Walter Road West (between Russell Street and Wellington Road) and Russell Street.

13.0 DUAL CODING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT IN THE INNER CITY RESIDENTIAL PRECINCT

Where a site is designated with a dual density code of R40/60 or R60/100, the higher code shall apply only to multiple dwellings, where the requirements of at least one of the criteria in Table No. 7 are met.

TABLE NO. 7 - DUAL DENSITY CODE CRITERIA

Criteria	Requirements
Energy Efficient / Sustainable Design	The development to meet at least three of the following requirements: • Provision of at least 50% of dwellings with an outdoor living area which is orientated to the north, in a manner which maximises northern sunlight. • The development being fitted with rainwater tank(s) with a capacity of at least 3,000 litres per dwelling. • The installation of a grey water re-use system that collects grey water from laundries and bathrooms and redirects it to garden irrigation/ground water recharge. • The provision of a vegetation wall or communal rooftop garden to the satisfaction of the local government. • The development meets an energy rating one star higher than that required under the National Construction Code.
Non-Conforming Use	The development meets the following requirement: • The removal of a non-conforming use from the development site.

SCHEDULE A – SUPPLEMENTAL PROVISION TO THE DEEMED PROVISIONS

AMD 86 GG 15/03/24

The provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015.*

Part 3 – Heritage Protection Clause 13B Significant Tree Register	(1) The local government may establish and maintain a significant tree register to identify trees within the Scheme area that are worthy of preservation. (2) The significant tree- a. Must set out a description of each tree, its location and the reason for its entry in the significant tree register; and b. Must be available, with the scheme documents, for public inspection during business hours at the offices of the local government; and c. May be published on the website of the local government. (3) The local government must not enter a tree or remove a tree from the significant tree register unless the local government has received a written nomination from the owner of the land which contains the tree. A written nomination can only be made by the owner of the land which contains the tree. (4) Upon receiving a written nomination in accordance with sub-clause (3), the local government may- a. Carry out any other consultation the local government considers appropriate; and b. Following any consultation and consideration of the submissions made on the proposal, resolve that that tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register. (5) If the local government enters a tree in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree. (6) The local government may require assessment or certification by an

	arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register. (7) Any tree included on the local governments significant tree register prior to clause 13B coming into effect continues under this scheme and is taken to be on the significant tree register.
Part 7 – Requirement for development approval Clause 60 – Development for which development approval is required	Development approval of the local government is required prior to the removal, destruction, and/or interference with any tree included on the local governments significant tree register.

APPENDIX 1 – INTERPRETATIONS

AMD 45 GG 14/12/11; AMD 61 GG 28/11/17; AMD 98 GG 12/01/2024

Absolute Majority:	has the same meaning as given to it in the *Local Government Act 1960*.
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. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.
Aged Residential Care	has the same meaning given to the term in the *Aged Care Act 1997*.
Amenity:	means all those factors which combine to form the character of an area and include the present and likely future amenity.
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 premises open to the public, where the predominant use is amusement by means of amusement machines and where there are more than two amusement machines operating within the premises.
Ancillary Use:	means a use which is incidental to the predominant use of land and buildings.
Appendix:	means an appendix to the Scheme.
Auction Mart:	means any land or building 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.
Automotive Panel Beating/Spray P ainting:	means the use of land and buildings for the purpose of chassis reshaping, minor and major body repairs and automotive spray painting.
Automotive Repairs:	means the use of land and buildings for the purpose of conducting mechanical repairs and overhauls to vehicles and machinery including tyre recapping and retreading.
Automotive Wrecking:	means the use of land and buildings for the storage, breaking up or dismantling of vehicles and includes the sale of second-hand automotive accessories and spare parts.
Automotive & Marine Sales:	means the use of land and buildings for the display, sale and repair of new or second-hand motorcycles, cars, trucks, caravans or boats and includes the sale of parts and accessories associated with the activity.
Battle-axe Lot:	means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.
Bed and Breakfast: *AMD 45 GG 14/12/11*	DELETED BY AMD 101 GG 17/02/2026
Betting Agency:	means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*.
Builder's Yard:	means the use of land or building for the storage, assembly or dismantling of building materials.

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 approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.
Building Line:	means the line between which any public place or public reserve a building may not be erected except by or under the authority of an Act.
Building Setback:	means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.
Bulky Goods:	are goods which due to their size, mass, or volume are not readily or comfortably able to be moved, relocated or transported by a customer on or within a sedan motor vehicle.
Camping Area:	means any land used for the lodging of persons in tents or other temporary shelter.
Car Park:	means land or buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
Car Wash:	means the use of premises for the washing or cleaning of the external surfaces of motor vehicles by mechanical means.
Caravan:	means a vehicle as defined under the *Road Traffic Act 1974* (as amended) maintained in a 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.
Caravan Park:	means an area of land set aside specifically for the parking of caravans and park homes or for the erection of camps or tent sites allocated for that purpose.
Caretaker's Dwelling:	means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
Child Day Care Centre:	means land and buildings used for the daily or occasional care of children in accordance with the *Community Services (Child Care) Regulations 1988*).
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, recreational or other like purposes.
Clause:	means a clause of the Scheme.
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 constituted under the *Western Australian Planning*

	Commission Act 1985 (as amended).
Community Purpose:	means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities or services by organisations involved in activities for community benefit.
Conservation:	has the same meaning as in the *Heritage of Western Australia Act 1990*.
Consulting Rooms:	means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
Convenience Store: *AMD 61 GG 28/11/17*	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m2 net lettable area.
Cottage Industry: *AMD 32 GG 20/2/09*	means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which: (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put; (d) does not occupy an area in excess of 50 square metres; and (e) does not display a sign exceeding 0.2m2 in area.
Council:	means the executive body of the City of Bayswater.
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 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 but shall also include: "in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that: (a) is likely to change the character of the place or the external appearance of any building; or (b) would constitute an irreversible alteration to the fabric of any building'.
Display Home Centre:	means a group of two or more dwellings which are intended to be open for public inspection.
District:	means the Municipal District of the City of Bayswater.
Dog Kennels:	means any land or buildings used for the boarding and breeding of dogs where such premises are registered or

	required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.
Dry Cleaning Premises:	means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.
Dwelling:	
Aged or Dependent Persons Dwelling	has the same meaning as is given to that term in the Residential Design Codes;
Attached House	has the same meaning as is given to that term in the Residential Design Codes but for the purpose of this Scheme does not include a dwelling on a battle-axe lot;
Dwelling	means a building or portion of a building containing at least one living room and includes rooms and outbuildings separate from such building but ancillary thereto; such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by – (a) a single person (b) a family, or (c) no more than six (6) persons who do not comprise a single family;
"Grouped Dwelling"	has the same meaning as is given to that term in the Residential Design Codes;
"Multiple Dwelling"	has the same meaning as is given to that term in the Residential Design Codes but for the purpose of the Scheme also means a dwelling unit within a building containing two or more such dwelling units, where one or more dwelling units are placed wholly or partly above another dwelling unit;
"Single House"	has the same meaning as is given to that term in the Residential Design Codes.
Dwelling Unit:	shall have the same meaning as is given to that term in the Residential Design Codes, but for the purpose of the Scheme they shall also have the same meaning as the term "Dwelling".
Educational Establishment:	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre, but does not include a reformative institution or institutional home.
Effective Frontage:	means the width of the lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows: (a) Where the site boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries; (b) Where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed; (c) Where a lot is of such irregular proportions or on such a steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.
Exhibition Centre: *AMD 45 GG 14/12/11*	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery.
Façade:	means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building.
Factory Tenement Building:	means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more

	separate industries, or in which provision is made for the carrying on of two or more separate industries.
Factory Unit:	means a portion of factory tenement building which is the subject of a separate occupancy.
Family Day Care:	means premises used to provide family day care within the meaning of the Community Services (Child Care) Regulations 1988, but does not include a Child Day Care Centre.
Fast Foods Outlet: *AMD 80 GG 19/11/19*	means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten – (a) without further preparation; and (b) primarily off the premises.
Floor Area:	has the same meaning as in the *Building Codes of Australia 1996* published by the Australian Building Codes Board.
Frontage:	when used in relation to a building that is used for – (a) residential purposes, has the same meaning as in the Residential Design Codes; and (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.
Fuel Depot:	means any land or building used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.
Funeral Parlour:	means premises used to prepare and store bodies for burial or cremation.
Garden Centre:	means land and buildings used for the growing or storage of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens or the sale of such plants and associated garden supplies.
Gazettal Date:	in relation to a Scheme, means the date on which the Scheme is published under the Gazette under section 7(3) of the Town Planning Act.
Gross Floor Area:	shall have the same meaning as Floor Area in the Building Code of Australia.
Gross Leaseable Area:	means, in relation to a building, the area of all floors capable of being occupied by a tenant for his/her 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 area.
Health Centre:	means any buildings used as a maternity or x-ray centre, a district clinic, a masseur's establishment, or a medical clinic and can include ancillary services such as pathologists, radiologists and paramedical.
Health Studio:	means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.
Height:	when used in relation to a building that is used for: (a) residential purposes, has the same meaning as in the Residential Design Codes; or (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finish roof height directly above.
Heritage Precinct:	means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual

	significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance it character.
Heritage List:	means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the *Heritage of Western Australia Act 1990* (as amended), or such parts thereof as described in the Heritage List.
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.
Home-based business(es): *AMD 32 GG 20/2/09*	means a use including "Home Office", "Home Occupation", "Home Business" and "Cottage Industry" as defined in Appendix 1 of this Scheme.
Home Business: *AMD 32 GG 20/2/09*	means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which: (a) does not employ more than 2 people not members of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 50 square metres; (d) does not involve the retail sale, display or hire of goods of any nature; (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and (f) does not involve the use of an essential service of greater capacity than normally required in the zone.
Home Occupation: *AMD 32 GG 20/2/09*	means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which: (a) does not employ any person not a member of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 20 square metres; (d) does not display a sign exceeding 0.2m2 in area; (e) does not involve the retail sale, display or hire of goods of any nature; (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
Home Office: *AMD 32 GG 20/2/09*	means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling, but which

	does not: (a) Entail clients or customers travelling to and from the dwelling; (b) Involve any advertising signs on the premises; or (c) Require any external change to the appearance of the dwelling.
Home Store: *AMD 45 GG 14/12/11*	means any shop with a net lettable area not exceeding 100m^2 attached to a dwelling and which is operated by a person resident in the dwelling.
Hospital:	means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.
Hostel:	means a public or private residential type development providing board and lodging on a temporary basis to students and staff of educational establishments and members of societies, institutes or associations and common or distinct community groups.
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.
Incidental Use:	means a use of premises which is ancillary and subordinate to the predominant use.
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; (a) the carrying out of agriculture; (b) on-site work on buildings or land; and (c) in the case of edible goods the preparation of food for retail sale from the premises.
Industry - Extractive:	means an industry which involves: (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; (b) the production of salt by the evaporation of salt water.
Industry - General:	means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.
Industry - Light:	means an industry: (a) in which the processes carried on, the machinery used,

	and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.
Industry - Noxious:	means an industry which is subject to licensing as **"**Prescribed Premises" under the *Environmental Protection Act 1986* (as amended).
Industry - 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.
Infant Health Clinic:	means premises where examination, testing, weighing and measuring infants takes place, and advice is given to parents on the health, growth and development of the child.
Kiosk:	means light, out-of-door or indoor structure used for the sale of newspapers, food, etc.
Land:	shall have the same meaning given to the term in and for the purposes of the Act.
Landscape, Landscaping or Landscaped Area:	refers to land developed with, or by planting of lawns, garden beds, shrubs and trees and includes such features as rockeries, ornamental ponds, swimming pools, barbecue areas or children's playgrounds and any other such area approved of by the Council as landscaped area.
Laundromat:	means any land or building, open to the public in which washing machines, with or without provision for drying clothes, are available for use.
Liquor Store - Large: *AMD 50 GG 11/11/16;* *AMD 74 GG 2/3/18*	means premises; (a) the subject of a liquor licence granted under the *Liquor Control Act 1988*, and (b) in which the whole of, or a portion of, the premises with a net lettable area of more than 300 square metres is used to display and sell packaged liquor for consumption off the premises.
Liquor Store - Small: *AMD 50 GG 11/11/16*	means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m^2.
Local Government:	means the City of Bayswater.
Local Planning Strategy:	means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time.
Lodging House:	shall have the same meaning as is given to that term in and for the purposes of the *Health Act 1911*, (as amended).
Lot/Allotment:	has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot.
Lunch Bar:	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas, but does not include a Fast Food Outlet.
Market:	means premises used for the display and sale of goods from stalls by independent vendors.

Manufacture:	means the making of articles or materials by human, mechanical or electronic power.
Medical Centre:	means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments for general outpatient care (including preventative care, diagnosis, medical and surgical treatment and counselling.
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.
Minerals:	has the same meaning as in the *Mining Act 1978*.
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 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.
Museum:	means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.
Net Lettable Area (nla):	means the area of all floors within the internal 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) area set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
Night Club:	means any land or buildings used for the entertainment and/or eating facilities and to which a licence under the provisions of the *Liquor Licensing Act 1988* has been granted.
Non-Conforming Use:	has the same meaning as it has in section 12(2)(a) of the Town Planning Act.
Occasional Uses:	means the use of land or buildings on an occasional basis for the purposes of recreation, entertainment or other community activity which does not prejudice the integrity of the Scheme, and includes a swap-meet market or fair, the profits of which (if any) are to be employed for charitable or community purposes.
Office:	means premises used for administration, clerical, technical, professional or other like business activities.
Open Air Display:	means the use of land for display and/or sale of goods and equipment.
Owner:	in relation to any land, includes the Crown and every person who, jointly or severally whether at law or in equity - (a) is entitled to the land for any estate in fee simple in possession; or (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or (c) is a lessor 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:	in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*.
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 Design Codes.
Precinct:	means a definable area where particular planning policies, guidelines or standards apply.
Predominant Use:	means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.
Premises:	means land or buildings.
Processing:	means the altering, producing or treating of an article or articles, but does not include the repackaging of food items purchased in bulk into smaller packages, and sale direct to the consumer.
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 Assembly - Place of:	means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, racecourse, trotting track, stadium or showground.
Public Parking Station:	means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose.
Public Utility:	means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
Public Worship - Place of:	means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.
Public Open Space - Restricted Access:	means the use of land for a public park, public gardens, foreshore reserve, playground or grounds or buildings for recreation where a charge may be levied for the use and occupation of the land and where certain members of the public may be excluded.
Radio Equipment:	means masts, aerials and other associated equipment used for the transmission and reception of radio signals for hobby or commercial purposes.
Radio & Television Installations:	means land, buildings, devices or structures used for the transmission or receiving of signals or pictures or both but does not include domestic radio and television receivers.
Reception Lodge:	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 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 public park, public gardens, foreshore

	reserve, playground or other grounds for recreation which are usually open to the public without charge.
Reserve:	means any land reserved for public purpose.
Recreation Facility:	means land and buildings designed, used or adapted for use for the purpose of public or private tennis courts, swimming pools, gymnasia or other active uses and classes for painting, cooking, drama, instruction, and other similar activities.
Residential Building:	means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation – (a) temporarily by two or more persons, or (b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.
Residential Design Codes:	means the Residential Design Codes, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time.
Restaurant:	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*.
Restricted Premises: *AMD 98 GG 12/01/24*	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of — (a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.
Retail:	means the sale or hire of, goods or services to the public.
Retirement Village:	means a development containing accommodation for aged persons together with ancillary facilities.
Salvage Yard:	means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.
Sawmill:	means any land or buildings where logs or large pieces of timber are sawn but does not include a joinery works.
Service 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.
Serviced Apartment: *AMD 45 GG 14/12/11*	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 mote or a lodging house.
Shop: *AMD 50 GG 11/11/16*	means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
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 parts and accessories, camping equipment, electrical light fittings, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, 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.
Showroom/Warehouse:	means a building or part of a building the predominant use of which is for warehousing and storage purposes but which contains a showroom intended for the display and sale of goods provided that such goods are bulky goods or commodities sold as adjuncts thereto, or goods which are sold by wholesale in large quantities per order.
Small Bar: *AMD 45 GG 14/12/11*	means premises licensed as a small bar under the Liquor Control Act and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be on the licensed premises limited to a maximum of 120.
Sign:	means a notice, message or display by means of a freestanding or fixed sign or hoarding.
Sports Ground:	means any land used for any sport; but does not include land within the curtilage of a dwelling, if not used commercially.
Squash Courts:	means a building or portion of a building wherein persons may participate in or view the game of squash and includes auxiliary facilities thereto.
Street Alignment:	means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed, means the new street alignment as prescribed.
Storage Yard:	means any land used for the storage of goods.
Storey: *AMD 60 GG 20/3/15*	means a space within a building which is situated between one floor level and the floor level above, or if there is no floor above, the ceiling or roof above, but does not include – (a) mezzanines or lofts; (b) rooftop areas; or (c) basement car parking or storage areas where the ceiling is not more than 1m above natural ground level at any point.
Structure Plan:	means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such future subdivision and development.
Substantially Commenced:	means that work or development the subject of a planning approval has been begun by the performance of some substantial part of that work or development.
Tavern:	means any premises licensed as a Tavern under the provisions of the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises.
Telecommunications Infrastructure: *AMD 45 GG 14/12/11*	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.
Town Planning Act:	means the *Town Planning and Development Act 1928.*
Trade Display:	means any land and/or buildings used for the display of trade goods and equipment for the purposes of advertisement.
Transport Depot:	means any land or buildings used for the garaging of motor

	vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
Veterinary Consulting Room:	means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.
Veterinary Hospital:	means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.
Warehouse:	means a building wherein goods are stored and may be offered for 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).
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 a reserve or special control area.
Zoological Gardens:	means any land or buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

