

CITY OF MANDURAH

Local Planning Scheme No. 12

Updated to include AMD 2 GG 20/09/2024



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
11th April 2022

Disclaimer

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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CITY OF MANDURAH LOCAL PLANNING SCHEME NO. 12 – AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
New Scheme	11/04/2022	20/04/2022	MLD	New Scheme
1	3/10/2023	30/10/2023	HAB	<p>Modify the R-Code density from R25 to R40 for the following lots: Lot 810 and 83 - 91 (No 1 - 19) Adana Street, Mandurah; Lots 92 - 95 (No. 2 - 8) Rigel Street, Mandurah; Lots 104 – 107 (No. 3 – 9) Anstruther Road, Mandurah; Lot 96 – 135 (No. 1 – 27) Cygni Street, Mandurah; and Lot 500 and 109 – 121 (No. 54 -80) Boundary Road, Mandurah.</p> <p>Modify the R-Code density from R10 to R5 for the following lots: Lots 201 – 210 Bulara Road, Greenfields; and Lots 211 – 220 Balwina Road, Greenfields</p> <p>Add the following land use to Table 6 (Special Use Zones in Scheme Area) to SU2 as it applies to Lot 2002 Marina Quay Drive, Erskine. 'P' Uses – Hotel.</p> <p>Add the following to the conditions column of Schedule A – Clause 61(1) Development for which Development Approval is not required – item No 26 'Removal of Trees': where the tree is dead or constitutes an immediate threat to life or property; where the tree is within three metres of the wall of an existing or approved building; where the tree is required to be removed for the purposes of bushfire prevention and control including a firebreak as required by any relevant legislation.</p> <p>Amend the scheme maps accordingly.</p>
2	20/09/2024	24/09/2024	GL	<p>Modify clause 3.4, Table 4 of the Scheme by adding the following: No.A2, Portion of Lot 9001 on Plan 7468 Coodanup (Lot 69 on WAPC Approval 154023), Restaurant/Café (D), Development shall be in accordance with the standards prescribed for a Restaurant/Café in a 'Local Centre'.</p> <p>Amend the Scheme Maps accordingly.</p>

Scheme Details

City of Mandurah

Local Planning Scheme No 12

The City of Mandurah under the powers conferred by the *Planning and Development Act 2005* makes the following local planning scheme.

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1. Preliminary

Sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.

1.1 Citation

This local planning scheme is the City of Mandurah Scheme No 12.

1.2 Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day it is published in the *Gazette*.

1.3 Scheme revoked

The following local planning scheme is revoked:

Name City of Mandurah Town Planning Scheme No 3

Gazettal date 21 July 1999

1.4 Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The Interpretation Act 1984 section 32 makes provision in relation to whether headings form part of the written law.

1.5 Responsibility for Scheme

The City of Mandurah is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

1.6 Scheme area

This Scheme applies to the area shown on the Scheme Map.

Note: The Scheme area is also subject to the Peel Region Scheme (see Clause 1.12)

1.7 Contents of the Scheme

1.7.1 In addition to the provisions set out in this document (the scheme text), this Scheme includes the following:

(a) the 'deemed provisions' (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;

(b) the Scheme Map (sheet 1 – 26);

1.7.2 The Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

1.8 Purpose of the Scheme

The purposes of this Scheme are to:

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

1.9 Aims of the Scheme

The aim of the Scheme is to provide the land use planning framework necessary to achieve the Place Aspiration, Place Vision and deliver the objectives of the Key Focus Areas for Mandurah as stated in Council's Strategic Community Plan 2020 – 2040:

“Place Aspiration:

Woven by waterways, a city with a village heart;

Place Vision:

We are built in nature - a meeting place surrounded by unique waterways, where the wellbeing of our people and our environment are nurtured; where business in the community can thrive and entrepreneurship is celebrated.

We will be the place where a thriving regional city and the heart of a village meet. This is our Mandjoogoordap.

Key Focus Areas:

Economic: Growing our economy;

Social: Creating a better community;

Health: Creating a healthy community;

Environment: Nature has a voice at the table in all decisions

Underpinned by Organisational Excellence: City of Mandurah being a high performing organisation.”

1.10 Relationship with Local Laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

1.11 Relationship with Local Planning Schemes

There are no other local planning schemes of the City of Mandurah which apply to the Scheme area.

1.12 Relationship with Region Planning Scheme

The Peel Region Scheme made (or continued) under Part 4 of the Act applies in respect of part or all of the Scheme area.

Note: The authority responsible for implementing the Peel Region Scheme is the Western Australian Planning Commission.

2. Reserves

Sets out the reserves which apply in the Scheme area and related provisions.

2.1 Regional Reserves

2.1.1 Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.

2.1.2 The lands marked as regional reserves are lands reserved for a public purpose under the Peel Region Scheme.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the Land Administration Act 1997 section 41.

2.2 Local Reserves

2.2.1 In this clause –

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

2.2.2 Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

2.2.3 The objectives of each local reserve are as follows:

Table 1 Reserve Objectives

Reserve Name	Objectives
Local Distributor Road	<ul style="list-style-type: none">To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none">To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy
Public Open Space	<ul style="list-style-type: none">To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s.152.To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage
Environmental Conservation	<ul style="list-style-type: none">To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.To identify and protect areas of biodiversity conservation significance within conservation reserves.
Public Purposes	<ul style="list-style-type: none">To provide for a range of essential physical and community infrastructure.

2.3 Additional Uses for Local Reserves

There are no additional uses for land in local reserves that apply to this Scheme.

3. Zones and the Use of Land

Sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.

3.1 Zones

3.1.1 Zones are shown on the Scheme Map according to the legend set out on the Scheme Maps.

3.1.2 The objectives of each zone are as follows:

Table 2 Zone Objectives

Zone Name	Objectives
Strategic Centre	<ul style="list-style-type: none">• Provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment.• To ensure that there is provision to transition between the uses in the strategic centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimised.• Provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.• Encourage high quality, pedestrian- friendly, street-orientated development that responds to and enhances the key elements of the Strategic Centre, to develop areas for public interaction and support the provision of public transport.• Ensure the provision of residential opportunities within the Strategic Centre including high density housing and tourist accommodation that supports the role of the regional centre and meets the needs of the community.• To provide a basis for future detailed planning in accordance with a precinct structure plan and the Activity Centres State Planning Policy.
District Centre	<ul style="list-style-type: none">• Provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas.• Provide for district centres to focus on weekly needs and services for a wider district catchment.• Provide a broad range of employment opportunities to encourage diversity within the Centre.• Ensure a mix of commercial and residential development, which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links.• Provide for a wide range of different types of residential accommodation, including high density residential, to meet the diverse needs of the community• To provide a basis for future detailed planning in accordance with a precinct structure plan and the Activity Centres State Planning Policy