APPENDIX 2 - SCHEDULE OF ADDITIONAL USES

No.	Description of land	Additional use	Conditions
A 1	Lot 132, No. 154 Wellington Road, Dianella AMD 18 GG 25/1/08	(1) Medical Centre (2) Office	
A 2	Lot 102, No. 207 Guildford Road, Maylands AMD 22 GG 23/2/07	Hotel	
A 3	Lot 2, No. 90 Collier Road, Embleton AMD 46 GG 16/8/13	Office	1. Building(s) to be designed to have a residential appearance.
A 4	Lot 101 (No. 505) Walter Road East, Morley AMD 94 GG 20/5/2022	Restaurant – 'D'	Nil
A 6	Lot 200 (Nos. 114-116) Walter Road West, Bedford *AMD 96 GG 5/12/23*	Convenience Store – "D" Restaurant and Shop – "A"	Nil
A 8	Lot 406 (No. 203) Salisbury Street, Bedford Strata lot 1-5 (Nos. 54-58) Walter Road West, Bedford Lot 1 (No. 60) Walter Road West, Bedford Lot 5 (No. 62) Walter Road West, Bedford Lot 6 (No. 62A) Walter Road West, Bedford Lot 7 (No. 64) Walter Road West, Bedford Lots 8-9 (No. 66) Walter Road West, Bedford Lots 10 & 66 (No. 211) Rosebery Street, Bedford Lot 501 (No. 68) Walter Road West, Bedford Lot 361 (No. 70) Walter Road West, Bedford	Convenience Store, Liquor Store – Small and Shop – "D" Fast Food Outlet – "A"	Nil

	Strata lot 1-14 (Nos. 215-217) Grand Promenade, Bedford Lot 315 (No. 78) Walter Road West, Bedford *AMD 96 GG 5/12/23*		

APPENDIX 3 - SPECIAL PURPOSE ZONES

STREET	PARTICULARS OF LAND	PERMITTED USES	DISCRETIONARY USES
Beechboro Road / Incana Place	Lot 63 Swan Loc M1 Diagram 73300	(1) Non-Retail Commercial	
Benara Road Near Garson Court	Lot 2 Swan Loc M1 Diagram 60446	(1) Medical Centre	
Benara Road	Lot 1 Diagram 60446	(1) Petrol Station	
Camboon Road / Noranda Place	Lot 1 Swan Loc. M1 Diagram 74031	(1) Aged Persons' Accommodation	
Camboon Road/ Thornber Place	Swan Loc M1 *AMD 93 GG 26/11/2021*	(1) Nursery	
Guildford Road	Lots 4, 5 & 7 Swan Loc W Diagram 2875	(1) Car Sales Yard	
Guildford Road/ Mahdi Street	Lot 27 & 28 Swan Loc. V Diagram 2212	(1) Car Sales Yard	
Guildford Road	Lot 9 Swan Loc V Diagram 84610	(1) Hire Cars	
Guildford Road	Lot 4 Plan 1588	(1) Medium Density Residential R50 (2) Office (3) Storage	
Guildford Road / Garratt Road	Lot 201 Diagram 88814	(1) Car Sales Yard	
Slade Street / Guildford Road	Lot 26 & 101 Swan Loc U Diagram 35697, Diagram 92749	(1) Tavern (2) Local Shopping	

APPENDIX 3 - SPECIAL PURPOSE ZONES (CONT'D)

STREET	PARTICULARS OF LAND	PERMITTED USES	DISCRETIONARY USES
Walter Road East / Beechboro Road North (south east corner)	Lot 2, 511, 513 Swan Loc Q1 Diagram 63188, Plan 9997	(1) Offices (2) Medical Centre	Betting Agency Educational Establishment Health Studio Hire Service (non-industrial) Infant Health Clinic Recreation Facility Restaurant Showroom / Warehouse Veterinary Consulting Rooms
NOTE: 'Discretionary Uses' Lot 25 Walter Road, corner Beechboro Road, Bayswater: In the case of an application for Council's approval for a Betting Agency, Health Studio or Restaurant, the Council shall, in dealing with such an application, cause the application to be advertised for public comment for a period of twenty one days, pursuant to the provisions of Clause 3.3.			
Guildford Road / Roberts Road	Lot 50 & 292 Diagram 53415, Plan 2683	(1) Medical Centre	
Garson Court	Lot 323 Swan Loc M1 Diagram 58387	(1) Car Park (2) Occasional Uses (3) Public Amusement (4) Public Worship (5) Sports Ground (6) Infant Health Clinic (7) Open Air Display (8) Public Assembly (9) Recreation Facility	
King William Street / Slade Street	Lot 50 and portion of Lots 13, 12, 9, 8, Pt 4	(1) Bird Sanctuary / Refuge (2) Public Recreation (3) Ablution Facilities (4) Interpretive Centre (5) Car Park	
Garratt Road	Lots 20, 28 & 29 Diagram 2212	(1) Parking of Rental Cars	

APPENDIX 3 - SPECIAL PURPOSE ZONES (CONT'D)

STREET	PARTICULARS OF LAND	PERMITTED USES	DISCRETIONARY USES
Leake Street	Lot 2 No 73-87	(1) Aged Persons Accommodation Occupancy of each dwelling unit on the property shall be restricted so that no more than one permanent occupant can be under fifty five (55) years and subject to that person being a partner of the older person.	
Guildford Road / Mahdi Street	Lot 51 Swan Loc W Plan 2085 Diagram 82180	(1) Car Sales Yard	
Collier Road / Embleton Avenue	Lot 71 Swan Loc Q1 Diagram 31770	Offices-restricted to the existing building and any additions the Council may subsequently approve.	'Child Day Care' restricted to the existing building and any additions the Council may subsequently approve.
McWhae Gardens	Lot 40 Plan 21472	(1) Residential R20	
Cnr Salisbury Street and Dennison Street	Lot 50451 Diagram 86158	(1) Aged Persons' Accommodation Occupancy of each dwelling unit on the property shall be restricted so that no more than one permanent occupant can be under fifty five (55) years and subject to that person being a partner to the older person.	
Railway Parade	Lot 72 Diagram 83262	(1) Aged Persons' Accommodation	
Rose Avenue	Lot 81 Plan 25092	(1) Hotel / Motel Units (2) Hotel In accordance with the concept plan dated May 1999 Ref 93139MP03	

APPENDIX 3 - SPECIAL PURPOSE ZONES (CONT'D)

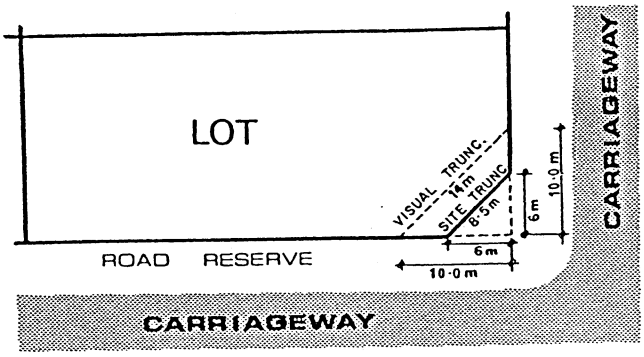
STREET	PARTICULARS OF LAND	PERMITTED USES	DISCRETIONARY USES
Walmsley Drive	Swan Location 12684	(1) Aged Persons' Accommodation	
Thirlmere Road / Ellesmere Road, Mt Lawley	Lot 803 Swan Loc Z Plan 28393	(1) Hospital	
Guildford Road / Rowlands Street Maylands	Lot 88 Perth Shire Loc Y Diagram 85170	(1) Fast Food Outlet	
Guildford Road / Caledonian Avenue Maylands	Lot 50 Perth Shire Loc X Diagram 45130	(1) Take Away / Fast Food Outlet	
Guildford Road and Central Avenue, Maylands	Lot 70 No 142 Diagram 95215	(1) Institutional Buildings (2) Residential R50	
Guildford Road Mt Lawley	Lot 573 Perth Shire Loc X Plan 2165	(1) Medium Density Residential R50 (2) Office (3) Consulting Rooms	
Benara Road, Morley Cnr of Beechboro Road *AMD 54 GG 31/7/12*	Lot 20 Swan Loc M1 Plan 6314 Lot 22 (No. 289) Benara Road, Morley on Deposited Plan 48437	(1) Hire Service (Non-Industrial) (2) Medical Centre (3) Offices (4) Showroom / Warehouse (5) Veterinary Consulting Rooms	(1) Shop (2) Lunch Bar (3) Restaurant *Conditions:* *1. The amount of GLA floorspace for the "Shop" use is not to exceed 1200m2 on this site.* *2. The amount of GLA floorspace for the "Lunch Bar" use is not to exceed 150m2 on this site.*
Guildford Road, Mount Lawley *AMD 17 GG 24/11/06*	Portion of Swan Location Y being Lot 572 on Plan 2165	Medium Density - Residential R50 Office Consulting Rooms	

APPENDIX 3 - SPECIAL PURPOSE ZONES (CONT'D)

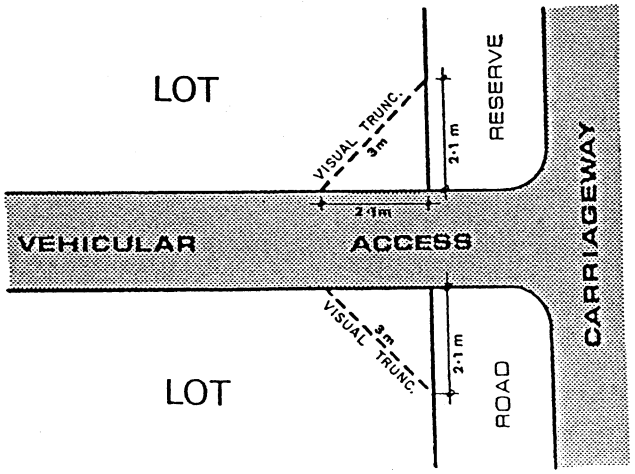
STREET	PARTICULARS OF LAND	PERMITTED USES	DISCRETIONARY USES
Railway Parade (No. 221), corner Eighth Avenue, Maylands *AMD 34 GG 24/4/08*	Lot 10 Diagram 42598	Community Purpose Office Restaurant	Shop Caretakers Dwelling
Lot 26, No, 465-469 Guildford Road, Bayswater *AMD 43 GG 25/01/11*	Lot 26 Diagram D035697 Strata Plan S033992	Shop Office	Lunch Bar Fast Food Outlet Consulting Rooms (Medical) Medical Centre Grouped Dwellings (R40) Multiple Dwellings (R40)
Lot 101, No. 497 Guildford Road, Bayswater *AMD 43 GG 25/01/11*	Lot 101 Diagram D092749 Certificate of Title 0210700145	**PLEASE NOTE:** In this Schedule, a 'Liquor Store' is not permitted and a Liquor Store shall have the same meaning as detailed within the Liquor Control Act.	**PLEASE NOTE:** In this schedule, the total amount of GLA for the 'Fast Food Outlet' use(s) is limited as follows: Lot 26 – 250m^2; and Lot 101 – 225m^2.

APPENDIX 4 – VISUAL TRUNCATIONS

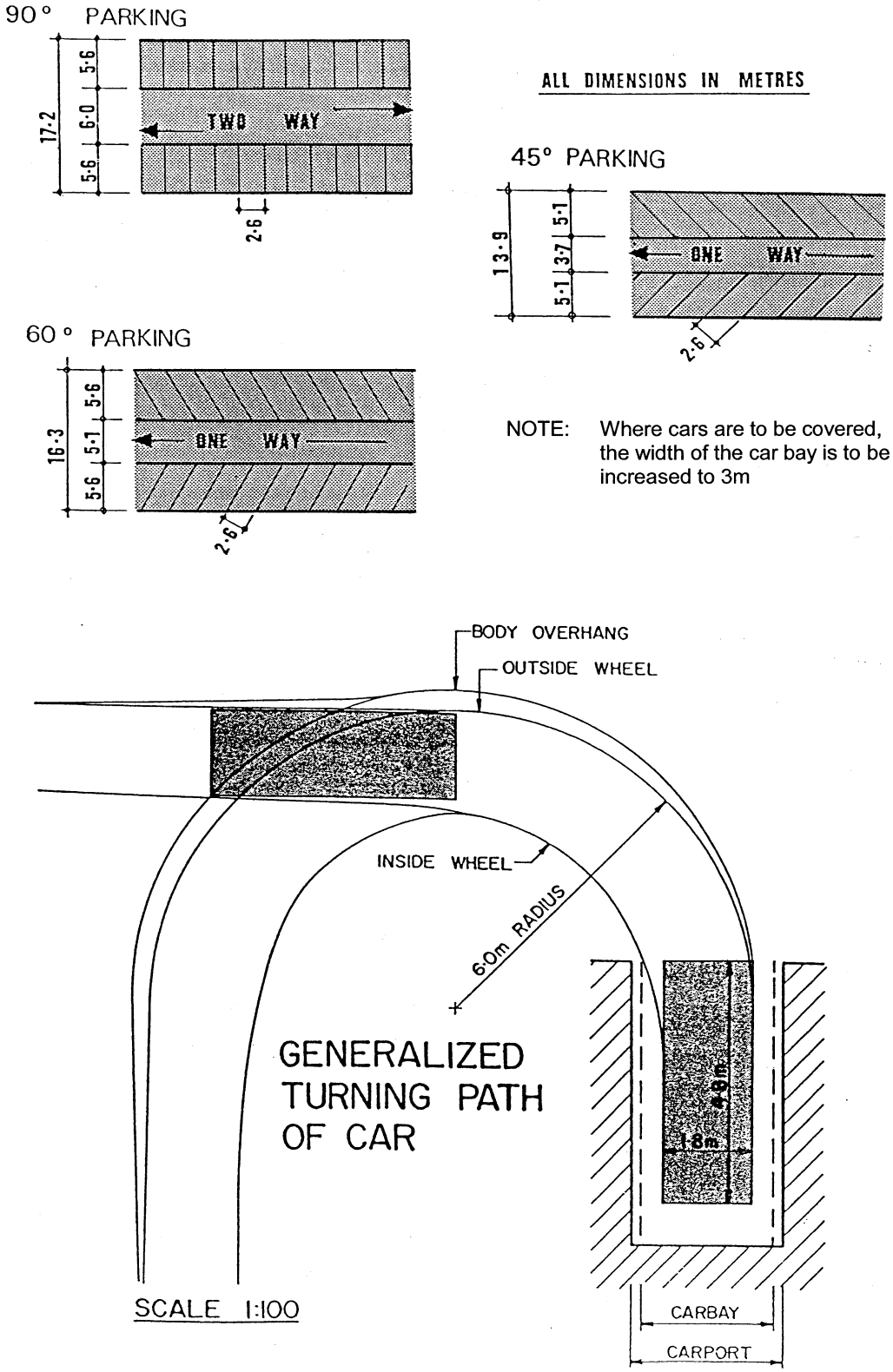
VISUAL TRUNCATION - CORNER LOTS



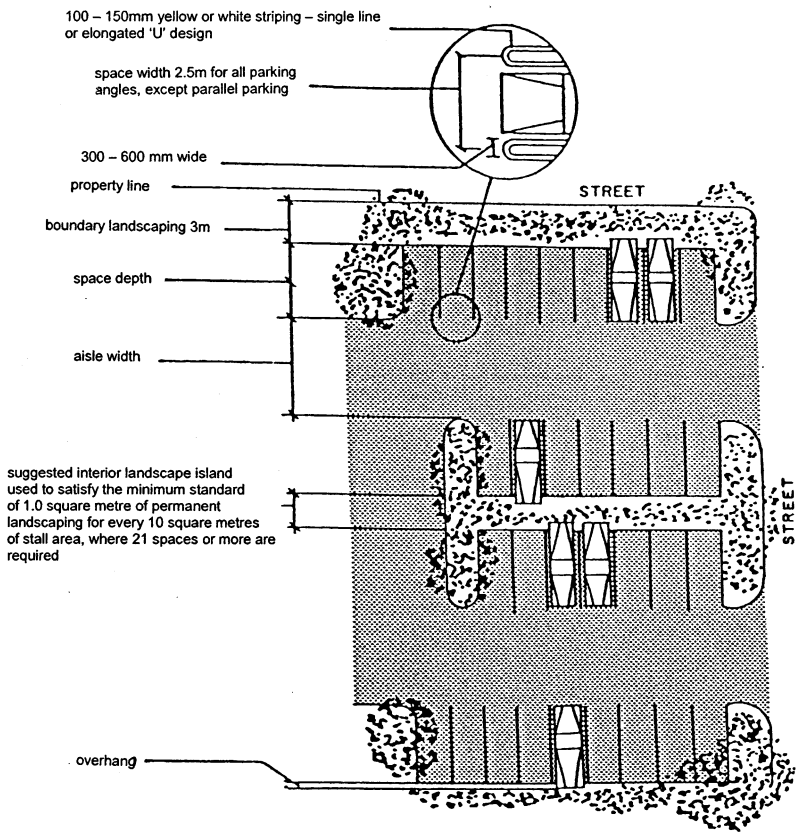
VISUAL TRUNCATION - VEHICULAR ACCESS WAY

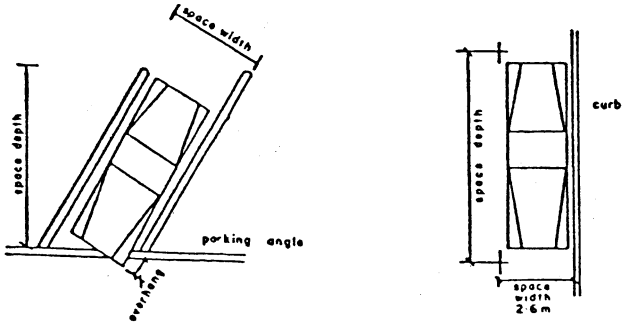


APPENDIX 5 - PARKING STANDARDS



APPENDIX 6 - PARKING FACILITY DESIGN REQUIREMENTS





Angled Parking **Parallel Parking**

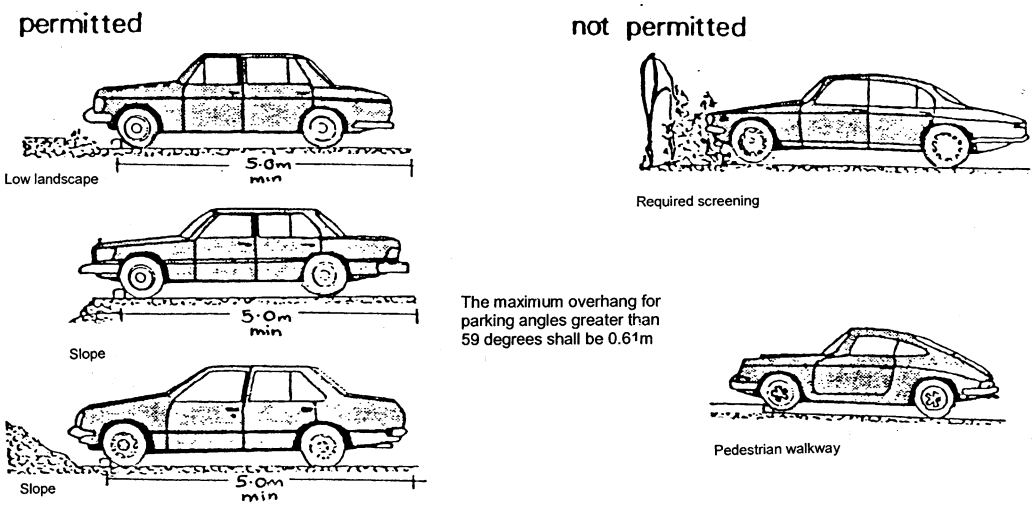
SPACE DEPTH

Minimum Depth of 5.5m if spaces are paved with at least 2.4m of no parking area between points. Otherwise, the minimum space depth shall be 7m

APPENDIX 6 (cont.)