Zone Name	Objectives
Neighbourhood Centre	<ul style="list-style-type: none"> • Provide services for a number of neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas. • Provide for neighbourhood focus on the main daily and weekly household shopping and community needs. • Encourage high quality, pedestrian- friendly, street-orientated development. • Provide a focus for medium density housing. • Ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.
Local Centre	<ul style="list-style-type: none"> • Provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas. • Provide for neighbourhood focus on the main daily household shopping and community needs. • Encourage high quality, pedestrian- friendly, street-orientated development. • Provide a focus for medium density housing. • Ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.
Service Commercial	<ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
General Industry	<ul style="list-style-type: none"> • To provide for a range of industrial, service and storage uses which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would otherwise not comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Mixed Use	<ul style="list-style-type: none"> • 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.
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community in suburban areas. • To facilitate and encourage high quality design, built form and streetscapes throughout suburban areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

Zone Name	Objectives
Urban Development	<ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.
Tourism	<ul style="list-style-type: none"> • To promote and provide for tourism opportunities. • To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. • To allow limited residential uses where appropriate. • To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.
Rural Residential	<ul style="list-style-type: none"> • To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholdings	<ul style="list-style-type: none"> • To provide for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
Private Community Uses	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, and education premises. • To integrate private recreation areas with public recreation areas wherever possible. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area. • To provide for the educational and private recreation requirements of the wider region without unduly impacting on local amenity.

Zone Name	Objectives
	<ul style="list-style-type: none"> • To provide for the controlled development of existing educational institutions and identified private recreation facilities within the Town, including private educational facilities, sports grounds with facilities for spectators, and recreation activities of a similar nature. • To ensure that the activities on these sites do not unduly affect the residential amenity of the locality including, but not limited to, traffic and parking.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

3.2 Zoning Table

3.2.1 The zoning table for this Scheme is as follows:

Table 3 Zoning Table

Use Class	Strategic Centre	District Centre	Neighbourhood Centre	Local Centre	Service Commercial	General Industry	Mixed Use	Residential	Rural Residential	Rural Smallholdings	Rural	Private Community Uses	Tourism	Urban Development		
agriculture - intensive	Refer to Clause 3.3.6	Refer to Clause 3.3.6	X	X	X	X	X	X	A	A	A	X	X	Refer to Clause 3.3.6		
amusement parlour			P	P	D	D	X	X	X	X	X	I	I			
animal establishment			X	X	D	D	X	X	A	A	A	X	X			
bed and breakfast			D	D	X	X	P	P	P	P	P	X	I			
betting agency			P	P	D	D	X	X	X	X	X	D	I			
brewery			X	X	P	P	X	X	X	X	X	X	X		I	
bulky goods showroom			X	X	P	P	X	X	X	X	X	X	X		X	
caravan park			X	X	X	X	X	A	X	X	X	X	X		D	
caretaker's dwelling			D	D	I	I	I	X	X	X	I	X	I			
car park			P	P	D	D	P	I	X	X	X	P	P			
child care premises			P	P	D	D	A	D	D	D	D	I	I			
cinema/theatre			X	X	X	X	X	X	X	X	X	X	X		X	
civic use			P	P	P	P	P	X	X	X	X	P	P			
club premises			P	P	D	D	X	A	A	A	A	P	I			
commercial vehicle parking			D	D	P	P	X	D	D	D	D	X	X			
community purpose			P	P	D	D	A	D	D	D	D	P	I			
consulting rooms			P	P	D	D	P	A	X	X	X	X	I			
convenience store			P	P	D	D	D	X	X	X	X	I	I			
educational establishment			P	P	D	D	A	A	A	A	A	P	I			
family day care			D	D	X	X	P	P	P	P	P	X	I			
fast food outlet	P	X	X	X	X	X	X	X	X	X	X	X				
funeral parlour	X	X	P	P	X	X	X	X	X	X	X	X				

Use Class	Strategic Centre	District Centre	Neighbourhood Centre	Local Centre	Service Commercial	General Industry	Mixed Use	Residential	Rural Residential	Rural Smallholdings	Rural	Private Community Uses	Tourism	Urban Development
garden centre			X	X	P	P	X	X	D	D	X	X	X	
grouped dwelling			D	D	X	X	P	P	X	X	X	X	D	
holiday accommodation			P	D	X	X	A	A	X	X	X	X	P	
holiday house			D	D	X	X	P	P	P	P	P	X	I	
home business			D	D	X	X	I	I	I	I	I	X	I	
home occupation			D	D	X	X	I	I	I	I	I	X	I	
home office			D	D	X	X	I	I	I	I	I	X	I	
home store			P	P	X	X	P	A	X	X	X	X	I	
hospital			D	D	D	D	X	X	X	X	X	X	X	
hotel			X	X	X	X	X	X	X	X	X	X	I	
industry			X	X	D	P	X	X	X	X	X	X	X	
industry - light			X	X	D	P	X	X	X	X	X	X	X	
independent living complex			D	D	X	X	P	P	X	X	X	X	X	
liquor store - large			X	X	X	X	X	X	X	X	X	X	I	
liquor store - small			P	P	X	X	D	X	X	X	X	X	I	
lunch bar			X	X	P	P	P	X	X	X	X	P	I	
market			P	P	D	D	D	X	X	X	X	I	I	
medical centre			P	P	D	D	P	A	X	X	X	X	I	
motel			P	D	X	X	A	A	X	X	X	X	P	
motor vehicle, boat or caravan sales			X	X	P	P	X	X	X	X	X	X	X	
motor vehicle repair			X	X	D	P	X	X	X	X	X	X	X	
motor vehicle wash			X	X	P	P	X	X	X	X	X	X	X	
multiple dwelling			D	D	X	X	P	P	X	X	X	X	D	
nightclub			X	X	X	X	X	X	X	X	X	X	X	
office			P	P	D	D	P	A	X	X	X	I	I	
place of worship			P	P	D	D	A	A	A	A	A	P	I	
reception centre			P	P	D	D	X	X	A	A	A	D	I	

Use Class	Strategic Centre	District Centre	Neighbourhood Centre	Local Centre	Service Commercial	General Industry	Mixed Use	Residential	Rural Residential	Rural Smallholdings	Rural	Private Community Uses	Tourism	Urban Development
recreation - private			P	P	D	D	X	X	X	X	X	P	I	
restaurant/café			P	P	D	D	X	X	X	X	X	D	I	
restricted premises			X	X	X	X	X	X	X	X	X	X	X	
residential aged care facility			D	D	X	X	P	P	X	X	X	X	I	
rural home business			X	X	X	X	X	X	A	A	A	X	X	
rural pursuit/hobby farm			X	X	X	X	X	X	A	A	A	X	X	
serviced apartment			P	D	X	X	A	A	X	X	X	X	P	
service station			P	X	D	D	X	X	X	X	X	X	X	
shop			P	P	I	I	D	X	X	X	X	I	I	
single house			D	D	X	X	X	P	P	P	P	X	X	
small bar			P	P	I	X	X	X	X	X	X	D	I	
tavern			X	X	X	X	X	X	X	X	X	X	I	
telecommunications infrastructure			P	D	P	P	D	D	D	D	X	D	D	
tourist development			P	D	X	X	A	A	A	A	A	X	P	
trade display			X	X	D	P	X	X	X	X	X	X	X	
trade supplies			X	X	D	P	X	X	X	X	X	X	X	
transport depot			X	X	D	P	X	X	X	X	X	X	X	
veterinary centre			D	X	P	P	X	X	D	D	D	X	X	
warehouse/storage			X	X	P	P	X	X	X	X	X	X	X	
winery			X	X	X	X	X	X	A	A	A	X	X	

3.3 Interpreting Zoning Table

3.3.1 The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

3.3.2 The symbols used in the zoning table have the following meanings:

- P* means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
- I* means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
- D* means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A* means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
- X* means that the use is not permitted by this Scheme.

Note:

- 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.*
- 2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.*
- 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.*

3.3.3 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

3.3.4 The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table:

- determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

3.3.5 If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

3.3.6 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land:

- (a) a structure plan;
- (b) a local development plan.

3.4 Additional Uses

3.4.1 Table 4 sets out:

- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that additional use.

Table 4 Specified Additional Use for Zoned Land in Scheme Area

No	Description of Land	Additional Use	Conditions
A1	Lot 1 Pinjarra Road, Coodanup	P Uses: <ul style="list-style-type: none"> • shop 	(a) The use of shop shall not exceed a NLA of 5,000m ² .
A2	Portion of Lot 9001 on Plan 7468 Coodanup (Lot 69 on WAPC Approval 154023)	Restaurant/Café (D)	Development shall be in accordance with the standards prescribed for a Restaurant/Café in a 'Local Centre'

3.4.2 Despite anything contained in the zoning table, land that is specified in Table 4 to clause 3.4.1 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

3.5 Restricted Uses

3.5.1 Table 5 sets out:

- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that restricted use.

3.5.2 Despite anything contained in the zoning table, land that is specified in Table 5 to clause 3.5.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

Table 5 Restricted Uses for Land in Scheme Area

No	Description of Land	Restricted Use	Conditions
R1	Lot 20 – 24 & 799 Gordon Road, Greenfields	P Uses: <ul style="list-style-type: none"> • car park 	(a) All development requires referral to Water Corporation for comment.

		<p>D Uses:</p> <ul style="list-style-type: none"> • bulky goods showroom • funeral parlour • industry - light • motor vehicle, boat or caravan sales • motor vehicle wash • veterinary centre 	<p>(b) Land uses are restricted to those not deemed overly sensitive to emissions from the Gordon Road Waste Water Treatment Plant. This excludes uses involving the serving of food, drinks or public gatherings as the primary function.</p> <p>(c) Building design should seek to limit odour impacts by:</p> <ul style="list-style-type: none"> (i) orientating doorways and openings away from the source of the odour (ii) utilising air lock and automatically closing doors (iii) installing air conditioning and locating plant away from the source of the odour
R2	Lots 1, 27, 28, 31 and 32 Pinjarra Road and Lot 26 Wanjeep Street, Coodanup and Lot 9001 and 14 Pinjarra Road, Greenfields	<p>P Uses:</p> <ul style="list-style-type: none"> • brewery • bulky goods showroom • commercial vehicle parking • civic use • funeral parlour • garden centre • lunch bar • telecommunications infrastructure • veterinary centre <p>D Uses:</p> <ul style="list-style-type: none"> • amusement parlour • animal establishment • betting agency • car park • child care premises • club premises • community purpose • consulting rooms • convenience store • educational establishment • hospital • market 	

	<ul style="list-style-type: none"> • medical centre • office • place of worship • reception centre • recreation – private • restaurant/café <p>I Uses:</p> <ul style="list-style-type: none"> • caretaker’s dwelling • shop • small bar 	
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3.6 Special Use Zones

3.6.1 Table 6 sets out:

- (a) Special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) The classes of special use that are permissible in that zone; and
- (c) The conditions that apply in respect of the special uses.

3.6.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

Table 6 Special Use Zones in Scheme Area

No	Description of Land	Special Use	Conditions
SU1	No 15 (Lot 506) Apollo Place, Halls Head	<p>D Uses:</p> <ul style="list-style-type: none"> • single house (only permitted within the heritage buildings and any new lot to the south-west of the Single Men’s Quarters) • grouped dwelling (subject to (d) Conditions) • multiple dwelling (subject to (d) Conditions) • bed and breakfast 	<p>(a) Further development of land or subdivision of land is to accord with a Local Development Plan as per Part 6 of the Deemed Provisions which shall address the following:</p> <ul style="list-style-type: none"> (i) Setbacks (ii) Built form (iii) Orientation (iv) Materials (v) Retaining walls (vi) Vehicular Access (vii) Fencing (viii) Separation to significant trees (ix) Use of heritage buildings (x) Public Access

No	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> • shop • office • reception centre • restaurant/café • serviced apartment • small bar • tourist development <p>X Uses:</p> <ul style="list-style-type: none"> • nightclub • tavern 	<p>(xi) Car parking</p> <p>(xii) Ancillary residential structures and private open space enclosure</p> <p>(xiii) Adaptive re-use strategy</p> <p>(b) The LDP shall be prepared in accordance with the development control principles of State Planning Policy 3.5 – Historic Heritage Conservation.</p> <p>(c) A minimum distance of 6 metres is required between the heritage buildings and any new development boundaries, at the closest point, unless otherwise varied through the Local Development Plan.</p> <p>(d) All residential development shall reflect a density coding of R40. For the purposes of subdivision, the grouped/multiple dwelling parcel to the north of the heritage buildings shall have a minimum lot size of 2800m². The grouped/multiple dwelling parcel to the south of the heritage buildings shall have a minimum lot size of 1600m².</p> <p><i>Note: As required by Clause 61 of the Deemed Provisions, all development on the site shall require development approval due to the site being on the Register of Heritage Places under the Heritage of Western Australia Act 1990.</i></p>
SU2	Lot 2002 Marina Quay Drive, Erskine	<p>P Uses:</p> <ul style="list-style-type: none"> • convenience store • holiday accommodation • hotel <p><i>AMD 1 GG 3/10/23</i></p> <ul style="list-style-type: none"> • liquor store - small • marina • market • serviced apartment • motel • reception centre 	<p>(a) In addition to any general provisions of the scheme, further development of land is to accord with the development requirements of the R-Codes for the coding of the adjoining residential zoned land unless a Local Development Plan has been approved as per Part 6 of the Deemed Provisions.</p> <p>(b) Where Residential Uses are proposed, the site shall require be subject to a Local Development Plan as per Part 6 of the Deemed Provisions to determine the location, form and scale of development for the</p>