PARKING FACILITY PROJECTION & MINIMUM DIMENSION

In measuring the depth of paving required for uncovered parking spaces, allowance may be made to accommodate vehicular projection, beyond the bumper or tyre stop, if such projection does not interfere with screening or pedestrian use. See illustration below for example of permitted paving allowances.



APPENDIX 7 - ADDITIONAL INFORMATION SHEET FOR SIGNAGE APPLICATIONS

ADDITIONAL INFORMATION SHEET

(To accompany all signage applications)

1	Description of property upon which advertisement is to be displayed, including full details of its position within that property:	
2	Details of proposed sign *(complete all details below)*	
	Type of Structure of which advertisement is to be erected *(i.e. freestanding, wall mounted, other)*	
	Height	
	Width	
	Depth	
	Colours to be used	
	Height above ground level to top of advertisement	
	Height above ground level to underside	
	Materials	
	Illumination *(If illuminated, state whether steady, moving, flashing, alternating, digital, animated, scintillating and state intensity of light source)*	
3	Period of time for which advertisement is required:	
4	Details of signs (if any) to be removed if this application is approved:	
Note:	***This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.***	
Signature of applicant:		Date:
Signature of landowner: (if not applicant)		

APPENDIX 8 - EXEMPTED ADVERTISEMENTS

AMD 38 GG 17/7/09

Exempt Advertisement Type	Zone or Type of Development / Use	Conditions of Exemption
Dwellings	One professional name-plate as appropriate.	0.2m^2
Home Office Home Occupation Home Business Cottage Industry	One advertisement describing the nature of the home-based business.	0.2m^2
Places of Public Worship, Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m^2
Cinemas and Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertising sign not to exceed 5m^2
Railway Property and Reserves	Advertisements exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m^2 in area.
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or Council of a municipality excluding those of a promotional nature constructed on behalf of any such body; and b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car-park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a municipality; and c) Advertisement signs (illuminated and non-illuminated required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute, provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable Not Applicable Not Applicable

Exempt Advertisement Type	Zone or Type of Development / Use	Conditions of Exemption
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot be ordinarily seen by a person outside those buildings.	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m^2
Temporary Signs	**Exempted Sign Type and Number (All non-illuminated unless otherwise stated)**	**Maximum Area of Exempted Sign**
Building construction sites (advertisement signs displayed only for the duration of the construction) as follows: a) Dwellings	One advertisement per street frontage for each lot containing details of the project and the contractors undertaking the construction work.	2m^2
b) Multiple Dwellings, Shops, Commercial and Industrial Projects	One sign as for (a) above	5m^2
c) Large development or redevelopment projects involving shopping centres, office or other buildings exceeding 3-storeys in height.	One sign as for (a) above	10m^2
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 1 month advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m^2
Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		

Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
a) Dwellings	One sign per street frontage for each property relating to the sale, leading or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of $2m^2$
b) Multiple Dwellings, Shops, Commercial and Industrial Properties	One sign as for (a) above	Each sign shall not exceed an area of $5m^2$
c) Large properties comprised of shopping centres and buildings in excess of four storeys in height.	One sign as for (a) above	Each sign shall not exceed an area of $10m^2$
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.	1) One sign for each dwelling on display. 2) In addition to (1) above, one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	$2m^2$ $5m^2$

APPENDIX 9 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Town Planning Act 1928
City of Bayswater

Determination on application for planning approval

Location:	
Lot:	Plan / Diagram:
Vol No:	Folio No:
Application Date:	Received on:
Description of proposed development:	
The application for planning approval is: ☐ Granted subject to the following conditions ☐ Refused for the following reasons	
Conditions / reasons for refusal:	
Note 1	If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
Note 2	Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
Note 3	If an applicant is aggrieved by this determination there is a right of appeal under Part V of the Town Planning Act 1928. An appeal must be lodged within 60 days of the determination.
Signed:	Dated:
For and on behalf of the City of Bayswater	

APPENDIX 10 - SPECIAL CONTROL AREAS

AMD 15 GG 6/10/06; AMD 45 GG 14/12/11

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th>PROVISIONS</th></tr>
<tr><td>SCA 1</td><td>SPECIAL CONTROL AREA 1 - Main Street, Maylands Activity Centre Zone.
AMD 45 GG 14/12/11</td><td>Main Street, Maylands Activity Centre Zone.</td><td>
Character Statement

The Main Street Precinct is a pedestrian-scaled, vibrant, mixed use area. The precinct provides a variety of ‘fine grained’ commercial and retail uses on the ground floor to service the local community and visitors. Residential and office land uses are provided on upper levels of buildings. The scale of buildings in the Main Street Precinct will ensure that building bulk does not dominate the streetscape. The Precinct provides the opportunity to live, work and socialise in an exciting, inner-city style place.

Objectives

• Facilitate high quality development that complements the character and heritage of the precinct.
• Provide for active street frontages.
• Encourage residential land uses as a vital component of the Main Street Precinct, whilst protecting ground floor active uses from being displaced by residential land uses.
• Encourage pedestrians and public transport use.
• The demolition of heritage-listed and character buildings should be avoided wherever possible.

<table>
<tr><td>Massing
Minimum height
Maximum height</td><td>Height
• A minimum height of 2 storeys is required.
• A maximum height of 6 storeys is permitted to an overall height of 25 metres above natural ground level.
• Height in storeys is determined from the ground floor at the primary street frontage.
• A mezzanine floor is not considered to be a separate storey.</td></tr>
</table>
</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS	
				• Any basement level car park is not included in overall building height provided that the car park is wholly below ground level at the street frontage(s).
			Street Facades	• The street facades of buildings are to have a maximum height of 2 storeys, with additional storeys further setback from the street (see setbacks below). • Buildings situated on the corner of 2 gazetted streets may exceed the maximum street façade height by an additional storey by providing an architectural design element designed to reinforce the street corner to a maximum height of 15 metres above natural ground level. The architectural design element is to only extend 5 metres from the corner of the building. • Ground floor levels for retail and commercial tenancies fronting a primary or secondary street shall be no more than 500mm above the existing footpath level and are not to be below the existing footpath level.
			Street setbacks	**Setbacks** • Building facades are required to have a nil street setback for the first 2 storeys addressing Seventh Avenue, Eighth Avenue, Ninth Avenue, Whatley Crescent and/ or Guildford Road. Minor recesses of up to 1.5 metres from the front boundary to a maximum 3 metres in length are permitted to achieve architectural articulation at the street edge. • A minimum 1 metre setback is required to a laneway to a maximum of 2 storeys. A reduced setback may be permitted where the laneway width is a minimum of 6 metres. • Street and/or laneway setbacks may be varied if high quality public spaces are provided between the street and building façade on the subject site.

	AREA	SITE PARTICULARS	PROVISIONS	
				• Any level above 2 storeys is required to be set back a minimum of 5 metres from a street boundary to the building line and 3 metres from a laneway boundary to the building line. • Any level above 4 storeys shall be set back a minimum of 1.5 metres from the building line of the 4th storey. • A nil setback is permitted to the side boundary of any abutting developable property for a maximum of 4 storeys. Any level above 4 storeys is required to be set back a minimum of 5 metres from the side boundary of any abutting developable property to the building line of the upper storey. • A nil setback is permitted to the rear boundary of any abutting developable property for a maximum of 2 storeys. Any level above 2 storeys is required to be set back a minimum of 5 metres from the building line of the 2nd storey as measured to the building line of the upper storey.
			Land Use	• Land use permissibility shall be in accordance with Table 3. • Residential land uses are not permitted on the ground floor fronting the primary or secondary street, but may be permitted to address a laneway frontage where they are designed to be adapted to accommodate commercial uses in the future in the opinion of the City. • Land uses are required to be configured to promote land use compatibility and reduce the potential for land use related conflict.
			Character	• Building facades facing a street are required to be built predominantly in the traditional parapet style for the first 2 storeys to reflect the general character of the Main Street Precinct.

	AREA	SITE PARTICULARS	PROVISIONS	
				• Any 2nd storey wall or balcony fronting a street is to complement and be sympathetic to existing shop parapets along the street frontage. • Building frontages and façades greater than 10 metres in length as they present to streets or laneways are to be articulated, coloured and detailed to present as individual facades to the satisfaction of the City. The individual facade length may be increased where it can be demonstrated that the increased façade length is— (a) Built on a single existing lot with a frontage of 20 metres or less; or (b) Sufficiently articulated, coloured or detailed in the opinion of the City; or (c) Sufficient justification has been provided to the satisfaction of the City. • Where face brick is proposed as the material of wall construction, bricks are not to be of a limestone colour unless used for minor architectural detailing. • Footpaths along adjacent primary or secondary streets are to be sheltered by awnings. The awnings are to— (a) Be continuous structures over footpaths. (b) Project to within 0.6 metres of the road kerb and have a consistent width (subject to the below conditions). (c) Not be built over existing or possible street parking bays and are to accommodate the unimpeded growth of any street tree. (d) Be cantilevered or suspended. Post or column supports are not permitted. (e) Have a clearance of at least 2.75 metres above footpath level.

	AREA	SITE PARTICULARS	PROVISIONS	
				(f) Provide continuous cover at abutting buildings. Where one awning abuts another, the connection is to be treated so as to prevent the penetration of rain. (g) Preferably be lightly framed with fine design lines. The maximum height of any fascia to an awning shall be 300mm, with signage prohibited on top of the fascia. The City may vary these requirements as necessary to accommodate specific site circumstances. • A minimum of 60% of the wall area facing a street at the ground floor level is to be devoted to permeable glazing and/or bi-fold doors. • The use of reflective or obscure glazing is not permitted on ground floor street frontages. • Exterior shading devices are to be used where it is necessary to protect windows from direct sunlight. These devices are to be consistent. • An architectural design element is required to reinforce any adjacent street corner. • Existing heritage conservation plans shall be considered in any new development.
			Car Parking and Access	• Where the property abuts a laneway, vehicle access to the property is to be from the laneway and not the street frontage (where practical). • Where the property abuts a secondary street but not a laneway, vehicle access to the property is to be from the secondary street and not the primary street frontage (where practical).
			Private Space	• A terrace, balcony or courtyard is to be provided at a minimum of 12m² for each residential dwelling and be connected to an internal living space.

	AREA	SITE PARTICULARS	PROVISIONS	
				• 10% of the net lettable area (NLA) of commercial tenancies located on upper levels (excluding the ground level) is to be provided as private open space. The private open space is to be connected to the commercial tenancy. • The minimum dimension (width and length) for a terrace, balcony or courtyard is 2.5 metres. • Adequate private or communal external clothes drying areas concealed from public view are to be provided to meet the needs of the residents of the development. • An enclosed, lockable storage area accessible from outside the dwelling shall be provided for each residential dwelling with a minimum dimension of 1.5 metres and an internal area of at least 4m². • Rooftop gardens are strongly encouraged where the privacy of adjoining lots is adequately protected.
			Solar Access	• The design and development of new buildings within the Maylands Activity Centre Zone should – (a) Minimise overshadowing in the middle of the day on public open space, major pedestrian streets, and adjacent properties especially in the cooler months. (b) Minimise potential overshadowing of residential dwellings (both within the development itself and to neighbouring buildings). • Developments within the Maylands Activity Centre Zone that potentially overshadow any development outside the Maylands Activity Centre Zone are to be assessed in accordance with the solar access requirements at the R40 zoning as contained in the Residential Design Codes.

	AREA	SITE PARTICULARS	PROVISIONS	
			Privacy	• Whilst acknowledging that total protection from overlooking is unlikely in an inner city context, developments should be designed to optimise visual privacy for all dwellings and private spaces within the Maylands Activity Centre Zone. • Developments within the Maylands Activity Centre Zone that potentially overlook any development outside the Maylands Activity Centre Zone are to be assessed in accordance with the visual privacy provisions of the Residential Design Codes. * *Note—for the purposes of assessing privacy provisions for commercial space(s) in accordance with the Residential Design Codes, non-habitable spaces shall be defined in accordance with the relevant definition in the Residential Design Codes, whilst all other areas (such as offices) shall be considered as 'habitable' spaces and assessed accordingly.*
			Other	• Where mixed-use development is proposed, the pedestrian street entrance to the residential component of the building is to be visually distinct from ground floor business uses. • Letterboxes are to be designed to minimise the visual impact on streetscape.
SCA 2	**SPECIAL CONTROL AREA 2 - Guildford Road, Maylands Activity Centre Zone.** *AMD 45 GG 14/12/11, AMD 91 22/3/24*	Guildford Road, Maylands Activity Centre Zone.	**Character statement** The Guildford Road Precinct provides for large format retail uses along with local services, offices and residential in a mixed-use format. The Guildford Road Precinct will be characterised by larger scaled buildings built on landmark development sites. Large format land uses such as supermarkets will be sleeved with 'fine-grained' commercial land uses to provide for active ground level facades.	

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th colspan="2">PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td colspan="2">Objectives

• Encourage medium to large scale development characterised by a mix of high quality commercial and residential uses.
• Promote the retention of existing large format retail uses such as supermarkets in a compatible mixed use format.
• Encourage active land uses at the street level.
• Provide convenient and visible vehicle access, whilst reducing the visual dominance of car parking on the streetscape.
• Establish a sense of arrival to the Maylands Activity Centre through the development of landmark buildings on strategic development sites.

Development Standards – Guildford Road Precinct</td></tr>
<tr><td></td><td></td><td></td><td>Massing
Minimum height
Maximum height

Street Façade

Guildford Road setback</td><td>Height
• A minimum height of 2 storeys is required.
• A maximum height of 8 storeys is permitted to an overall height of 32 metres above natural ground level.
• Height in storeys is determined from the ground floor at the primary street frontage.
• A mezzanine floor is not considered to be a separate storey.
• Any basement level car park is not included in overall building height provided that the car park is wholly below ground level at the street frontage(s) .
Setbacks
• Building facades are required have a nil street setback for the first 2 storeys to a minimum of 50% of the Guildford Road frontage. The remainder of the ground level façade may be set back further to accommodate parking at ground level, a pedestrian plaza or forecourt. Any 3rd or 4th storey may also have a nil setback to Guildford Road if desired.</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS	
			Secondary street setbacks	• A 3 metre build to line (minimum and maximum setback) is required on street frontages other than Guildford Road to a maximum height of 2 storeys. A nil setback to the secondary street may be considered for the portion of a development addressing a street corner. • Any level above 4 storeys at the primary or secondary street shall be set back at least 5 metres from the street façade. • Where a nil setback is required, minor recesses of up to 1.5m from the street boundary to a maximum 3 metres in length are permitted to achieve.
			Variations to street setbacks	• architectural articulation at the street edge. Where active uses such as alfresco dining are proposed, increased setbacks may be considered to create recesses in the building façade in order to accommodate active uses. • A nil setback is permitted to a side boundary for a maximum of 2 storeys.
			Side Setbacks	• A nil setback is permitted to a side boundary for a maximum of 2 storeys, except where that boundary abuts a lot outside of SCA2. • The side setback of any level up to 2 storeys and abutting a lot outside of SCA2 is to be a minimum of 5 metres. • The side setback of any level above 2 storeys is to be a minimum of 5 metres from the boundary line, except where abutting a lot in SCA4, in which case the rear setback provisions apply. • The side setback of any level above 4 storeys shall be setback at least 5 metres from the building line of the 4th storey, except where abutting a lot in SCA4, in which case the rear setback provisions apply.

	AREA	SITE PARTICULARS	PROVISIONS	
			Rear Setbacks	• The rear setback of any level above 2 storeys is to be a minimum of 10 metres from the rear boundary line.
			Land Use	• Land use permissibility shall be in accordance with Table 3. • Where commercial or business related land uses are proposed, such land uses shall be provided on the ground level at the street frontage. Should additional commercial or business related land uses be required in addition to the maximum that can be accommodated on the ground floor, additional commercial uses may be provided on upper levels. • Land uses are required to be configured to promote land use compatibility and reduce the potential for land use related conflict.
			Character	• A variety of roof forms is encouraged within the Guildford Road Precinct, where pitched, parapet and skillion roof forms may be utilised. • Building frontages and facades greater than 40 metres in length as they present to streets or laneways shall be articulated, coloured and detailed to present as individual facades to the satisfaction of the City. • Footpaths along Guildford Road are to be sheltered by awnings. The awnings shall— (a) Be continuous structures over footpaths. (b) Project to within 0.6 metres of the road kerb and shall have a consistent width (subject to liaison with Main Roads WA and the below conditions). (c) Not be built over existing or possible street

	AREA	SITE PARTICULARS	PROVISIONS	
				parking bays and allowances are to be made to accommodate the unimpeded growth of any street tree. (d) Be cantilevered or suspended. Post or column supports are not permitted. (e) Have a clearance of at least 2.75 metres above footpath level. (f) Provide continuous cover at abutting buildings. Where one awning abuts another, the connection is to be treated so as to prevent the penetration of rain. (g) Preferably be lightly framed with fine design lines. The maximum height of any fascia to an awning shall be 300mm, with signage prohibited on top of the fascia. The City may vary these requirements as necessary to accommodate specific site circumstances. • The use of reflective or obscure glazing is not permitted along ground floor street frontages. • An architectural design element is required to reinforce any adjacent street corner. • Existing heritage conservation plans shall be considered in any new development.
			Car Parking and Access	• Where available, access to car parking shall be provided from the secondary street frontage. • Access via Guildford Road may only be considered where appropriate justification can be provided to the satisfaction of the City and Main Roads of Western Australia.
			Private Space	• A terrace, balcony or courtyard is to be provided at a minimum of 12m² for each residential dwelling and be connected to an internal living space such

	AREA	SITE PARTICULARS	PROVISIONS	
				as a lounge room or dining room. • 10% of the net lettable area (NLA) of commercial tenancies located on upper levels (excluding the ground level) is to be provided as private open space. The private open space is to be connected to the commercial tenancy. • The minimum dimension (width and length) for a balcony, private open space or courtyard is 2.5 metres. • Adequate private or communal external clothes drying areas concealed from public view shall be provided to meet the needs of the residents of the development. • An enclosed, lockable storage area accessible from outside the dwelling shall be provided for each residential dwelling with a minimum dimension of 1.5 metres and an internal area of at least 4m². • Rooftop gardens are strongly encouraged where the privacy of adjoining lots is adequately protected.
			Solar Access	• The design and development of new buildings should – (a) Minimise overshadowing in the middle of the day on public open space, major pedestrian streets, and adjacent properties especially in the cooler months. (b) Minimise potential overshadowing of residential dwellings (both within the development itself and to neighbouring buildings). • Developments within the Maylands Activity Centre Zone that potentially overshadow any development

	AREA	SITE PARTICULARS	PROVISIONS	
				outside the Maylands Activity Centre Zone are to be assessed in accordance with the solar access requirements at the R40 zoning as contained in the Residential Design Codes.
			Privacy	• Whilst acknowledging that total protection from overlooking is unlikely in an inner city context, developments should be designed to optimise visual privacy for all dwellings and private spaces within the Maylands Activity Centre Zone. • Developments within the Maylands Activity Centre Zone that potentially overlook any development outside the Maylands Activity Centre Zone are to be assessed in accordance with the visual privacy provisions of the Residential Design Codes. * *Note—for the purposes of assessing privacy provisions for commercial space(s) in accordance with the Residential Design Codes, non-habitable spaces shall be defined in accordance with the relevant definition in the Residential Design Codes, whilst all other areas (such as offices) shall be considered as 'habitable' spaces and assessed accordingly.*
			Other	• Where mixed-use development is proposed, the pedestrian street entrance to the residential component of the building is to be visually distinct from ground floor business uses. • Letterboxes are to be designed to minimise the visual impact on streetscape.
SCA 3	**SPECIAL CONTROL AREA 3 - Town Centre Extension, Maylands Activity Centre Zone.** *AMD 45 GG 14/12/11*	Town Centre Extension, Maylands Activity Centre Zone.	**Character statement** The Town Centre Extension Precinct is intended to provide for the incremental growth of the activity centre over time. The Precinct is anticipated	

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th>PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td>
to change over time from a predominately residential area to a mixed use, ‘main street style’ place. The urban design provisions reinforce the urban character of the adjacent Main Street Precinct and will facilitate a mix of appropriate land uses including residential, retail, service and office uses.

Objectives

• Accommodate residential uses whilst providing the opportunity for the incremental extension of the Main Street Precinct over time.
• Facilitate high quality development that complements the character and heritage of the precinct.
• Facilitate development similar to the Main Street Precinct.
• Encourage pedestrians and public transport use.
• Encourage the establishment of home-based businesses and consultancy services adjacent to the Main Street Precinct.

The demolition of heritage-listed and character buildings should be avoided wherever possible.
Development Standards – Town Centre Extension Precinct.
Massing
Minimum height
Maximum height
Height
• A minimum height of 2 storeys is required.
• A maximum height of 5 storeys is permitted to an overall height of 20 metres above natural ground level.
• Height in storeys is determined from the ground floor at the primary street frontage.
• A mezzanine floor is not considered to be a separate storey.
• Any basement level car park is not included in overall building height provided that the car park is wholly below ground level at the street frontage(s).
• The street facades of buildings shall have a maximum height of three storeys, with additional storeys further setback from the street (see setbacks below)
• Buildings situated on the corner of 2 gazetted streets may exceed the maximum street façade
</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS	
				height by an additional storey by providing an architectural design element designed to reinforce the street corner to a maximum height of 15 metres above natural ground level. The architectural design element shall only extend 5 metres from the corner of the building. • Ground floor levels for commercial tenancies fronting a primary or secondary street shall be no more than 500mm above the footpath level and are not to be below the abutting footpath level.
			Street setbacks	**Setbacks** • Buildings facing Railway Parade or Whatley Crescent shall have a nil setback for the first 2 storeys. • Buildings facing other streets are required to have a maximum setback of 3 metres for the first 2 storeys. • Any level above 3 storeys at the primary or secondary street shall be set back at least 5 metres from the street façade.
			Laneway setbacks	• A 1 metre minimum setback is required to a laneway. A reduced setback may be permitted where the laneway width is a minimum of 6 metres. • Any level above 2 storeys is required to be setback a minimum of 3 metres from a laneway to the building line. • A nil setback is permitted to a side boundary for a maximum of 2 storeys.
			Side Setbacks	• The side setback of any level above 2 storeys facing an adjoining developable lot shall be a minimum of 5 metres setback from the second storey building line as measured to the building line of the 3rd storey.

	AREA	SITE PARTICULARS	PROVISIONS	
			5th storey setback	• Any 5th storey shall be set back a minimum of 1.5 metres from the minimum setback of the floors immediately below to accommodate a terrace or balcony.
			Rear setback	• The rear setback of any level up to 2 storeys is to be a minimum of 5 metres from the rear boundary line. • The rear setback of any level above 2 storeys is to be a minimum of 10 metres from the rear boundary line (not including a laneway boundary).
			Land Use	• Land use permissibility shall be in accordance with Table 3. • Residential land uses should generally be provided above ground level. • Where residential uses are provided on ground level, the design of the ground floor shall not preclude the development of future office, commercial and/or retail uses. • Land uses are required to be configured to promote land use • Compatibility and reduce the potential for land use related conflict.
			Character	• A variety of roof forms is encouraged within the Town Centre Precinct, where pitched, parapet and skillion roof forms may be utilised. • Building frontages and façades greater than 20 metres in length as they present to streets or laneways shall be articulated, coloured and detailed to present as individual facades to the

	AREA	SITE PARTICULARS	PROVISIONS
			satisfaction of the City. The individual facade length may be increased where it can be demonstrated that the increased façade length is— (a) sufficiently articulated, coloured or detailed in the opinion of the City; or (b) Sufficient justification has been provided to the satisfaction of the City. • Where face brick is proposed as the material of wall construction, bricks shall not be of a limestone colour unless used for minor architectural detailing. • Footpaths along Railway Parade are to be sheltered by awnings. The awnings shall— (a) Be continuous structures over footpaths. (b) Project to within 0.5 metres of the road kerb and shall have a consistent width (subject to the below conditions). (c) Not be built over existing or possible street parking bays and allowances are to be made to accommodate the unimpeded growth of any street tree. (d) Be cantilevered or suspended. Post or column supports are not permitted. (e) Have a clearance of at least 2.75 metres above footpath level. (f) Provide continuous cover at abutting buildings. Where one awning abuts another, the connection is to be treated so as to prevent the penetration of rain. (g) Preferably be lightly framed with fine design lines. The maximum height of any fascia to an awning shall be 300mm, with signage prohibited on top of the fascia. The City may vary these requirements as necessary to accommodate specific site circumstances.

	AREA	SITE PARTICULARS	PROVISIONS	
				• The use of reflective or obscure glazing is not permitted along ground floor street frontages. • Exterior shading devices are to be used where it is necessary to protect windows from direct sunlight. These devices are to be consistent. • An architectural design element is required to reinforce any adjacent street corner. • Existing heritage conservation plans shall be considered in any new development.
			Car Parking and Access	• Where the property abuts a laneway, vehicle access to the property and access to car parking is to be from the laneway and not the street frontage (where practical). • Where the property abuts a secondary street but not a laneway, vehicle access to the property and access to car parking is to be from the secondary street and not the primary street frontage (where practical).
			Private Space	• A terrace, balcony or courtyard is to be provided at a minimum of 12m² for each residential dwelling and be connected to an internal living space such as a lounge room or dining room. • 10% of the net lettable area (NLA) of commercial tenancies located on upper levels (excluding the ground level) is to be provided as private open space. The private open space is to be connected to the commercial tenancy. • The minimum dimension (width and length) for a balcony, private open space or courtyard is 2.5 metres. • Adequate private or communal external clothes drying areas concealed from public view shall be provided to meet the needs of the residents of the development.

	AREA	SITE PARTICULARS	PROVISIONS	
				• An enclosed, lockable storage area accessible from outside the dwelling shall be provided for each residential dwelling with a minimum dimension of 1.5 metres and an internal area of at least 4m².
			Solar Access	• The design and development of new buildings should – (a) Minimise overshadowing in the middle of the day on public open space, major pedestrian streets, and adjacent properties especially in the cooler months. (b) Minimise potential overshadowing of residential dwellings (both within the development itself and to neighbouring buildings). • Developments within the Maylands Activity Centre Zone that potentially overshadow any development outside the Maylands Activity Centre Zone are to be assessed in accordance with the solar access requirements at the R40 zoning as contained in the Residential Design Codes.
			Privacy	• Whilst acknowledging that total protection from overlooking is unlikely in an inner city context, developments should be designed to optimise visual privacy for all dwellings and private spaces within the Maylands Activity Centre Zone. • Developments within the Maylands Activity Centre Zone that potentially overlook any development outside the Maylands Activity Centre Zone are to be assessed in accordance with the visual privacy provisions of the Residential Design Codes. * *Note—for the purposes of assessing privacy*

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th colspan="2">PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td></td><td>provisions for commercial space(s) in accordance with the Residential Design Codes, non-habitable spaces shall be defined in accordance with the relevant definition in the Residential Design Codes, whilst all other areas (such as offices) shall be considered as 'habitable' spaces and assessed accordingly.</td></tr>
<tr><td></td><td></td><td></td><td>Other</td><td>• Where mixed-use development is proposed, the pedestrian street entrance to the residential component of the building is to be visually distinct from ground floor business uses.
• Letterboxes are to be designed to minimise the visual impact on streetscape.</td></tr>
<tr><td>SCA 4</td><td>SPECIAL CONTROL AREA 4 - Character Residential, Maylands Activity Centre Zone.</td><td>Character Residential, Maylands Activity Centre Zone.</td><td colspan="2">Character statement
Development within the Character Residential Precinct will principally be residential in nature. The precinct has an eclectic mix of building styles including Federation, Queen Anne, California bungalows and workers cottages. The traditional building forms are typified by pitched roof forms, dominant front verandahs and vertical emphasis to windows and openings. New developments should enhance the identity and character of the Precinct. The precinct provisions will provide opportunities to live in close proximity to the Main Street Precinct in a low-rise residential form. Whilst influenced by traditional styles and local character, the Precinct is bordered by more intensive urban precincts and so the amenity of the area will be different to that found in suburban residential areas.

Objectives

• Retain and enhance the identity and character of the Precinct.
• Ensure that new development complements the character of the Precinct.
• Provide opportunities to live in close proximity to the Main Street Precinct in a low-rise residential form.
• Provide for appropriate residential development opportunities.</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS	
			Demolition of heritage-listed and character buildings should be avoided wherever possible. **Development Standards – Character Residential Precinct**	
			Housing Density	• Housing density in accordance with the provisions of the R-60 zoning contained in the Residential Design Codes.

			Massing
			Height
				Height
				• Development is permitted to a be a total height of 3 storeys as follows –
				  • Top of external wall (roof above)—9 metres;
				  • Top of external wall (concealed roof)—10 metres; and
				  • Top of pitched roof—12 metres.
				• Buildings situated on the corner of 2 gazetted streets may exceed the maximum street façade height by an additional storey by providing an architectural design element designed to reinforce the street corner to a maximum height of 15 metres above natural ground level. The architectural design element shall only extend 5 metres from the corner of the building.
				• Where a roof pitch of greater than 25 degrees results in the need to exceed the total allowable height of 12 metres to the top of the pitched roof, additional height may be permitted where the additional height does not unduly impact on the streetscape or adjoining properties, but the total allowable wall height may not be exceeded.
				• A mezzanine level and/or loft is not classed as a separate storey if it is contained within the structure, is connected to the dwelling on the floor below and does not cause the total height limit to be exceeded.
				• Height in storeys is determined from the ground floor at the primary street frontage.

	AREA	SITE PARTICULARS	PROVISIONS	
			Street setbacks	**Setbacks** • Development shall be setback a minimum of 2 metres and an average of 4 metres from a primary street. • Setbacks to a secondary street, communal street or right of way shall be in accordance with the Residential Design Codes and/or Council policy.
			Side and rear setbacks	• Side and rear lot boundary setbacks shall be in accordance with the Residential Design Codes. • Notwithstanding the above, development above 2 storeys (including lofts) shall be set back at least 10 metres from front and rear lot boundaries to reduce the impact of building height upon streetscapes and backyards/courtyards.
			Garage setbacks	• Garages shall be setback behind the main building frontage to ensure that the garage is not the dominant architectural form. The width of a garage door fronting a primary or secondary street shall not exceed 30% of the street frontage.
			Carport setbacks	• Carports are permitted in the front setback area where they do not detract from the character and amenity of the development or streetscape.
			Land Use	• Land use permissibility is to be in accordance with Table No. 3.
			Character	**Character** • Building facades shall be articulated, coloured and detailed to contribute positively to the character of the local streetscape. • Development should be orientated towards the

	AREA	SITE PARTICULARS	PROVISIONS	
				street with the front door, verandah and some window openings visible from the street. • Pitched roof forms are required in the precinct. • A verandah with a minimum depth of 2.5 metres shall be provided to a minimum of 60% of the main building's primary and secondary street frontages to reflect a traditional dwelling style. • Vertical emphasis shall be provided for all windows that face a street or laneway. • Window awnings shall be provided above all windows on the front façade of the development. • Modern materials are permitted providing their proportions, textures, details and colours are sympathetic with the local streetscape. • Traditional features such as eaves, chimneys and gabled or hipped roofs are strongly encouraged. • Coloured banding shall be provided in a traditional style to articulate multi-storey development. • Where face brick is proposed as a material for wall construction, bricks shall be of a red shade unless used for minor architectural detailing. • Non-residential developments (such as Places of Public Worship) are to respect and complement the character and amenity of the area.
			Design	**Site Cover** • The maximum site cover/minimum open space provisions of the R-Codes may be varied or waived, where appropriate justification is provided to the satisfaction of City. **Design for Climate** • The Design for Climate provisions of the Residential Design Codes are applicable at the R40 zoning standards.

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th colspan="2">PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td></td><td>Privacy
• The privacy provisions of the Residential Design Codes are applicable.</td></tr>
<tr><td></td><td></td><td></td><td>Private Space</td><td>• A terrace, balcony or courtyard is to be provided at a minimum of 20m² or 10 % of the net lettable area of the development, whichever is the greater, that is connected to an internal living space such as a lounge room or dining room.
• The minimum dimension (width and length) for a terrace, balcony or courtyard is 4 metres.
• Adequate private or communal external clothes drying areas concealed from public view shall be provided to meet the needs of the residents of the development.
• An enclosed, lockable storage area accessible from outside the dwelling shall be provided for each residential dwelling with a minimum dimension of 1.5 metres and an internal area of at least 4m².</td></tr>
<tr><td></td><td></td><td></td><td>Car Parking and Access</td><td>• A minimum of 1 car bay is to be provided per dwelling.
• Where available, access to car parking is to be from a laneway or secondary street rather than the Primary street.</td></tr>
<tr><td></td><td></td><td></td><td>Other</td><td>• Letterboxes for grouped and multiple dwellings are to be designed to minimise the visual impact on the streetscape.</td></tr>
<tr><td>SCA 5</td><td>SPECIAL CONTROL AREA 5 - Ross's Site Redevelopment, Maylands Activity Centre Zone.</td><td>Ross's Site Redevelopment, Maylands Activity Centre Zone.</td><td colspan="2">Character Statement

The Ross's Site Redevelopment Precinct offers a landmark redevelopment opportunity that will be predominately residential in nature with some retail, commercial and office uses. Any commercial or retail land uses should be located on the ground floor of street corners and along Railway Parade. The design and positioning of the building bulk and scale should ensure that local streets and adjoining residential developments are not unduly affected.</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS

Objectives

- Enable the redevelopment of large contiguous land parcels for a landmark, high quality residential development.
- Facilitate appropriate commercial uses on street corners and along Railway Parade.
- Ensure that building height and bulk is setback from local streets and adjoining residential lots.
- Increase the residential population of the Maylands Activity Centre.