No	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> • restaurant / café • recreation - private • small bar • shop • tourist development <p>D Uses:</p> <ul style="list-style-type: none"> • single house • grouped dwelling • multiple dwelling 	<p>site, the interface to existing residential development and the application of the R-Codes.</p> <p>(c) The Local Development Plan shall have regard to the prevailing form of development surrounding the site, and ensure an appropriate interface to existing residential development.</p>
SU3	445 (Lot 30) Pinjarra Road, Coodanup	<p>P Uses:</p> <ul style="list-style-type: none"> • caravan park • park home park 	<p>In addition to any general provisions of the scheme, development of land is to accord with the Caravan Parks and Camping Grounds Act 1995 and associated Regulations.</p>
SU4	Lot 300 Rees Place, Wannanup	<p>P Uses:</p> <ul style="list-style-type: none"> • convenience store • holiday accommodation • liquor store - small • marina • market • serviced apartment • motel • reception centre • restaurant / café • recreation - private • small bar • shop • tourist development <p>D Uses:</p> <ul style="list-style-type: none"> • single house • grouped dwelling • multiple dwelling 	<p>(a) In addition to any general provisions of the scheme, further development of land is to accord with the development requirements of the R-Codes for the coding of the adjoining residential zoned land unless a Local Development Plan has been approved as per Part 6 of the Deemed Provisions.</p> <p>(b) Where Residential Uses are proposed, the site shall be subject to a Local Development Plan as per Part 6 of the Deemed Provisions to determine the location, form and scale of development for the site, the interface to existing residential development and the application of the R-Codes.</p> <p>(c) The Local Development Plan shall have regard to the prevailing form of development surrounding the site, and ensure an appropriate interface to existing residential development.</p>
SU5	1149 (Lot 306) Old Coast Road, Dawesville	<p>P Uses:</p> <ul style="list-style-type: none"> • caravan park • park home park 	<p>In addition to any general provisions of the scheme, development of land is to accord with the Caravan Parks and Camping Grounds Act 1995 and associated Regulations.</p>

No	Description of Land	Special Use	Conditions
SU6	Lot 41, 21, 10 & 9 Old Coast Road, Bouvard	P Uses: <ul style="list-style-type: none"> • caravan park • park home park 	In addition to any general provisions of the scheme, development of land is to accord with the Caravan Parks and Camping Grounds Act 1995 and associated Regulations.

3.7 Non-Conforming Uses

3.7.1 Unless specifically provided, this Scheme does not prevent:

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of development on land if:
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

3.7.2 Clause 3.7.1 does not apply if:

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

3.7.3 Clause 3.7.1 does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government:

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use

3.8 Changes to Non-Conforming Use

3.8.1 A person must not, without development approval:

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75 per cent or more of its value; or

- (d) change the use of land from a non-conforming use to another use that is not permitted by the scheme.
- 3.8.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- 3.8.3 The local government may only grant development approval for a change of use of land referred to in subclause 3.8.1(d) if, in the opinion of the local government, the proposed use:
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

3.9 Register of Non-Conforming Uses

- 3.9.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- 3.9.2 A register prepared by the local government must set out the following:
- (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- 3.9.3 If the local government prepares a register under subclause 3.9.1 the local government :
- (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- 3.9.4 Clause 3.9.3(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- 3.9.5 An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

4. General Development Requirements

Sets out the general requirements which apply to land use and development within the Scheme area and the specific requirements which apply to particular uses and forms of development, such as site requirements, access, parking, building design, setbacks and landscaping, for residential, industrial, rural and other uses.

4.1 R-Codes

- 4.1.1 The R-Codes, modified as set out in clause 4.2, are to be read as part of this Scheme.
- 4.1.2 The local government must ensure that the R-codes are published in accordance with clause 87 of the deemed provisions.
- 4.1.3 Clause 4.1.2 is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- 4.1.4 The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- 4.1.5 The R-Codes apply to an area if –
 - (a) the area has a coding number superimposed on it in accordance with clause 4.1.4; or
 - (b) a provision of this scheme provides that the R-codes apply to the area.

4.2 Modification of R-Codes

For the purposes of the Scheme, the following modifications of the R-Codes apply:

- (a) The minimum lot area for the purposes of minimum and average lot sizes shall be calculated on the area of the lot that is capable of development, being the total lot area excluding any part of the lot located within a canal or artificial waterway.

Note: This clause shall be used in determining the area of a lot for lots within a canal development.

4.3 State Planning Policy 3.6 to be read as part of Scheme

- 4.3.1 State Planning Policy 3.6 - Development Contributions for Infrastructure, modified as set out in clause 4.4, is to be read as part of this Scheme.
- 4.3.2 The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- 4.3.3 Clause 4.3.2 is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

4.4 Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

4.5 Other State Planning Policies to be read as part of Scheme

4.5.1 The State planning policies set out in the Table, modified as set out in clause 4.6, are to be read as part of this Scheme:

State Planning Policy to be read as part of the Scheme

- There no other State planning policies that are to be read as part of the Scheme.
-

4.5.2 The local government must ensure that State planning policy referred to in clause 4.5.1 is published in accordance with clause 87 of the deemed provisions.

4.5.3 Clause 4.5.1 is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions

4.6 Modification of State Planning Policies

There are no modifications to State planning policy that, under clause 4.5.1 is to be read as part of the Scheme.