Development Standards – Ross's Site Redevelopment Precinct	
Massing *Minimum height* *Maximum height*	**Height** • A minimum height of 2 storeys is required. • A maximum height of 8 storeys is permitted to an overall height of 32 metres above natural ground level. • Height in storeys is determined from the ground floor at the primary street frontage. • A mezzanine floor is not considered to be a separate storey. • Any basement level car park is not included in overall building height provided that the car park is wholly below ground level at the street frontage(s).
Street Facades	• The street facades of buildings shall have a maximum height of 3 storeys, with additional storeys further setback from the street (see setbacks below) • Buildings situated on the corner of 2 gazetted streets may exceed the maximum street façade height by an additional storey by providing an architectural design element designed to reinforce the street corner to a maximum height of 22.5 metres above natural ground level. The

	AREA	SITE PARTICULARS	PROVISIONS	
				architectural design element shall only extend 5 metres from the corner of the building.
			Railway parade setback for non-residential development	**Setbacks** • Non-residential building facades are required to have a nil setback for a minimum of 2 storeys and a maximum of 3 storeys to a minimum of 50% of the Railway Parade frontage. The remainder of the façade may be set back further to accommodate open space, a pedestrian plaza or forecourt.
			Variations to Railway Parade setback	• Where a nil setback is required, minor recesses of up to 1.5m from the street boundary to a maximum 3 metres in length are permitted to achieve architectural articulation at the street edge. Where active uses such as alfresco dining proposed, increased setbacks may be considered to create recesses in the building façade in order to accommodate active uses.
			Railway Parade setback for residential development	• Residential dwellings are to be setback an appropriate distance from Railway Parade to provide sufficient amenity for residents whilst ensuring they contribute to a high quality urban streetscape and provide adequate passive surveillance over the street.
			Secondary street setbacks	• A 2 metre minimum and 4 metre average setback is required on street frontages other than Railway Parade. A nil setback to the secondary street may be considered for the portion of a development addressing a street corner.
			Street setbacks above 3 storeys	• Any level above 3 storeys facing the primary or secondary street shall be set back at least 5 metres from the street façade.

	AREA	SITE PARTICULARS	PROVISIONS	
			Side setbacks	• A nil setback is permitted to a side boundary for a maximum of 2 storeys. • The side setback of any level above 2 storeys facing an adjoining developable lot shall be a minimum of 5 metres setback from the second storey building line as measured to the building line of the upper storey.
			Rear setbacks	• The rear setback of any level up to 2 storeys is to be a minimum of 5.0 metres from the rear boundary line. • The rear setback of any level above 2 storeys is to be a minimum of 10 metres from the rear boundary line.
			Land Use	• Land use permissibility shall be in accordance with Table 3. • Where commercial or business related land uses are proposed, such land uses shall be provided on the ground level of the Railway Street frontage. Additional commercial or business related land uses should be located on the ground floor of secondary streets where possible. • Land uses are required to be configured to promote land use compatibility and reduce the potential for land use related conflict.
			Character	• A variety of roof forms is encouraged within the Precinct, where pitched, parapet and skillion roof forms may be utilised. • Building frontages and facades greater than 40 metres in length as they present to streets shall be articulated, coloured and detailed to present as individual facades to the satisfaction of the City. • Footpaths adjacent to non-residential building facades setback less than 1 metre from the street

	AREA	SITE PARTICULARS	PROVISIONS	
				boundary are to be sheltered by awnings. The awnings shall— (a) Be continuous structures over footpaths. (b) Project to within 0.5 metres of the road kerb and shall have a consistent width (subject to the below conditions). (c) Not be built over existing or possible street parking bays and allowances are to be made to accommodate the unimpeded growth of any street tree. (d) Be cantilevered or suspended. Post or column supports are not permitted. (e) Have a clearance of at least 2.75 metres above footpath level. (f) Provide continuous cover at abutting buildings. Where one awning abuts another, the connection is to be treated so as to prevent the penetration of rain. (g) Preferably be lightly framed with fine design lines. The maximum height of any fascia to an awning shall be 300mm, with signage prohibited on top of the fascia. The City may vary these requirements as necessary to accommodate specific site circumstances. • The use of reflective or obscure glazing is not permitted along the ground floor of primary or secondary street frontages. • An architectural design element is required to reinforce any adjacent street corner.
			Car Parking and Access	• Vehicular access to the site via Railway Parade may only be considered where appropriate justification can be provided to the satisfaction of the City and Main Roads of Western Australia.

	AREA	SITE PARTICULARS	PROVISIONS	
			Private Space	• A terrace, balcony or courtyard is to be provided at a minimum of 12m² for each residential dwelling and be connected to an internal living space such as a lounge room or dining room. • 10% of the net lettable area (NLA) of commercial tenancies located on upper levels (excluding the ground level) is to be provided as private open space. The private open space is to be connected to the commercial tenancy. • The minimum dimension (width and length) for a balcony, private open space or courtyard is 2.5 metres. • Adequate private or communal external clothes drying areas concealed from public view shall be provided to meet the needs of the residents of the development. • An enclosed, lockable storage area accessible from outside the dwelling shall be provided for each residential dwelling with a minimum dimension of 1.5 metres and an internal area of at least 4m².
			Solar Access	• The design and development of new buildings should— • Minimise overshadowing in the middle of the day on public open space, major pedestrian streets, and adjacent properties especially in the cooler months. • Minimise potential overshadowing of residential dwellings (both within the development itself and to neighbouring buildings). • Developments within the Maylands Activity Centre Zone that potentially overshadow any development outside the Maylands Activity Centre Zone are to be assessed in accordance with the solar access

	AREA	SITE PARTICULARS	PROVISIONS	
				requirements at the R40 zoning as contained in the Residential Design Codes.
			Privacy	• Whilst acknowledging that total protection from overlooking is unlikely in an inner city context, developments should be designed to optimise visual privacy for all dwellings and private spaces within the Maylands Activity Centre Zone. • Developments within the Maylands Activity Centre Zone that potentially overlook any development outside the Maylands Activity Centre Zone are to be assessed in accordance with the visual privacy provisions of the Residential Design Codes. * *Note—for the purposes of assessing privacy provisions for commercial space(s) in accordance with the Residential Design Codes, non-habitable spaces shall be defined in accordance with the relevant definition in the Residential Design Codes, whilst all other areas (such as offices) shall be considered as 'habitable' spaces and assessed accordingly.*
			Other	• Where mixed-use development is proposed, the pedestrian street entrance to the residential component of the building is to be visually distinct from ground floor business uses. • Letterboxes are to be designed to minimise the visual impact on streetscape.
SCA 6	**SPECIAL CONTROL AREA 6 - Civic, Maylands Activity Centre Zone.**	Civic, Maylands Activity Centre Zone.	**Character statement** The Civic Precinct is intended to be the cultural and community heart of the Maylands town centre and provide a range of community, cultural and recreational facilities. Additional land uses that support the precinct's civic role such as cafés, public art and galleries are to be encouraged in the Civic Precinct. The area will contain a variety of spaces for passive recreation.	

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th>PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td>
Objectives

• Reinforce the Civic Precinct as the cultural and community heart of the Maylands activity centre.
• Provide a variety of spaces for passive recreation.
• Encourage the development of double fronted pavilion-styled buildings that address both street networks and public open space to promote surveillance and safety within the precinct
• Improve the quality and safety of existing pedestrian linkages within the precinct.
• Encourage the introduction of land uses to activate the precinct outside of normal business hours.
• Minimise the incidence of blank walls and areas with limited or no surveillance.
• Incorporate public art and quality landscape elements.

<table>
<tr><th colspan="2">Development Standards – Civic Precinct</th></tr>
<tr><td>Massing</td><td>• Building height shall be considered in regard to its relationship with the immediate surrounding area, including the elements of public open space.</td></tr>
<tr><td>Land Use</td><td>• Land use permissibility shall be in accordance with Table 3.</td></tr>
<tr><td>Ground Floor Interface</td><td>• Blank walls are to be avoided in favour of buildings that address the public realm and enable exchange to occur between the interior and exterior of the buildings through the use of windows, doors, terraces, colonnades and verandahs.
• Each façade of development shall be designed to the same standard as the primary façade.</td></tr>
<tr><td>Car Parking</td><td>• Trees shall be provided to offer a canopy over car parks.
• Demarcation of car parking shall be achieved</td></tr>
</table>
</td></tr>
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<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th colspan="2">PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td></td><td>through changes to colour and surface materials.</td></tr>
<tr><td></td><td></td><td></td><td>Public Realm</td><td>• Buildings are required to be situated to provide a visual and physical connection between open space elements.
• Provision of a variety of landscape treatments to provide a balance of passive and active open space uses.
• Incorporate water sensitive landscape design principles.
• Site level changes shall be minimised. Where such level changes are necessary, incremental level changes shall be provided to ensure that sight lines are maintained.</td></tr>
<tr><td></td><td></td><td></td><td>Servicing</td><td>• Servicing and loading docks shall be located to minimise visual impacts upon busy pedestrian networks and the public realm.</td></tr>
<tr><td>SCA 7</td><td>SPECIAL CONTROL AREA 7 – Peninsula Tavern, Lot 12 No. 223 Railway Parade, Maylands

Description:

SCA 5 is bounded to the north-east by Ninth Avenue, to the south-east by Railway parade, to the south-west by Lot 10 Railways Parade and Lot 11 Eighth Avenue and to the north-west by Lot 296 Ninth Avenue.

AMD 39 GG 28/5/10;
AMD 50 GG 11/11/16</td><td>Lot 12 No. 223 Railway Parade, Maylands.</td><td colspan="2">Purpose:

To allow for mixed use development on the site including office, residential, retail and a tavern/restaurant, whilst preserving the amenity of adjoining residential development and respecting the character and appearance of the Peninsula Cultural and Community Centre heritage building on the adjacent site.

Additional Permitted Uses:

• Office
• Shop
• Tavern
• Restaurant

Additional Discretionary Uses:

• Hotel
• Liquor Store – Small</td></tr>
</table>

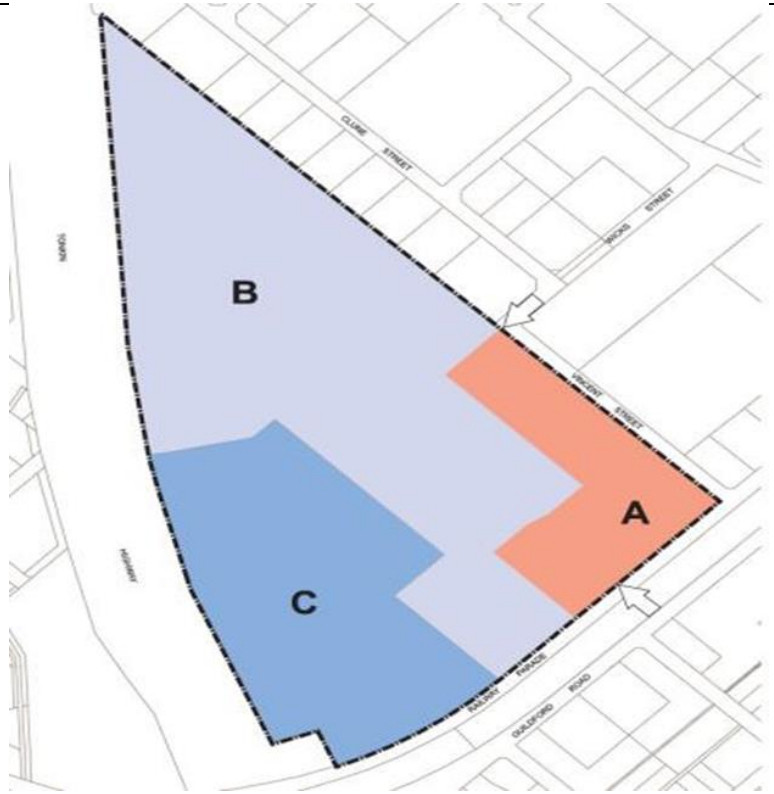
	AREA	SITE PARTICULARS	PROVISIONS
			Development Requirements: **a) General** • The development shall generally be in accordance with a 'concept' development plan unless otherwise approved by Council. • The development shall respect the character and appearance of the Peninsula Cultural and Community Centre on the adjacent site. • Adequate site lines of the former Peninsula Cultural and Community Centre shall be maintained from Railway Parade; • Landscaping shall be of a high standard. • Retail floor space shall not exceed 1000m^2 and shall be restricted to the ground floor only. • Residential uses shall not be included on the ground floor fronting Railway Parade or the ground floor of the building on the corner of Railway parade and Ninth Avenue. • The use of reflective glazing is not permitted anywhere on the development.
SCA 8	**SPECIAL CONTROL AREA 8 - Corner King William Street and Guildford Road, Bayswater** *AMD 30 GG 16/12/08* *AMD 40 GG 24/7/09* *AMD 81 GG 31/05/19*	Lot 22, No. 454 Guildford Road, Bayswater	**Purpose:** To enable the development of the site with quality multiple dwellings, whilst safe guarding the amenity of the surrounding residential area. **Development Requirements:** • Development shall be generally in accordance with a Local Development Plan endorsed by Council. • The Local Development Plan shall address access, noise amelioration measures, landscaping, streetscape activation and building location, interface, height and setbacks. • The height of any building shall not exceed four storeys. • A maximum of two additional bonus storeys and a maximum plot ratio of 1.5 is permitted subject to the development; - demonstrating an exemplary design outcome, as determined by the City with the advice of the City's Design Review Panel, and

	AREA	SITE PARTICULARS	PROVISIONS
			consistent with the design principles set out in State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments; - appropriately managing the interface with, and maintaining the amenity of adjacent development; and - satisfying the requirements of an endorsed Local Development Plan.
SCA 9	**SPECIAL CONTROL AREA 9 – Corner of Guildford Road and Charles Street, Maylands.** **Description:** Special Control Area 9 is bounded to the north east by Charles Street, to the south east by Guildford Road, to the south west by No. 289 Guildford Road and to the north west by a right-of-way. *AMD 44 GG 22/03/11*	Lot 100, No. 293 Guildford Road, corner Charles Street, Maylands.	**Purpose –** To allow for mixed use development on the site including residential, office, shop consulting rooms (medical) and restaurant, whist preserving the amenity of adjacent residential development and the mixed use character along Guildford Road adjacent to the site. **Additional Permitted Uses –** Office Shop Consulting Rooms (medical) **Development Requirements –** **a) General** • Shop uses shall be located on the ground floor only and shall not exceed 100m² of gross leasable area. • Restaurant uses shall be located on the ground floor only and shall not exceed 100m² of gross leasable area. • Office and consulting room uses shall be located on the ground and first floors only. • The ground floor fronting Guildford Road shall be occupied by commercial uses that address the Guildford Road frontage. • A minimum of 60 per cent of the Guildford Road lot frontage shall be occupied by a building. The frontage is to include openings for each ground floor tenancy. • Residential uses are to occupy a minimum of 50 per cent of the total gross floor area of the development. • Each dwelling unit shall be provided with an outdoor living area or

	AREA	SITE PARTICULARS	PROVISIONS
			balcony comprising a minimum area of 16m², with a minimum dimension of 4.0 metres. • Fencing along all street boundaries shall be visually permeable above a height of 1.2 metres above natural ground level. **Building Provisions** **b) Height** The height of any building shall not exceed three storeys. • For the purposes of calculating building height, a storey shall not include: o A full basement or a semi-basement that does not protrude above ground level; o Lift overruns, water tanks, or other roof plant. **c) Facades** • Building facades are to be articulated and detailed (broken into distinct visual elements). • Projections such as verandas, awnings, canopies and bay windows are to be used to project visual interest. • The creation of expansive blank walls and featureless glazing is prohibited. • The use of reflective or obscure glass on the commercial component is prohibited. • Exterior shading devices shall be used where it is necessary to protect windows from direct sunlight. These devices are to be consistent and not contribute to increasing the perceived bulk of the building. **d) Setbacks** ***Guildford Road Frontage*** • Development shall have a nil setback from the property boundary (subject to safety, traffic and engineering requirements).