4.7 Environmental Conditions

4.7.1 The conditions set out in

- 4.7.2 Table 7 are environmental conditions that apply to this Scheme as a result of an assessment carried out under *the Environmental Protection Act 1986* Part IV Division 3.
- 4.7.3 The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 4.7.4 The local government must ensure that all statements relating to this Scheme published under the Environmental Protection Act 1986 Part IV Division 3 are published in accordance with clause 87 of the deemed provisions.
- 4.7.5 Clause 4.7.4 is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions

Table 7 Environmental Conditions that Apply to land in Scheme Area

Scheme or Amendment No	Gazettal Date	Environmental Conditions
Town Planning Scheme No 3 Amendment 78 'Frasers Landing' Wanjeep Street, Coodanup	10 October 2006	<p>The subdivision and development of land shall be generally in accordance with the approved Structure Plan.</p> <p>The approved Structure Plan for the land shall require the following Environmental Management Plans to be prepared, approved and implemented:</p> <ul style="list-style-type: none">• Urban Water Management Plan;• Nutrient and Irrigation and Fill Management Plan;• 'Artificial Water Body' Management Plan;• Vegetation Retention Management Plan;• Vegetation Retention Plan;• Flora Relocation Management Plan;• Foreshore and 'Core Conservation Reserve' Management Plan;• Acid Sulfate Soils Management Plan;• Mosquito Management Plan;• Wildlife Management Plan;

4.8 Additional Site and Development Requirements

4.8.1 Schedule 1 and Schedule 2 set out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or Local Planning Policies.

4.8.2 To the extent that a requirement referred to in 4.8.1 is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or State or local planning policy, the requirement referred to in subclause 4.8.1 prevails.

4.9 Additional Site and Development Requirement for areas covered by Structure Plan or Local Development Plan

There are no additional requirements that apply to this Scheme.

4.10 Variations to Site and Development Requirements

4.10.1 In this clause:

additional site and development requirements means requirements set out in clauses 0 and 4.9.

4.10.2 The local government may approve an application for a development approval that does not comply with an additional site and development requirement.

4.10.3 An approval under subclause 4.10.2 may be unconditional or subject to any conditions the local government considers appropriate.

4.10.4 If the local government is of the opinion that the non-compliance with a site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must:

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

4.10.5 The local government may only approve an application for development approval under this clause if the local government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67(2) of the deemed provisions; and
- (b) the non-compliance with the site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.11 Restrictive Covenants

4.11.1 A restrictive covenant affecting land in the Scheme Area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

4.11.2 If subclause 4.11.1 operates to extinguish or vary a restrictive covenant

- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
- (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

5. Special Control Areas

Sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.

5.1 Special Control Areas

5.1.1 Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.

5.1.2 The purpose, objectives and additional provisions that apply to each special control area is set out in Table 8.

Table 8 Special Control Area in Scheme Area

Name of Area	Purpose	Objective	Additional Provisions
SCA1 Flood Hazard Areas	To identify land subject to flooding.	To prevent loss of life and property from flooding.	<p>(a) For the purposes of the Scheme, a Flood Hazard Area means land contained within the 1 in 100 Year Average Recurrence Interval (ARI) (also referred to as 1 per cent annual exceedance probability flood event) floodplain mapping prepared by the state government agency responsible for floodplain mapping.</p> <p>(b) Development within a Flood Hazard Area shall be undertaken in accordance with the relevant provisions of the Building Code, and any relevant Australian Standard.</p> <p>(c) Any local government decision with respect to a Flood Hazard Area must be made with regard to the advice and recommendations of the state government agency responsible for floodplain management.</p>
SCA2 Odour Buffer for the Wastewater Treatment Plant	To identify land subject to odour.	To ensure land uses are compatible with the ongoing operation and expansion of wastewater infrastructure.	<p>In considering an application for development approval within SCA2, the decision maker is to have regard to the following:</p> <p>(a) The compatibility of the proposal with any existing or proposed future use or development of wastewater treatment infrastructure;</p> <p>(b) Recommendations of the chief executive officer of the Water Corporation.</p>

6. Terms Referred to in Scheme

Lists the general definitions and terms used in the Scheme and also lists the land use terms used in the Scheme.

Division 1 – General Definitions used in Scheme

6.1 Terms Used

6.1.1 If a word used in this Scheme is listed in this clause the meaning of the word is as set out below:

Term	Definition
building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
cabin	means a dwelling forming part of a tourist development or caravan park that is: (a) an individual unit other than a chalet; and (b) designed to provide short term accommodation for guests.
chalet	means a dwelling forming part of a tourist development or caravan park that is - (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short term accommodation for guests.
commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including: (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);
floor area	has meaning given in the Building Code;
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
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 incidental;
retail	means the sale or hire of goods or services to the public;
scheme commencement day	means the day on which this Scheme comes into effect under section 87(4) of the Act;
short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totaling more than 3 months in any 12 month period.
wetland	means an area of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, and includes a lake, swamp, marsh, spring, dampland and sumplands.

Term	Definition
wholesale	means the sale of goods or materials to be sold by others

6.1.2 A word or expression that is not defined in this Scheme –

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.

Division 2 – Land Use Terms Used in Scheme

6.2 Land Use Terms Used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as set out below:

Land Use	Definition
agriculture - intensive	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following: <ul style="list-style-type: none"> (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture.
amusement parlour	means premises <ul style="list-style-type: none"> (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines.
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.
bed and breakfast	means a dwelling <ul style="list-style-type: none"> (a) used by a resident of the dwelling to provide short term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms.
betting agency	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .

Land Use	Definition
bulky goods showroom	<p>means premises:</p> <p>(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes:</p> <ul style="list-style-type: none"> (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools; <p>or</p> <p>(b) used to sell by retail goods and accessories by retail if:</p> <ul style="list-style-type: none"> (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access to the premises is required for the purpose of collection of purchased goods.
caravan park	means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1).
caretaker's dwelling	means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.
car park	<p>means premises used primarily for parking vehicles whether open to the public or not but does not include:</p> <p>(a) any part of a public road used for parking or for a taxi rank; or</p> <p>(b) any premises in which cars are displayed for sale.</p>
child care premises	<p>means premises where</p> <p>(a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or</p> <p>(b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided.</p>
cinema/theatre	means premises where the public may view a motion picture or theatrical production.
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.

Land Use	Definition
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
commercial vehicle parking	means premises used for parking of one or 2 commercial vehicle but does not include: (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicle is incidental to the predominant use of the land.
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
convenience store	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 300m ² net lettable area;
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided;
fast food outlet	means premises including premises with a facility for a drive-through service for the sale and serving of food to customers in a form ready to be eaten: (a) without further preparation; and (b) primarily off the premises;
funeral parlour	means premises used: (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services.
garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;
holiday accommodation	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;
holiday house	means a single dwelling on one lot used to provide Error! Reference source not found. but does not include a bed and breakfast.

Land Use	Definition
home business	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –</p> <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier’s household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
home occupation	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –</p> <ul style="list-style-type: none"> (a) does not involve employing a person who is not a member of the occupier’s household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20m²; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not <ul style="list-style-type: none"> (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
home office	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –</p> <ul style="list-style-type: none"> (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and

Land Use	Definition
	(d) does not require any change to the external appearance of the dwelling;
home store	means a shop attached to a dwelling that – (a) has a net lettable area not exceeding 100m ² ; and (b) is operated by a person residing in the dwelling;
hospital	means premises used as a hospital as defined in the <i>Private Hospitals and Health Services Act 1927</i> section 2(1);
hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises;
independent living complex	Means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.
industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes: (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes;
industry - extractive	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes: (a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;
industry - light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
liquor store - large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ² ;
liquor store - small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m ² ;
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 service commercial areas;

Land Use	Definition
marina	means - (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;
marine filling station	means premises used for the storage and supply of liquid fuels and lubricants for marine craft.
market	means premises used for the display and sale of goods from stalls by independent vendors;
medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles;
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans;
motor vehicle repair	means premises used for or in connection with - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres;
motor vehicle wash	means premises primarily used to wash motor vehicles.
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
office	means premises used for administration, clerical, technical, professional or similar business activities.
park home park	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation - private	means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge;
restaurant/café	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .

Land Use	Definition
restricted premises	<p>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 -</p> <ul style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i>; 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.
residential aged care facility	<p>means a residential facility providing personal and/or nursing care primarily to people who are frail or aged or dependent persons which, as well as accommodation, includes</p> <ul style="list-style-type: none"> (a) appropriate staffing to meet the nursing and personal care needs of residents; (b) meals and cleaning services; (c) furnishings, furniture and equipment. <p>This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.</p>
rural home business	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation -</p> <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight;
rural pursuit/hobby farm	<p>means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household:</p> <ul style="list-style-type: none"> (a) the rearing or agistment of animals; or (b) the keeping of bees; or (c) the sale of produce grown solely on the premises;

Land Use	Definition
serviced apartment	means a group of units or apartments providing: (a) self-contained short-stay accommodation for guests; and (b) any associated reception or recreational facilities.
service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for: (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;
shop	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;
small bar	means premises the subject of a small bar licence granted under the Liquor Control Act 1988;
tavern	means premises the subject of a tavern licence granted under the Liquor Control Act 1988;
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide: (a) short term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement;
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises: (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.

Land Use	Definition
transport depot	<p>means premises used primarily for the parking or garaging of 3 or more commercial vehicles including:</p> <ul style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.
veterinary centre	<p>means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;</p>
warehouse/storage	<p>means premises including indoor or outdoor facilities used for</p> <ul style="list-style-type: none"> (a) the storage, goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods;
waste storage facility	<p>means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;</p>
winery	<p>means premises used for the production of viticultural produce and associated sale of the produce;</p>

Schedule A Supplemental Provisions to the Deemed Provisions

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

13A. Significant Tree Register

- (1) The local government must establish and maintain a Significant Tree Register to identify trees within the Scheme Area that are worthy of preservation.
- (2) The Significant Tree Register:
 - (a) must set out a description of each tree 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 in the Significant Tree Register or modify the entry of a tree in the register unless the local government:
 - (a) notifies in writing each owner and occupier of the land which contains the tree and provides each of them with a description of the tree and the reasons for the proposed entry; and
 - (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
 - (c) carries out any other consultation the local government considers appropriate; and
 - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered in the significant tree register with or without modification, or that the tree be removed from the Significant Tree Register.
- (4) If the local government enters a tree 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 site.
- (5) 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.

61 (1) Development for which Development Approval Not Required

Development approval of the local government is not required for the following works —

	Column 1 Works	Column 2 Conditions
6A.	The erection of, or alterations or additions to, a single house on a lot, where the R-Codes do not apply to the works	<ul style="list-style-type: none"> (a) A single house is a class P use in the zone in which that lot is located; (b) The development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied; and (c) The development is located within a building envelope that has been granted development approval.
7A.	<p>The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling, where the R-Codes do not apply to the works:</p> <ul style="list-style-type: none"> (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a garage; (i) a carport. 	<ul style="list-style-type: none"> (a) A single house is a class P use in the zone in which that lot is located; (b) The development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied; and (c) The development is located within a building envelope that has been granted development approval.
8A.	<p>The installation of, or alterations or additions to, any of the following on the same lot as a single house, where the R- Codes do not apply to the works:</p> <ul style="list-style-type: none"> (a) a swimming pool; (b) shade sails. 	<ul style="list-style-type: none"> (a) A single house is a class P use in the zone in which that lot is located; (b) The development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied; and (c) The development is located within a building envelope that has been granted development approval.
23.	Minor development in a Commercial and Industrial zone	<ul style="list-style-type: none"> (a) The development is located on land zoned Strategic Centre, District Centre, Neighbourhood Centre, Local Centre, Service Commercial, General Industry or Private Community Uses; (b) The development has a net lettable area of less than 150m²; (c) The development supports the predominant use of the site; and

	Column 1 Works	Column 2 Conditions
		(d) The development is not visible from a public street frontage.
24.	Installation of Telecommunications Infrastructure	<p>(a) The development is located on land zoned Strategic Centre, District Centre, Neighbourhood Centre, Service Commercial or General Industry; and</p> <p>(b) The development has a maximum height of 30 metres; and</p> <p>(c) The development is located, sited and designed in accordance with the relevant State Planning Policy; and</p> <p>(d) Notification and/or consultation processes are undertaken in accordance with the <i>Commonwealth Telecommunications Act 1997</i> (as amended).</p>
25.	Filling and Excavation where the R-Codes do not apply to the works	<p>(a) The works are up to a height or depth of 500mm; and</p> <p>(b) Excludes works where the where the works are located within 100m of a wetland.</p>
26.	Removal of Trees (which includes: ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, or wilful destruction)	<p>(a) The land is zoned Strategic Centre, District Centre, Neighbourhood Centre, Private Community Uses or Residential with a lot size less than 4000 square metres; or</p> <p>(b) On land that is zoned Residential with an R-code of R15 or higher; or</p> <p>(c) On land located a distance greater than 100 metres of a wetland;</p> <p>(d) On land that is not designated as a Tree Preservation Area as shown in a structure plan;</p> <p>(e) Where the tree(s) are not designated for retention on a structure plan or local development plans; or</p> <p>(f) Where the tree is not registered in the Significant Tree Register under clause 13A.</p> <p>(g) Development for which Development Approval is Not Required</p> <ul style="list-style-type: none"> • where the tree is dead or constitutes an immediate threat to life or property; • where the tree is within three metres of the wall of an existing or approved building; • where the tree is required to be removed for the purposes of bushfire prevention and control including a firebreak as required by any relevant legislation.