	AREA	SITE PARTICULARS	PROVISIONS
			• A 6 metre x 6 metre visual truncation shall be provided on the corner of Guildford Road and Charles Street. ***Charles Street Frontage*** • Development shall have a minimum setback of 3 metres from the property boundary. ***Right of Way Frontage*** • Development shall have a minimum setback of 1.5 metres from the property boundary. **Pedestrian Interaction** • Entrances for pedestrians or customers shall be provided for each ground floor tenancy. • Residential and commercial uses shall be designed and orientated to address and provide surveillance over adjacent streets and rights of ways. • All footpaths contiguous with a commercial building are to be sheltered by appropriate awnings.
SCA 10	**SPECIAL CONTROL AREA 10 – Corner of Tonkin Highway and Railway Parade, Bayswater.** **Description –** SCA No. 10 is bound by Tonkin Highway to the west, Railway Parade to the south, Vincent Street and the rear boundaries of Lots 55, 59, 60, 61, 102, 103, 104, 301 and 302 Clune Street to the east. *AMD 36 GG 28/9/12;* *AMD 50 GG 11/11/16;*	Lot 10, No 2 - 4 Railway Parade, Bayswater	**Purpose –** To facilitate the redevelopment of Lot 10 Railway Parade, Bayswater site into a quality industrial/commercial estate, guiding development form and land use in a manner which articulates a high level of amenity whilst achieving well designed, functional and efficient buildings. The site is divided into 3 precincts which are described as: Precinct A - To comprise commercial land uses and selected compatible industrial uses that will not cause injury to or adversely affect the amenity of the commercial precinct. Precinct B - To comprise industrial land uses (except those which are considered undesirable for reasons of noise, odour or atmospheric

	AREA	SITE PARTICULARS	PROVISIONS
	AMD 71 GG 02/03/18		emissions). Precinct C - To comprise industrial land uses (except those which are considered undesirable for reasons of noise, odour or atmospheric emissions), where site development will need to meet mandatory landscaping and drainage infiltration requirements. All stormwater runoff will be collected and shall not be permitted to soak into the ground at source due to existing residual cinders located in the south western part of the site. Section 70A notifications will be placed on Titles of lots located within Precincts A, B and C to ensure landowners are aware of the environmental constraints of the site and the applicable design guidelines.

	AREA	SITE PARTICULARS	PROVISIONS
			 **Land Uses –** Notwithstanding uses listed within Table No. 1 – Zoning Table of the Scheme, the following uses shall prevail within SCA No. 10:

Permitted Uses:	
Precinct A	**Precincts B and C**
• Automotive Repairs • Automotive & Marine Sales &	• Automotive Repairs • Builders Yard

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th colspan="2">PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td>Repairs
• Convenience Store
• Consulting Rooms (Medical)
• Car Park
• Car Wash
• Dry Cleaning/ Laundry Premises
• Factory '#
• Factory Tenement Building ***#
• Garden Centre
• Kiosk
• Lunch Bar
• Health Studio
• Light Industry #
• Liquor Store - Large
• Liquor Store - Small
• Medical Centre
• Office
• Public Utility**
• Restaurant
• Service Industry
• Trade Display
• Transport Depot
• Veterinary Consulting Rooms
• Warehouse</td><td>• Car Park
• Car Wash
• Dry Cleaning/ Laundry Premises
• Factory
• Factory Tenement Building
• Garden Centre
• General Industry
• Kiosk
• Light Industry
• Lunch Bar
• Public Utility**
• Service Industry
• Trade Display
• Transport Depot
• Veterinary Consulting Rooms
• Warehouse</td></tr>
<tr><td></td><td></td><td></td><td colspan="2">Discretionary Uses:</td></tr>
<tr><td></td><td></td><td></td><td><u>Precinct A</u>

• Amusement Parlour
• Betting Agency
• Cinema/Theatre
• Civic Buildings
• Club Premises
• Corner Store
• Educational Establishment</td><td><u>Precincts B and C</u>

• Automotive & Marine Sales & Repairs
• Fast Food Outlet
• Funeral Parlour
• Hire Service (Industrial)
• Industry
• Office</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS
			• Fast Food Outlet • Funeral Parlour • General Industry ***# • Hire Service (Non-Industrial) # • Infant Health Clinic • Industry ***# • Occasional Uses • Open Air Display # • Public Amusement • Radio and Television Installations • Radio Equipment • Recreation Facility (Private & Public) • Shop* • Showroom • Showroom/Warehouse • Storage Yard # • Tavern • Veterinary Hospital • Open Air Display • Radio and Television Installations • Showroom • Showroom/Warehouse • Storage Yard * *The Gross Leasable Area (GLA) floor space for a 'Shop' use shall be limited to 500m^2 per tenancy within Precinct A, and a cumulative floor space of no greater than 1500m^2 Net Lettable Area (NLA) for the whole of Precinct A.* ** *Land use includes compensating basins which are subject ot Water Corporation's agreed specifications.* *** *Uses shall be limited to those considered appropriate, by the City of Bayswater, for a transitional buffer between industrial and commercial precincts, however the following uses are not permitted:* • *Abattoir;* • *Concrete batching plant;* • *Asphalt manufacturing;* • *Chemical manufacturing;* • *Compost manufacturing;* • *Crushing of building material;* • *Dog kennels;* • *Wrecking yard;*

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th>PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td>

Pesticides manufacturing
Incineration;
Industrial gas production;
Fuel loading;
Fuel storage;
Poultry storage;
Used tyre storage; and
Waste disposal.

Within Precinct A a high degree of landscaping amenity is to be provided with appropriate screening of transition industrial uses from the street, to the satisfaction of the City of Bayswater.
<table>
<tr><th><u>Uses Not Permitted:</u></th><th><u>Uses Not Permitted unless by giving Special</u></th></tr>
<tr><td><u>Precincts A, B and C</u>
Automotive Wrecking
Extractive Industry
Fuel Depot</td><td><u>Precincts A, B and C</u>
Service Station</td></tr>
<tr><td><u>Precinct A only</u>
Builders Yard</td><td></td></tr>
</table>
If the use of the land for a particular purpose is not specifically mentioned in the above 'Permitted Uses', 'Discretionary Uses' and 'Uses Not Permitted' tables and cannot reasonably be determined as falling within the interpretation of one of the above mentioned use classes the Council may:

a) Determine by Absolute Majority that the use is consistent with the objectives and purpose of the particular precinct and is therefore permitted; or
b) Determine by Absolute Majority that the proposed use may be consistent with the objectives and purpose of the precinct and thereafter follow procedures of clause 64 of the deemed provisions in considering an application for planning approval; or
c) Determine that the use is not consistent with the objectives and purpose of the particular precinct and is therefore not permitted.

DEVELOPMENT REQUIREMENTS
</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS
			Building Setbacks: <u>Precincts A, B and C</u> • Primary Street: Buildings to be setback a minimum of 3.0m. • Secondary Street: Building mass to be set back a minimum of 3.0m. • A nil setback to side and rear boundaries shall be permitted, in accordance with the Building Code of Australia. **Building Height:** <u>Precinct A</u> • Height of a building shall not exceed five (5) storeys. <u>Precinct B and C</u> • Height of a building shall not exceed three (3) storeys. For the purposes of calculating building height, a storey shall not include (a) a basement or a semi-basement that does not protrude any further than 1.5 metres above ground level, and (b) any roof plant structures. **Plot Ratio (Precincts A, B and C):** • Plot ratio requirements of the Scheme are not applicable. **Site Coverage (Precincts A, B and C):** • There are no site coverage limitations. **Landscaping:** <u>Precinct A, B and C</u>

	AREA	SITE PARTICULARS	PROVISIONS
			• A minimum of 5% of the total lot area is to be allocated for landscaping purposes, which includes a minimum 2.0m wide landscaping strip provided along the street frontage. • One tree (minimum 50 litre pot size) shall be planted at an average of every 15m of lot frontage within the 2.0m wide landscape strip. The tree species shall be subject to the satisfaction of the City. <u>Precinct C only</u> • Localised stormwater disposal via soakage shall not occur within this precinct. Lot connection pits will be provided to discharge all runoff to the road drainage network. • Soakwells are not permitted. • Groundwater extraction is prohibited. **Fencing (Precincts A, B and C):** All fencing proposed as part of the development shall be designed and constructed in accordance with the following: • Front Fencing (Primary and Secondary Streets): Fencing located on the front lot boundary is to be black powder coated Garrison or Palisade fencing to a maximum height of 1800mm. • Behind Building Setback Line: Fencing located behind the front boundary (side and rear fencing) is to have a minimum standard of 1800mm rail-less chain link or steel mesh incorporating black coloured PVC coating with black gates, posts and fittings. Security fencing is permitted behind the building line on side and rear boundaries to primary and secondary street frontages. Security fencing cannot protrude in front of any office component. Barbed wire must not be installed forward of the building line.

	AREA	SITE PARTICULARS	PROVISIONS
			Built Form: <u>Precincts A, B and C</u> • The buildings shall be designed to address the street, providing a well-articulated administration/office area at the front of the main building which will contribute to the streetscape. • The main entrance is to be on the front elevation or close to the front of the building, being clearly visible from the street. • The primary street facade shall avoid large unbroken expanses of wall. • Ancillary structures or additions to the original development shall integrate similar design attributes originally utilised on the main structure including colour, form and materials. • Building frontages are to be designed to promote surveillance of the street and/or public open space. <u>Precinct A only</u> • Feature elements are required, including variations to colours and building materials. • Buildings fronting onto two streets are to exhibit a consistent quality of treatment for each street façade. The inclusion of unique architectural features are encouraged. • Building form shall use architectural features to establish visually distinct pedestrian access points. This includes the provision of legible pedestrian access points from the rear car parking areas to the rear entrance points of the building and distinctive entry doors and canopies to the street elevations. • Building frontages are to be designed, including with the use of glass where practical, to promote surveillance of the street and/or public open space. • Large areas of prefabricated concrete panels for external wall systems, i.e. 'tilt-up' are to be detailed with expressed joints with a rendered and painted finish, or clad to the satisfaction of the City of Bayswater.

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th>PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td>
Access (Precincts A, B and C):

• Loading areas shall not interfere with on-site parking and manoeuvring.
• The site layout shall enable vehicles to exit the site in a forward motion.

Car Parking (Precincts A, B and C):

• The car park area is to consist of a sealed finish such as asphalt, paving material or concrete.
• Trees are to be planted within uncovered car parking areas at the rate of 1 per 6 car parking spaces. There are to be no more than 6 adjoining car bays without the area being punctuated by a tree.
• The minimum number of car parking bays provided on-site are to be in accordance with the following ratios:

<table>
<tr><th colspan="2">Car Parking Requirements</th></tr>
<tr><th>Land Use</th><th>Car Parking Ratio</th></tr>
<tr><td>Office*</td><td>1 bay per 30sqm GLA</td></tr>
<tr><td>Warehouse</td><td>1 bay per 100sqm GLA</td></tr>
<tr><td>Workshop/Factory</td><td>1 bay per 75sqm GLA</td></tr>
<tr><td colspan="2">* Where a development includes office as an ancillary use, the car parking for that component is calculated at the Warehouse land use rate of 1 bay per 100sqm for the first 10% of GLA of the ancillary use.</td></tr>
</table>

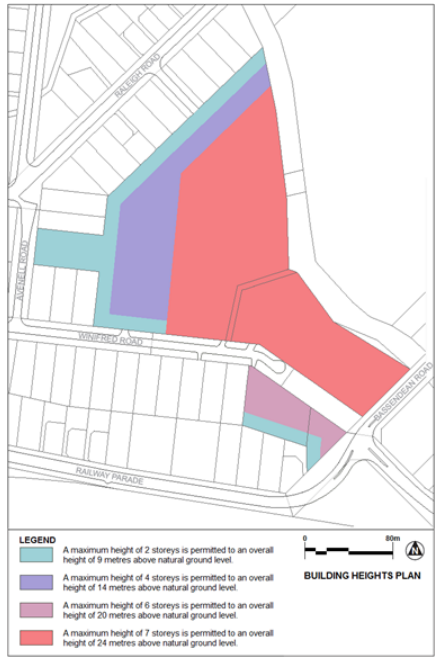
• Tandem parking bays shall be accepted where the two bays are provided for the use of a single tenancy and are utilised by staff on-site.

End of Trip Facilities

• Local government may require the provision of bicycle parking and end of trip facilities such as showers, change rooms and lockers in commercial and industrial developments.

Water and Energy Management (Precincts A, B and C):
</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS
			• Buildings are to use water sensitive design strategies to manage stormwater and wastewater. • Energy efficiency for building design to be in accordance with Council's local planning policy on the matter.
SCA11	**Special Control Area 11** **Lot 16 No. 30 Winifred Road,** Bayswater and Lot 386 No. 3 Bassendean Road, Bayswater. AMD 59 GG 5/5/15	Lot 16 No. 30 Winifred Road, Bayswater and Lot 386 No. 3 Bassendean Road, Bayswater. SCA No. 11 is generally bounded by Winifred Road to the south-west, Bassendean Road to the south east, a drainage reserve to the north-east and the common rear boundary of lots fronting the eastern side of Raleigh Road and Avenell Road to the west/north-west.	**Purpose:** To facilitate the redevelopment of the Mertome Village as a high quality retirement village with associated residential care accommodation for the aged, in order to meet future needs and expectations whilst having due regard to the amenity of the surrounding residential area and the sites proximity to public transport services. **Additional Permitted Uses:** Consulting Rooms (medical) Residential Care Facility **Ancillary Uses:** A range of ancillary uses, including office, club premises, shop, kiosk and restaurant may be permitted where it can be demonstrated that such uses are incidental to the predominant use of the site as a retirement village. **Development Requirements:** • Commercial uses shall not be located above the first floor. • Notwithstanding the provisions of the Residential Design Codes, the following development requirements apply: **1. Building Heights:**

	AREA	SITE PARTICULARS	PROVISIONS
			Building Heights shall be in accordance with the Building Heights Plan:  **2. Building Setbacks:** Building Setbacks shall be in accordance with the Building Setbacks Plan:

	AREA	SITE PARTICULARS	PROVISIONS
			3.  **Car Parking:** Aged Residential Care: A minimum of 1 bay per staff member and 1 visitors bay per for every 4 beds shall be provided.

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th>PROVISIONS</th></tr>
<tr><td>SCA12</td><td>SPECIAL CONTROL AREA 12 - King William Street/Whatley Crescent commercial precinct, Bayswater.



Description
Special Control Area 12 is generally bounded by Whatley Crescent to the north-west, Hamilton Street to the north-east, the western boundary of Lot 166/Right of Way from Hamilton Street to King William Street, King William Street, Murray Street to the south-east, and the common rear boundary of lots fronting the western side of King William Street to the south-west.

AMD 60 GG 20/3/15;
AMD 50 GG 11/11/16</td><td></td><td>Purpose –

To allow mixed use development including higher density residential development to facilitate the Bayswater town centre in becoming a more vibrant and active place.

<table>
<tr><th colspan="2">Development Standards</th></tr>
<tr><td>Objectives</td><td>• Facilitate viable, enduring and high quality development that complements the character and heritage of the precinct.
• Provide for an appropriate mix of land uses along with active street frontages to King William Street and Whatley Crescent.
• Encourage residential land uses as a vital component of the precinct.
• Enhance the local heritage, character and streetscapes of the locality.
• Encourage pedestrians and public transport use.</td></tr>
<tr><td>Land Use</td><td>Permitted Uses:

• Cinema/Theatre
• Civic Buildings
• Consulting Rooms (Medical)
• Convenience Store
• Exhibition Centre
• Fast Food Outlet
• Home Office
• Home Store
• Infant Health Clinic
• Kiosk
• Liquor Store - Small
• Lunch Bar
• Market
• Medical Centre
• Multiple Dwelling
• Office
• Public Utility
• Reception Lodge
• Recreation Facility
• Restaurant
• Serviced Apartments
• Shop
• Small Bar
• Telecommunications Infrastructure</td></tr>
</table>
</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS	
				Discretionary Uses: • Amusement Parlour • Betting Agency • Car Park • Caretaker's Dwelling • Child Day Care Centre • Club Premises • Cottage Industry • Dry Cleaning/Laundry Premises • Educational Establishment • Funeral Parlour • Grouped Dwelling • Health Centre • Health Studio • Hire Service (Non-Industrial) • Home Business • Home Occupation • Motel • Occasional Uses • Public Assembly • Public Amusement • Public Worship • Service Industry • Single House • Tavern • Veterinary Consulting Rooms • Residential uses are not permitted on the ground floor of a street frontage. • Land uses are to be configured to promote land use compatibility and reduce potential for land use related conflicts. • Uses which are not listed above, but which are listed within Table 1 (Zoning Table) are prohibited ('X') uses. • Uses which are not specifically mentioned above, or in Table 1 (Zoning Table) may be considered in accordance with Clause 7.2.4 of the Scheme.
			Height	• A maximum height of 5 storeys is permitted to an overall height of 20 metres above natural ground level.

	AREA	SITE PARTICULARS	PROVISIONS	
				• Height in storeys is determined from the ground floor of the primary street frontage. • A minimum height of 2 storeys is required.
			Setbacks *Street Setbacks*	• Building facades are required to have a nil street setback for the ground floor addressing a primary or secondary street. Minor recesses of up to 1.5 metres from the front boundary are permitted to achieve architectural articulation at the street edge. • Any level above 2 storeys is required to be set back a minimum of 5.0 metres from a street boundary to the building line, however the fifth storey is required to be set back a minimum of 1.5 metres from the building line of the fourth storey.
			Right of Way Setbacks	• A minimum 1.5 metre setback is required to a laneway to a maximum of 2 storeys. A reduced setback may be permitted where the laneway width is a minimum of 6.0 metres. • Any level above the second storey shall be setback a minimum of 5m from the building line below. • With regard to right of way setbacks, the number of storeys relates to those fronting the right of way, not the primary street.
			Side/Rear Setbacks (not including Rights of Way)	• A nil setback is permitted to the side or rear boundary of any abutting developable property for a maximum of 3 storeys. • The fourth storey and above is required to be set back a minimum of 3 metres from the side boundary of any abutting developable property unless the local government considers that a lesser setback will not unduly impact the adjoining property.