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Schedules to the Scheme

Schedule 1 Additional Requirements That apply to Land in Scheme Area

General Requirements

No.	Description of Land	Requirement
1.	<p>Scheme Area Tree Removal</p> <p>(As required by Schedule A Clause 61(1))</p>	<p>In considering an application for development approval under the Scheme for the removal of any tree(s), the local government shall take into consideration and may impose conditions relating to the following:</p> <ul style="list-style-type: none"> (a) Risk of personal injury and/or damage to buildings, structures or services, potential fire hazard; (b) Structural soundness of the tree(s); (c) Whether the tree(s) form a part of or is a remnant of indigenous vegetation; (d) Whether the tree is registered on the Significant Tree Register; (e) Whether the pruning or removal of tree(s) including disturbance to the root zone (as defined by the dripline) is likely to occur; (f) Where the pruning (involving removal of up to a maximum of 25 per cent of the tree canopy while retaining the natural height, form and character of the tree) to facilitate sunlight reception by solar panels; (g) Whether the pruning or removal of any tree(s) provides habitat for fauna protected under any relevant legislation that may require the preparation of a Species Impact Statement if there is likely to be significant effect.
2.	<p>Where the R-Codes do not apply in all Centre Zones and the Service Commercial zone</p>	<p>Notwithstanding the requirements relating to development that are set out in a Precinct Structure Plan, Local Development Plans or Local Planning Policies the following provisions shall be provided for development where the R-Codes do not apply in all Centre zones and the Service Commercial Zone:</p> <ul style="list-style-type: none"> (a) Buildings shall be required to front the primary street and shall be of high quality. Elevations are to include articulation a through variety of materials, height, setbacks and awnings covering pedestrian walkways around the building. Walls with no articulation and no variety of materials will not be accepted. (b) Wherever possible buildings are to address all public spaces, through the provision of windows and control of signage on windows to provide for surveillance and security. The blanking out of windows with signage is not acceptable. (c) Landscaping is to be of a high quality through the use of trees within parking areas, the street verge and around buildings, complimented by extensive low-rise native landscaping.

No.	Description of Land	Requirement
		<p>(d) A variety of paving is to be provided adjacent to the building and within the car parking area to demarcate pedestrian crossings and driveway access, ensuring that the extent of bitumen is reduced.</p> <p>(e) Car parking areas are to be designed to wrap around the site and/or buildings, to form internal access ways. Car parking areas are to be articulated using high quality landscaping, tree plantings, variety of pavements, pedestrian refuge islands and access ways.</p> <p>(f) The layout and location of access ways, parking, loading bays and service areas are to be designed to permit vehicles to enter streets in a forward gear.</p> <p>(g) Service and loading areas are to be screened from street view and residential land uses.</p> <p>(h) The extent and amount of signage shall be controlled and minimised and shall have regard to the following:</p> <p>(i) An area on the building's facade shall be designed to incorporate the appropriate signage for individual tenancies, in a manner that does not detract from the building's design;</p> <p>(ii) The painting of the building in a tenant's corporate colours is considered a form of signage and should not detract from the building's design; and,</p> <p>(iii) Use of pylon and free-standing signs is to be restricted and kept to a minimum having reference to the applicable Precinct Structure Plan, Local Development Plan or Local Planning Policy.</p>
3.	Residential Zoned land abutting Regional Open Space	<p>Unless otherwise covered by a provision of a Structure Plan, Local Development Plan or Local Planning Policy:</p> <p>(a) the minimum setback to Regional Open Space shall be 4.5 metres to an open balcony, veranda, terrace or other outdoor living area raised more than 0.5m above natural ground level; and 6.0 metres to the main building; and</p> <p>(b) a 45-degree visual truncation shall be maintained from adjoining properties at the 6.0 metre setback line.</p>

Zone Requirements

No.	Description of Land	Requirement												
1.	Service Commercial Zone, General Industry Zone	<p>Within the Service Commercial and General Industry zones, the following shall apply:</p> <p>(a) Minimum setbacks:</p> <p>(i) As per the following:</p> <table border="1" data-bbox="660 465 1445 680"> <thead> <tr> <th data-bbox="660 465 954 533">Zone</th> <th data-bbox="979 465 1086 533">Primary Street</th> <th data-bbox="1150 465 1289 533">Secondary Street</th> <th data-bbox="1321 465 1445 533">Side and Rear</th> </tr> </thead> <tbody> <tr> <td data-bbox="660 555 954 622">Service Commercial Zone</td> <td data-bbox="979 555 1086 622">6.0m</td> <td data-bbox="1150 555 1289 622">3.0m</td> <td data-bbox="1321 555 1445 622">Nil</td> </tr> <tr> <td data-bbox="660 645 954 680">General Industry</td> <td data-bbox="979 645 1086 680">9.0m</td> <td data-bbox="1150 645 1289 680">4.5m</td> <td data-bbox="1321 645 1445 680">Nil</td> </tr> </tbody> </table> <p>and</p> <p>(ii) where a site adjoins residential development the setback requirements shall be in accordance with the R-code of the adjoining site.</p> <p>(b) Open space and landscaping:</p> <p>(i) a minimum of 10 percent of site shall be set aside for open space and landscaping, excluding car parking and manoeuvring areas;</p> <p>(ii) a minimum 3m landscaping strip shall be provided within the front setback.</p>	Zone	Primary Street	Secondary Street	Side and Rear	Service Commercial Zone	6.0m	3.0m	Nil	General Industry	9.0m	4.5m	Nil
Zone	Primary Street	Secondary Street	Side and Rear											
Service Commercial Zone	6.0m	3.0m	Nil											
General Industry	9.0m	4.5m	Nil											
2.	Local Centre Zone, Neighbourhood Centre Zone	<p>Within the Local Centre and Neighbourhood Centre zones, the following shall apply:</p> <p>(a) Minimum setbacks:</p> <p>(i) Setbacks shall be established through a Local Development Plan or in the absence of an approved Local Development Plan as determined by the local government, generally based on 'main-street' design principles where appropriate for the context of the site and the location, ensuring that building entries, car parking locations and landscaping can be accommodated.</p> <p>(ii) Where a site adjoins residential development the setback requirements shall be in accordance with the R-code of the adjoining site.</p> <p>(b) Open space:</p> <p>A minimum of 10 percent of the site shall be set aside for open space and landscaping, excluding car parking and manoeuvring areas;</p>												
3.	Private Community Uses Zone	<ol style="list-style-type: none"> <li data-bbox="603 1738 1495 1906">1. In addition to any general provisions of the scheme, further development of land is to accord with the development requirements of the R-Codes for the coding of the adjoining residential zoned land unless a Local Development Plan has been approved. <li data-bbox="603 1917 1495 2078">2. Where any development subject to the R-Codes are proposed, the site shall be subject to a Local Development Plan to determine the location, form and scale of development for the site, the interface to existing residential development and the application of the R-Codes. 												