	AREA	SITE PARTICULARS	PROVISIONS	
			Abutting Residential Properties	• The setback to any property zoned 'Mixed Use' or 'Residential' shall be in accordance with the Residential Design Codes, by using the density code of the adjoining property.
			Design	• Building facades addressing a street are required to be built predominantly in the traditional parapet style for the first 2 storeys to reflect the general character of the precinct. • Any second storey wall or balcony addressing a street is to complement and be sympathetic to existing shop parapets along the street frontage. • Building frontages and façades greater than 10 metres in length as they present to streets or laneways are to be articulated, coloured and detailed to present as individual facades to the satisfaction of the City. The individual facade length may be increased where it can be demonstrated that the increased façade length is: a) Built on a single existing lot with a frontage of 20 metres or less; or b) Sufficiently articulated, coloured or detailed in the opinion of the City; or c) Sufficient justification has been provided to the satisfaction of the City. • A minimum of 60% of the surface area of a wall facing a street at the ground floor level is to be devoted to permeable windows or doors. • The use of reflective or obscure glazing is not permitted on ground floor street frontages. • Building facades shall be articulated, coloured and detailed to contribute positively to the local streetscape and adjoining properties. • Extensive blank walls, facades and featureless glazing which are visible from any part of a street or public space are not permitted.

	AREA	SITE PARTICULARS	PROVISIONS	
				• Feature elements which enhance the streetscape are strongly encouraged. These may include, but are not limited to, variations to colours and building materials, coloured or textured banding, projections, recesses, ornamental details, verandahs, balconies, pillars, awnings and canopies. • Corner buildings shall be designed to address both the primary and secondary streets, including at least one major opening which provides surveillance of each street. • An architectural design element is required to reinforce any adjacent street corner.
			Awnings	• Footpaths along adjacent primary or secondary streets are to be sheltered by awnings. The awnings are to: a) Be continuous structures over footpaths. b) Project to within 0.6 metres of the road kerb and have a consistent width (subject to the below conditions). c) Not be built over existing or possible street parking bays and are to accommodate the unimpeded growth of any street tree. d) Be cantilevered or suspended. Post or column supports are not permitted. e) Have a clearance of at least 2.75 metres above footpath level. f) Provide continuous cover at abutting buildings. Where one awning abuts another, the connection is to be treated so as to prevent the penetration of rain. • The City may vary these requirements as necessary to accommodate specific site circumstances.

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th colspan="2">PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td colspan="2"><table>
<tr><td>Car Parking and Access</td><td>• Car parking shall be provided in accordance with Clause 8.2, Clause 8.4 and Table 2 of this Scheme and any approved local planning policy.
• Where the property abuts a laneway, vehicle access to the property is to be from the laneway and not the street frontage.</td></tr>
<tr><td>Residential Development</td><td>• Residential development shall be designed in accordance with the R80 requirements of the Residential Design Codes, with the exception of the following:
a) Building height and setbacks to be as outlined above; and
b) Plot ratio and open space requirements for multiple dwellings do not apply.</td></tr>
<tr><td>Subdivision</td><td>• Subdivision or strata title applications will only be supported following the completion of a development built in accordance with the provisions of the Scheme, unless the City is satisfied that the subdivision would not prejudice the objectives of this Special Control Area and this Scheme, or the Commission approves subdivision of the subject land.</td></tr>
<tr><td>Heritage</td><td>• The City may vary the development requirements of SCA 12 where it is desirable to facilitate the conservation of a heritage place, or enhance or preserve the heritage values of the Bayswater town centre.</td></tr>
</table></td></tr>
<tr><td>SCA13</td><td>SPECIAL CONTROL AREA 13 – GUILDFORD ROAD RESIDENTIAL PRECINCT

AMD 67 GG 25/8/17</td><td>Lot 8, 132 Guildford Road, Maylands and Lot 70, 55 Central Avenue, Maylands</td><td colspan="2"><u>Purpose:</u>
To allow for high density residential development on the site whilst protecting the amenity of the surrounding area.</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS	
			Massing	**Building Height**
			Minimum Height	A minimum building height of 2 storeys is required.
			Maximum Height	The maximum building heights shall be in accordance with the following provisions as identified on the Building Heights Plan: - Where a maximum height of 2 storeys is permitted, the overall building height shall not exceed 6.7 metres above natural ground level. - Where a maximum height of 3 storeys is permitted, the overall building height shall not exceed 10 metres. - Where a maximum building height of 4 storeys is permitted, the overall building height shall not exceed 13 metres above natural ground level. - Where a maximum height of 5 storeys is permitted, the overall building height shall not exceed 15 metres above natural ground level. - Where a maximum height of 8 storeys is permitted, the overall building height shall not exceed 25.5 metres above natural ground level. Minor Projections above the highest part of the development may be permitted where providing for lift overruns or architectural features or fenestration subject to satisfying both of the following criteria: - The minor projection being no more than 4 metres above the highest part of the main building structure; and

	AREA	SITE PARTICULARS	PROVISIONS	
				– The cumulative area of the minor projection being no more than 10 per cent of the total roof area of the building. Building situated on the corner of 2 gazetted streets may exceed the maximum street facade height by an additional storey by providing an architectural design element designed to reinforce the street corner to a maximum height of 16 metres above natural ground level. The architectural design element shall only extend 5 metres from the corner of the building.
				Setbacks
			Guildford Road setback	Residential building facades are to be appropriately setback to provide sufficient amenity for residents whilst maintaining a high quality urban streetscape and adequate passive surveillance. Setbacks above 3 storeys are to be at least 10 metres from the street boundary.
			Peninsula Road / Central Avenue setback	A 2 metre minimum and 4 metre average street setback is required for the first 2 storeys. Setbacks above 2 storeys are to be setback a minimum of 7.5 metres from the street boundary. A nil setback may be considered for the portion of a development addressing a street corner, to a maximum of 5m either direction from a corner building.
			Side setback (as defined on the Building Height and Setbacks	A nil side setback is permitted for a maximum of 2 storeys. The side boundary setback adjoining Lot 361 (No. 130) Guildford Road of any level above 2 storeys is to be a minimum of 6 metres from the side boundary line.

	AREA	SITE PARTICULARS	PROVISIONS	
			Plan)	The side boundary setback adjoining Lot 90 (No. 13) Conroy Street of any level above 2 storeys is to be a minimum of 4 metres from the side boundary line.
			Rear setback (as defined on the Building Height and Setbacks Plan)	The rear setback of any level up to 2 storeys is to be a minimum of 5 metres from the rear boundary line. The rear setback of any level above 2 storeys is to be a minimum of 11 metres from the rear boundary line. Balconies may protrude forward of the 11m rear setback line, to a maximum of 10m from the rear boundary.
			Built Form	Two or three storey dwellings are to be provided along the Guildford Road frontage of Lot 8 (No. 132) Guildford Road, Maylands. Two storey dwellings are to be provided along the Peninsula Road / central Avenue frontage of Lot 8 (No. 132) Guildford Road, Maylands. The buildings shall be designed to address the street, providing well-articulated facades which will contribute to the streetscape, including balconies to all dwellings at all levels facing Guildford Road and Peninsula Road. Building frontages are to be designed to promote surveillance of the street. The primary street facade shall avoid large unbroken expanses of wall. The finished floor level of the ground floor dwellings fronting Guildford Road and Peninsula Road shall be no more than 1m above the corresponding height of the adjoining footpath. Car parking area, except for visitor's bays, shall not be so directly visible from the street or other public spaces.

	AREA	SITE PARTICULARS	PROVISIONS	
			Solar Access	Overshadowing of any development outside of the Maylands Activity Centre Zone is to be assessed in accordance with the solar access requirements at the R50 zoning as contained in the Residential Design Codes.
			Character	• A variety of roof forms is encouraged within the Guildford Road Precinct, where pitched, parapet and skillion roof forms may be utilised. • Building frontages and facades greater than 40 metres in length as they present to streets or laneways shall be articulated, coloured and detailed to present as individual facades to the satisfaction of the City.
			Car Parking and Access	• Where available, access to car parking shall be provided from the secondary street frontage. • Access via Guildford Road may only be considered where appropriate justification can be provided to the satisfaction of the City and Main Roads of Western Australia.
			Private Space	• A terrace, balcony or courtyard is to be provided at a minimum of 12m² for each residential dwelling and be connected to an internal living space such as a lounge room or dining room. • The minimum dimension (width and length) for a balcony, private open space or courtyard is 2.5 metres. • Adequate private or communal external clothes drying areas concealed from public view shall be provided to meet the needs of the residents of the development. • An enclosed, lockable storage area accessible from outside the dwelling shall be provided for each residential dwelling with a minimum dimension of 1.5 metres and an internal area of at least 4m².

	AREA	SITE PARTICULARS	PROVISIONS	
				• Rooftop gardens are strongly encouraged where the privacy of adjoining lots is adequately protected.
			Privacy	• Whilst acknowledging that total protection from overlooking is unlikely in an inner city context, developments should be designed to optimise visual privacy for all dwellings and private spaces within the Maylands Activity Centre Zone. • Developments within the Maylands Activity Centre Zone that potentially overlook any development outside the Maylands Activity Centre Zone are to be assessed in accordance with the visual privacy provisions of the Residential Design Codes. ** Note – for the purposes of assessing privacy provisions for commercial space(s) in accordance with the Residential Design Codes, non-habitable spaces shall be defined in accordance with the relevant definition in the Residential Design Codes, whilst all other areas (such as offices) shall be considered as 'habitable' spaces and assessed accordingly.*
SCA 15	**SPECIAL CONTROL AREA 15 – Meltham Station Precinct,** as depicted in the following map*:* *AMD 79 GG 13/05/19* 		**Purpose** The intent of the Meltham Station Precinct Structure Plan is to establish an urban residential precinct, with supporting commercial uses, of a density that supports and optimises the ongoing use of the existing Meltham Train Station. New development will be of a contemporary character that respects and reflects the colours, materials and architectural elements of the existing and surrounding area. New development will be of a form that enables a significant increase in the local resident population but is designed to enhance the streetscape and establish an appropriate transition in scale between the Meltham Station Precinct and its surroundings.	

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th>PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td>
Relationship to Other Development Standards

Development is to comply with the Scheme, including the Residential Design Codes and this special control area.
Where there are inconsistencies between the development standards and land use permissibility specified in this special control area and other parts of the Scheme, including the Residential Design Codes or any Local or State Planning Policy, the development standards specified in this special control area shall prevail.
The City may vary the provisions applicable to the special control area where it is satisfied that the variation will result in a positive outcome consistent with the purpose of the special control area, the objectives of the Meltham Station Precinct Structure Plan and having regard to the matters contained within Cl 67 of the Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. Such discretion will not apply to building height or setbacks unless specified in the relevant sections below.
Development Requirements
The following development requirements and precinct based development requirements apply to any comprehensive new development, excluding minor alterations, additions or extensions, as determined by the City of Bayswater.

<table>
<tr><th colspan="2">Development Requirements</th></tr>
<tr><td>Streetscape – Public Realm</td><td>• Existing street trees shall be retained wherever possible, subject to the health of the tree; or replaced with mature tree if retention is not possible.
• Notwithstanding the above, street trees shall be provided at a minimum rate of 1 tree per 14m of frontage. Street tree species shall be to the satisfaction of the City of Bayswater.
• Verge landscaping shall complement the landscape treatment of the adjacent setback area in the case of residential uses at ground floor level.</td></tr>
<tr><td>Built Form</td><td>• Street corners shall be expressed with a distinctive architectural element or treatment.</td></tr>
</table>
</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS	
				• Buildings on corners shall treat each street as a primary street front and present a consistent quality of architectural treatment. • Buildings shall incorporate architectural treatments to break up the perceived mass of the building, such as modulation of the built form, horizontal banding, changes in material, colour or pattern.
			Architectural Character	• Materials and colours shall be derived from the materials and colours of the existing buildings in the surrounding areas. • Notwithstanding the above, buildings shall incorporate red brick as either a main wall material or, at a minimum, a feature element. • Windows shall be vertically proportioned or composed of vertically proportioned glazing panels. • The uppermost floor shall be defined with a distinctive change in material, colour or architectural treatment.
			Ground Floor Commercial Tenancies	The facades of commercial tenancies that front the street at ground floor are to: • Incorporate design principles of traditional shopfronts by providing a mix of materials, textures and colours. • Provide building articulation through the use of indented entrances, contrasting elevation and depth to create active ground floor frontages and maintain a pleasant environment for pedestrians. • Provide a balance between glassing and solid materials. • Consider the use of glassing materials. The use of tinted, darkened or mirror glass or any other type of glazing that reduces or impedes visual interaction with the street is prohibited.

	AREA	SITE PARTICULARS	PROVISIONS
			• Ensure lighting, awning, and sign design and location are considered and complement the design of the façade. • Ensure fire fighting and service infrastructure is to be integrated into the design of the front façade, where required.
			End of Trip Facilities: Where the aggregate of the commercial tenancies in a development is 250m2 or more, every commercial tenancy is to have access to an end of trip facility, including a shower/change room, storage/lockers and bike parking.
			Design Statement: A design statement addressing the above design elements is to be provided as part of a development application.
			Design Review: Applications for any comprehensive new development involving buildings of three storeys or greater, excluding minor alterations, additions or extensions, as determined by the City of Bayswater shall be subject to review by the City's Design Review Panel. In determining such applications, the City shall have regard to the advice of the Design Review Panel.
			Development Requirements – Precincts SCA15 is divided into three precincts, as follows:

	AREA	SITE PARTICULARS	PROVISIONS



MIXED USE CORE PRECINCT Development Standards	
Zone	Mixed Use
Objectives	• Encourage residential dwellings as a vital component of the precinct whilst maintaining active frontages at ground level in key locations. • Encourage the use of sustainable forms of transport including walking, cycling and public transport. • Encourage land uses which promote activity outside of business hours, providing interaction with Railway Parade and Whatley Crescent, such as alfresco dining. • Ensure appropriate transition in development form, land use and intensity between the Mixed Use Core Precinct and adjacent precincts. • Encourage innovative and adaptable buildings.

	AREA	SITE PARTICULARS	PROVISIONS	
				• To transition to an attached streetscape with contiguous building frontages facing Railway Parade, Whatley Crescent and street frontages which adjoin the Residential Core Precinct. • Ensure new development is appropriate to its location within the Mixed Use Core Precinct, respecting adjoining development and having regard to the ultimate vision of the precinct.
			Land Use	• Notwithstanding uses listed within Table 1 – Zoning Table of the Scheme, the following uses are: 'P' uses: o Civic Building o Consulting Rooms o Home Store o Office o Serviced Apartment 'D' uses: o Shop o Convenience Store o Amusement Parlour o Medical Centre o Public Amusement o Kiosk o Lunch Bar o Restaurant o hosted short term rental accommodation *AMD 101 GG 17/02/2026* o Betting Agency o Cinema/Theatre o Display Home Centre o Dry Cleaning Premises

	AREA	SITE PARTICULARS	PROVISIONS		
					○ Hotel ○ Market ○ Reception Lodge ○ Small Bar ○ Tavern ○ Exhibition Centre ○ Liquor Store (Small) ○ Hire Service (Non-Industrial) ○ Telecommunications Infrastructure Dwellings: ○ Aged or Dependant Persons ○ Ancillary Accommodation 'A' uses: ○ Fast Food Outlet, excluding a drive-through facility ○ Hostel 'X' uses: ○ Liquor Store (Large) ○ Hospital Dwellings: ○ Single House ○ Grouped Dwelling • The location and design of any ground floor uses shall have due regard to the Meltham Station Precinct Structure Plan, which designates mandatory and optional locations for active ground floor frontages.
			Building Height	Minimum height	2 storeys
				Maximum height	4 storeys

	AREA	SITE PARTICULARS	PROVISIONS		
			Plot Ratio		As per the Residential Design Codes.
			Street Setbacks	Primary street setback from Railway Parade or Whatley Crescent.	• Nil setbacks are required for locations designated 'mandatory commercial frontage' on the Meltham Station Precinct Structure Plan Map. Minor recesses of up to 1.5m from the front boundary are permitted to achieve architectural articulation at the street edge. • For all other sites, a nil setback is permitted to a maximum setback of 3m. **Upper Storeys:** • Where any development is greater than four storeys as it addresses the primary street, the fifth and sixth storeys (where permitted) are to be setback on a 45 degree vision plane from the line of the fourth storey below, except at street corners.
				Setbacks to streets other than Railway Parade or Whatley Crescent.	• Nil setbacks are permissible within 20m of a street corner to Railway Parade or Whatley Crescent. • Beyond 20m of a street corner, setbacks are to be at least 3m. **Upper Storeys:** • Where any development is greater than four storeys as it addresses the primary street, the fifth and sixth storeys (where permitted) are to be setback on a 45 degree vision plane from the line of the fourth storey below, except at street corners. • No setback is required at street corners if an architectural element is provided which enhances the street corner.

	AREA	SITE PARTICULARS	PROVISIONS		
			Lot Boundary Setbacks	Side and Rear Setbacks (abutting sites within the Mixed Use Core or Residential Core Precinct)	*First Four Storeys:* • Nil permitted. Building to be setback from portions of the boundary to provide open space, access to natural light and ventilation. Development should also consider existing and potential development on adjoining lots having regard to the precinct objectives and ultimate development outcomes identified within the Meltham Station Precinct Structure Plan. *Fifth and Sixth Storey (where permitted):* • Setbacks are to be determined as per the Bonus Height Criteria.
				Side and Rear Setbacks (abutting sites within the Frame Precinct)	***Side Boundary Setbacks:*** *First Four Storeys:* • Nil permitted. Building to be setback from portions of the boundary to provide open space, access to natural light and ventilation. Development should also consider existing and potential development on adjoining lots having regard to the precinct objectives and ultimate development outcomes identified within the Meltham Station Precinct Structure Plan. *Fifth and Sixth Storey (where permitted):* • Setbacks are to be determined as per the Bonus Height Criteria.
				Side and Rear Setbacks (where	***Side Boundary Setbacks:*** *First Storey (ground floor):* • Nil permitted. Building to be setback from

	AREA	SITE PARTICULARS	PROVISIONS		
				abutting sites outside the structure plan area).	portions of the boundary to provide open space, access to natural light and ventilation. Development should also consider existing and potential development on adjoining lots having regard to the precinct objectives and ultimate development outcomes identified within the Meltham Station Precinct Structure Plan. *Second and Third Storeys:* • Minimum 2m setback. *Fourth Storey:* • Minimum 5m setback. *Fifth Storey (where permitted):* • Minimum 8m setback. *Sixth Storey (where permitted):* • Minimum 11m setback. ***Rear Boundary Setbacks for lots that abut lots fronting Hayward Street:*** *First and Second Storey:* • Minimum 6m setback. *Third Storey:* • Minimum 9m setback. *Fourth Storey:* • Minimum 12m setback. *Fifth Storey (where permitted):* • Minimum 15m setback.

	AREA	SITE PARTICULARS	PROVISIONS	
				Sixth Storey (where permitted): • Minimum 18m setback.
			Landscaping	Minimum landscaping of 25% of the site area (includes landscaping above the ground level).
			Awnings	• All ground-floor commercial uses with a street frontage shall provide shade and shelter to the adjacent footpath with a canopy/awning designed in accordance with the following criteria: o Depth: minimum of 2.5m, or to within 600mm of the kerb, where 2.5m cannot be achieved. o Height: minimum of 2.75m above footpath level, to a maximum of 4.5m above footpath level, measured to the underside of the canopy/awning. o Where adjoining properties are situated on a mandatory or non-mandatory commercial frontage, as detailed on the Meltham Station Precinct Structure Plan map, canopies/awnings are to be designed to allow for continuous shade and shelter along the footpath.
			RESIDENTIAL CORE PRECINCT **Development Standards**	
			Zone	Medium and High Density Residential
			Objectives	• Encourage residential development at a density which capitalises on sustainable forms of transport including walking, cycling and public transport whilst respecting the amenity of surrounding properties. • Increase the residential population within a close walking distance of the Meltham Train Station.

	AREA	SITE PARTICULARS	PROVISIONS	
				• Provide a transition between the Mixed Use Core Precinct and the Frame Precinct. • Ensure new development is appropriate to its location within the Residential Core Precinct, respecting adjoining development and having regard to the ultimate vision of the Precinct. • To transition to an attached streetscape with contiguous building frontages connecting to the Mixed Use Core Precinct.
			Land Use	• Notwithstanding uses listed within Table 1 – Zoning Table of the Scheme, the following uses are: 'D' uses: o hosted short-term rental accommodation *AMD 101 GG 17/02/2026* o Caretaker's Dwelling o Display Home Centre o Office o Serviced Apartments o Telecommunications Infrastructure Dwellings: o Single House o Grouped Dwelling o Aged or Dependent Persons o Ancillary Accommodation 'X' uses: o Exhibition Centre o Hospital o Market o Motel o Small Bar

	AREA	SITE PARTICULARS	PROVISIONS		
					○ Veterinary Consulting Rooms
			Building Height	Minimum height	2 storeys
				Maximum height	4 storeys
				Bonus Height Restriction	Sixth storey not permitted on lots fronting Hotham Street.
			Plot Ratio		As per the Residential Design Codes.
			Street Setbacks	Setback to Hotham Street.	*First Two Storeys:* • Minimum 3m setback. *Third Storey:* • Minimum 6.5m setback. *Fourth Storey*: • Minimum 10m setback. *Fifth Storey (where permitted):* • Minimum 13.5m setback.
				Setback to primary and secondary streets, excluding Hotham Street.	*First Four Storeys:* • 3m (minimum and maximum). • Minor variations are permitted to achieve articulation. *Fifth and Sixth Storey (where permitted):* • Minimum 6m setback.
			Lot Boundary Setbacks	Side and Rear Setbacks (abutting sites within the Mixed Use Core	*First Four Storeys:* • Nil permitted. Building to be setback from portions of the boundary to provide open space, access to natural light and ventilation. Development should also consider existing and potential

	AREA	SITE PARTICULARS	PROVISIONS		
				and Residential Core Precinct)	development on adjoining lots having regard to the precinct objectives and ultimate development outcomes identified within the Meltham Station Precinct Structure Plan. *Fifth and Sixth Storey (where permitted):* • Setbacks are to be determined as per the Bonus Height Criteria.
				Side Setbacks (abutting sites within the Frame Precinct)	**Side Setbacks:** *First Four Storeys:* • Nil permitted. Building to be setback from portions of the boundary to provide open space, access to natural light and ventilation. Development should also consider existing and potential development on adjoining lots having regard to the precinct objectives and ultimate development outcomes identified within the Meltham Station Precinct Structure Plan. *Fifth and Sixth Storey (where permitted):* • Setbacks are to be determined as per the Bonus Height Criteria.
				Landscaping	Minimum landscaping of 25% of the site area (includes landscaping above the ground level).

FRAME PRECINCT **Development Standards**	
Zone	Medium and High Density Residential
Objectives	• Encourage high quality design and sustainable outcomes for residential development.

	AREA	SITE PARTICULARS	PROVISIONS	
				• Provide generous areas of landscaping and deep soil zones. • Provide a seamless transition between SCA15 and the surrounding suburban properties. • Ensure new development is appropriate to its location within the Frame Precinct, respecting adjoining development and having regard to the ultimate vision of the Precinct.
			Land Use	• Notwithstanding uses listed within Table 1 – Zoning Table of the Scheme, the following uses are: 'D' uses: o Bed and Breakfast o Caretaker's Dwelling o Display Home Centre o Serviced Apartments o Telecommunications Infrastructure Dwellings: o Single House o Grouped Dwelling o Aged or Dependent Persons o Ancillary Accommodation 'X' uses: o Exhibition Centre o Hospital o Market o Motel o Small Bar o Veterinary Consulting Rooms
			Building Height	• R60 = 3 storeys maximum • R80 = 4 storeys maximum
			Plot Ratio	• As per the Residential Design Codes.

	AREA	SITE PARTICULARS	PROVISIONS		
			Street Setbacks		**Setback to all streets other than Hotham Street** • 3m (minimum and maximum setback). • Minor variations are permitted to achieve articulation. **Setback to Hotham Street** *First Two Storeys:* • Minimum 3m setback. *Third Storey:* • Minimum 6.5m setback.
			Lot Boundary Setbacks	Side boundary setbacks (abutting lots within SCA15)	*First Four Storeys (where permitted):* • Nil permitted. Building to be setback from portions of the boundary to provide open space, access to natural light and ventilation. Development should also consider existing and potential development on adjoining lots having regard to the precinct objectives and ultimate development outcomes identified within the Meltham Station Precinct Structure Plan.
				Side boundary setbacks (abutting lots outside SCA15)	*First Storey (ground floor):* • Nil permitted. Building to be setback from portions of the boundary to provide open space, access to natural light and ventilation. Development should also consider existing and potential development on adjoining lots having regard to the precinct objectives and ultimate development outcomes identified within the Meltham Station Precinct Structure Plan.

<table>
<tr><th></th><th>AREA</th><th>SITE PARTICULARS</th><th colspan="3">PROVISIONS</th></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td>Second Storey:
• Minimum 3m setback.

Third and Fourth Storey (where permitted):
• Minimum 6m setback.</td></tr>
<tr><td></td><td></td><td></td><td></td><td>Rear boundary setbacks</td><td>Minimum 6m setback.</td></tr>
<tr><td></td><td></td><td></td><td colspan="2">Landscaping</td><td>Minimum landscaping of 25% of the site area (includes landscaping above the ground level).

Minimum 3m wide deep soil zones are to be provided within the rear setback area.</td></tr>
<tr><td></td><td></td><td></td><td colspan="3"><u>Bonus Height Criteria</u>

A maximum of 2 additional storeys and/or additional plot ratio of 1.0 in the Mixed Use Core and Residential Core Precincts is permitted, subject to:

• The development is considered to be exemplary, as determined by the City with the advice of the City's Design Review Panel;
• The site has a minimum area of 1,500m^2;
• The width of the site is equal to or exceeds 25m for at least one street frontage; and
• Setbacks to fifth and sixth storeys (where permitted), as determined by the City with the advice of the City’s Design Review Panel considering the following principles:
o Development provides access to light, air and outlook for neighbouring properties and future buildings.
o Development provides for adequate privacy between neighbours.
o Development contributes to an attached streetscape with contiguous but individually distinctive building frontages that define and add character to the streetscape edge.
o Development manages a transition between sites or areas with different development controls such as height and land use.</td></tr>
</table>

	AREA	SITE PARTICULARS	PROVISIONS
SCA 17	**Special Control Area 17** *REMOVED BY AMD 96 GG 5/12/23*		○
SCA 18	Special Control Area 18 – Third Avenue, Maylands. *AMD 88 GG 20/05/2022*	Lot 7 Guildford Road, Maylands Lot 8 Third Avenue, Maylands Lot 5 Third Avenue, Maylands	**1. Purpose** a) To enable development of the site primarily for aged care purposes. Controls stipulated for SCA18 shall only be applicable for development that proposes Residential Care Facility as its primary or only use. **2. Principles** a) Provide for growing and future aged care needs while respecting the local streetscape and character. b) Recognise the location and unique interface with the foreshore, including existing amenities in the foreshore and its elevated position. c) Respect the heritage assets of the site, and their curtilage, in new development. Use streetscape, building facades and, where possible, street setbacks, to contribute to the public realm. **3. Land Use** a) Additional Permitted Uses: i) Residential Aged Care Facility 'D' ii) Medical Centre 'D'

	AREA	SITE PARTICULARS	PROVISIONS
			4. Built Form a) In addition to the below development controls, development shall be required to address the provisions of the Residential Design Codes Volume 2, where applicable. Where there is conflict, between the provisions listed in this schedule and the provisions of the Residential Design Codes Volume 2, the provisions of this schedule prevail. **5. Plot Ratio** Plot ratio limits do not apply to development of a Residential Aged Care Facility. **6. Minimum Setbacks** a) Guildford Road: i) Ground floor: Behind the retained façade where applicable; otherwise minimum 9.8m setback, or minimum 6.0m behind road reservation for widening Guildford Road (whichever is lesser). First floor and above: Minimum 11.6m, or minimum 7.8m behind road reservation for widening Guildford Road (whichever is lesser). b) Third Avenue: i) Ground floor: Nil setback may be permitted within 15.0m of the retained heritage façade on Third Avenue East; otherwise 2.5m. ii) First floor and above: 3.0m. c) Bardon Park: i) Ground floor: Nil ii) First floor and above: 5.0m iii) Notwithstanding the minimum setbacks provided under subclauses 6(c)(i) and 6(c)(ii), no development is to occur on land where a BAL-40 or BAL-FZ applies. d) Side Boundary: i) Ground floor: Nil ii) First floor and above: 3.0m

	AREA	SITE PARTICULARS	PROVISIONS
			7. Building Height a) Development is limited to a maximum height of five storeys unless additional height is granted in accordance with subclause 7(b). b) Development up to six storeys shall be supported where: i) it is not within 40m of the site boundary with Guildford Road; and ii) the development is supported by a design review panel; and iii) a vegetation wall or communal rooftop garden is provided to the satisfaction of the decision maker; and iv) the gross floorspace above three storeys does not exceed 5500m^2. **8. Car Parking** a) Minimum requirements for Residential Aged Care Facility: one bay per staff member, plus one bay per four beds. **9. Heritage** a) Development is required to: i) ensure that the scale and bulk does not overpower the retained heritage elements; ii) avoid the appearance of facadism; and iii) incorporate interpretation of the former canopy extension to the west. **10. Variations** a) The decision maker may consider minor variations to development provisions where development is consistent with the purpose and principles of SCA18 and the applicable design objectives of the Residential Design Codes Volume 2.

	AREA	SITE PARTICULARS	PROVISIONS
			11. Definitions a) Residential aged care facility: A residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes: i) appropriate staffing to meet the nursing and personal care needs of residents; ii) meals and cleaning services; iii) furnishings, furniture and equipment. This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

APPENDIX 11 - HOME OFFICE REGISTRATION CHECKLIST

AMD 32 GG 20/2/09

Applicant name:

Address:

Contact Phone Number:

Street address of business ***(if different from above):***

Brief description of business:

Do you live at the above property?	Yes ☐ No ☐
Do you own the above property? *(If no, you will require the written approval of the owner)*	Yes ☐ No ☐
Number of persons employed?	_____
Does the business involve the retail display or sale of goods from the site?	Yes ☐ No ☐
Does the business entail any clients visiting the site?	Yes ☐ No ☐
Does the business require any deliveries to the site?	Yes ☐ No ☐
Are any advertising signs proposed?	Yes ☐ No ☐
Will there be any external changes to the dwelling?	Yes ☐ No ☐
Does the business entail mechanical maintenance or repairs of machinery?	Yes ☐ No ☐

If you have answered yes to any of these questions, you may not fit the definition of a Home Office.
If you have any questions, please contact the City of Bayswater's Planning Department on 9272 0622.

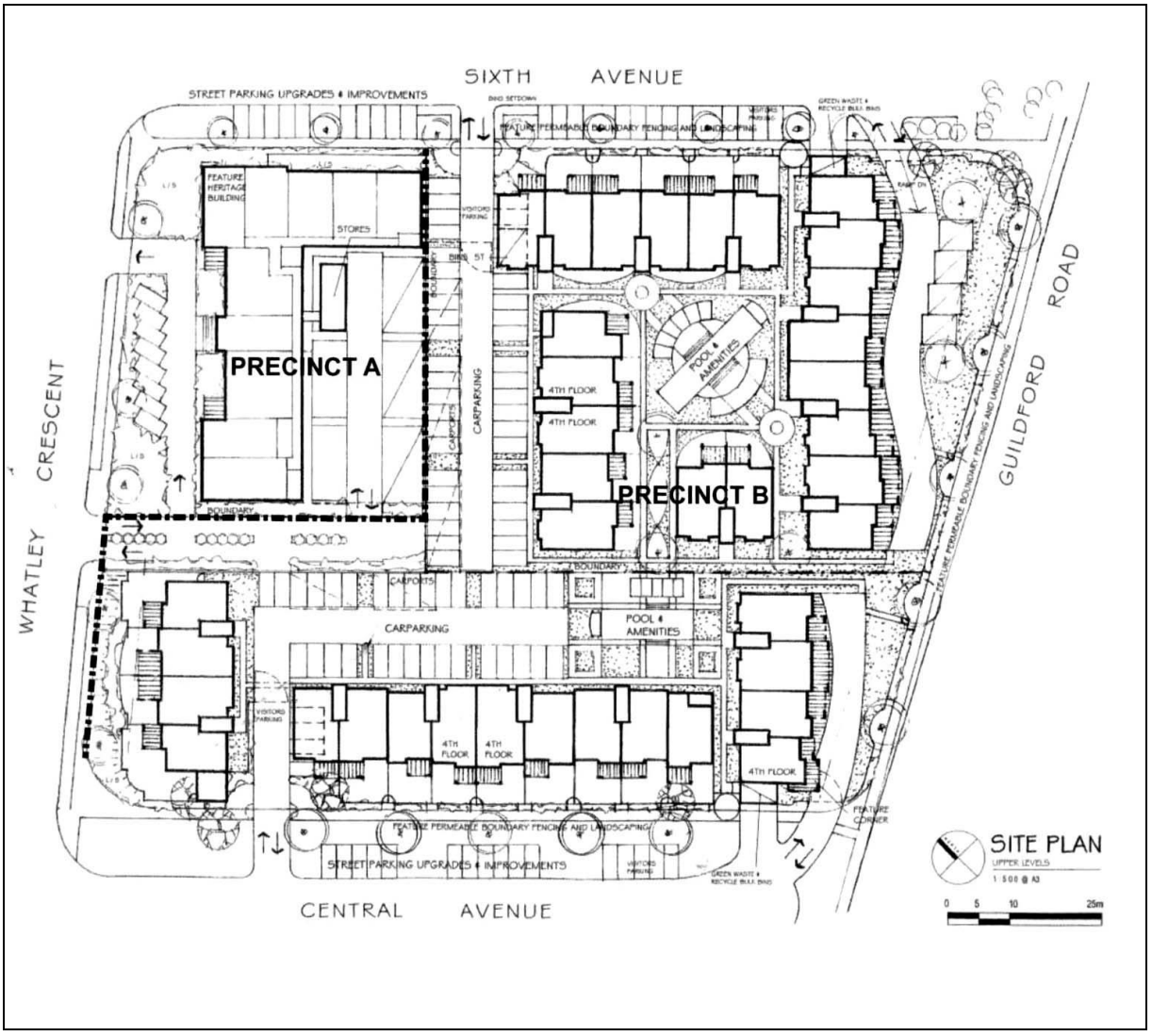
Declaration

The applicant hereby applies to conduct a Home Office at the above address and confirms that the business description and particulars described above are true.

Signature ..... Date .....

Please note: It is the responsibility of the applicant to advise the City of Bayswater of any changes to the information above.

PRECINCT DEVELOPMENT PLAN
AMD 19 GG 23/1/07



ADOPTION

Adopted by Resolution of the Council of the City of Bayswater at the Ordinary Meeting of the Council held on the 29th day of August 2000.

…….. ……
MAYOR DATE

…….. ……
CHIEF EXECUTIVE OFFICER DATE

FINAL APPROVAL

1. Adopted by Resolution of the Council of the City of Bayswater at the Special Meeting of the Council held on the 20th day of November 2002, and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of:

……
MAYOR

……
CHIEF EXECUTIVE OFFICER

(This Scheme Text is to be read in conjunction with the approved maps of the Scheme and to which formal approval was given by the Hon Minister for Planning and Infrastructure on the date given below.)

2. Recommended/Submitted for final approval by the Western Australian Planning Commission.

…….. ……
DELEGATED UNDER s.20
OF WAPC ACT 1985 DATE

3. Final approval granted.

…….. ……
MINISTER FOR PLANNING
AND INFRASTRUCTURE DATE