No.	Description of Land	Requirement																														
		3. The Local Development Plan shall have regard to the prevailing form of development surrounding the site, and ensure an appropriate interface to existing residential development.																														
4.	Rural, Rural Smallholdings and Rural Residential Zones ('Rural Zones')	<p>1. Minimum Lot Sizes</p> <p>In the Rural, Rural Smallholdings and Rural Residential Zones lot sizes shall comply with the following standards:</p> <table border="0"> <thead> <tr> <th data-bbox="655 472 735 501">Code</th> <th data-bbox="794 472 1031 501">Minimum Lot Size</th> </tr> </thead> <tbody> <tr> <td data-bbox="655 517 703 546">RL1</td> <td data-bbox="794 517 927 546">1 Hectare</td> </tr> <tr> <td data-bbox="655 562 703 591">RL5</td> <td data-bbox="794 562 943 591">5 Hectares</td> </tr> <tr> <td data-bbox="655 607 727 636">RL10</td> <td data-bbox="794 607 959 636">10 Hectares</td> </tr> </tbody> </table> <p>2. All lots within the Rural zones shall be subject to the approval of a building envelope</p> <p>3. A building envelope shall be approved under the provisions for development approval (Part 8 of the Deemed Provisions).</p> <p>4. All building envelope shall be located in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Shall not exceed 2000 square metres in area, unless otherwise required arising from a Bushfire Management Plan; (ii) Minimise the need for clearing of remnant vegetation by being located within the most degraded area of the lot; (iii) Ensure consistency with a Bushfire Management Plan with respect to site layout, vehicular access, firefighting water supply and siting of development; (iv) Have regard for visual landscape values respecting views to and from the development site through avoidance of significant rock outcrops, ridgelines and visually dominant topography; and (v) Setback from relevant property boundaries as required by the following table: <table border="0" style="margin-left: 40px;"> <tbody> <tr> <td data-bbox="719 1514 935 1543">Front Boundary:</td> <td data-bbox="1394 1529 1469 1559">100m</td> </tr> <tr> <td data-bbox="719 1547 1110 1576">Lots Fronting Old Coast Road</td> <td></td> </tr> <tr> <td data-bbox="719 1599 935 1628">Front Boundary:</td> <td data-bbox="1410 1615 1469 1644">50m</td> </tr> <tr> <td data-bbox="719 1632 1166 1662">Lots Not Fronting Old Coast Road</td> <td></td> </tr> <tr> <td data-bbox="719 1684 1278 1713">Side Boundary (unless otherwise required)</td> <td data-bbox="1410 1682 1469 1711">15m</td> </tr> <tr> <td data-bbox="719 1736 1286 1765">Rear Boundary (unless otherwise required)</td> <td data-bbox="1410 1733 1469 1762">50m</td> </tr> <tr> <td data-bbox="719 1787 1015 1816">Lake Clifton (see note)</td> <td data-bbox="1394 1785 1469 1814">150m</td> </tr> <tr> <td data-bbox="719 1839 1126 1868">Peel Harvey Estuary (see note)</td> <td data-bbox="1410 1836 1469 1865">50m</td> </tr> <tr> <td data-bbox="719 1890 927 1919">Other Wetlands</td> <td data-bbox="1410 1888 1469 1917">50m</td> </tr> <tr> <td data-bbox="719 1942 935 1971">Vasse Soil Type</td> <td data-bbox="1410 1939 1469 1968">20m</td> </tr> <tr> <td data-bbox="719 1993 1254 2022">South West Regional Ecological Linkage</td> <td data-bbox="1410 1991 1469 2020">75m</td> </tr> </tbody> </table>	Code	Minimum Lot Size	RL1	1 Hectare	RL5	5 Hectares	RL10	10 Hectares	Front Boundary:	100m	Lots Fronting Old Coast Road		Front Boundary:	50m	Lots Not Fronting Old Coast Road		Side Boundary (unless otherwise required)	15m	Rear Boundary (unless otherwise required)	50m	Lake Clifton (see note)	150m	Peel Harvey Estuary (see note)	50m	Other Wetlands	50m	Vasse Soil Type	20m	South West Regional Ecological Linkage	75m
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No.	Description of Land	Requirement
		<p data-bbox="719 241 1414 371"><i>Note: Setbacks to Lake Clifton and the Peel Harvey Estuary are measured from high water of lake as measured from the saltwater dependant wetland vegetation species)</i></p> <p data-bbox="603 488 903 517">5. Building Envelopes</p> <p data-bbox="659 533 1487 600">(a) All development shall be contained within the approved Building Envelope, which includes the following:</p> <ul style="list-style-type: none"> <li data-bbox="715 616 1487 779">(i) The area for the construction of a dwelling and all outbuildings which shall generally be constructed in a central location within the building envelope to minimise clearing required for a Building Protection Zone as specified in the Bushfire Regulations; <li data-bbox="715 790 1487 857">(ii) Contain effluent disposal systems and associated drainage and potable water supply tank; <li data-bbox="715 869 1487 965">(iii) Any earthworks or filling of the land, including those required to meet minimum finished floor levels as required; <p data-bbox="719 976 1487 1160"><i>Note: A minimum habitable finished floor level of 2.7m AHD is required to ensure adequate flood protection from the 1 in 100 Flood Level as set out by the Department of Water for land adjoining the Peel Harvey Estuary. No filling within or adjoining Conservation Category Wetlands shall be permitted.</i></p> <ul style="list-style-type: none"> <li data-bbox="715 1171 1487 1267">(iv) The undertaking of all land uses as set out in Table 3, unless otherwise approved as part of a development approval. <p data-bbox="659 1279 1487 1429">(b) No indigenous trees, bushland or other indigenous vegetation shall be cleared, felled or remove outside the defined building envelope except where necessary in the following situations:</p> <ul style="list-style-type: none"> <li data-bbox="715 1440 1487 1507">(i) The vegetation is dead, diseased or poses a danger to humans, stock or buildings; <li data-bbox="715 1518 1487 1585">(ii) The clearing is necessary for any firebreak as required under the Bush Fires Act 1954; or <li data-bbox="715 1597 1487 1664">(iii) The clearing is for the purpose of access to an approved building envelope; <p data-bbox="715 1675 1487 1861">In order to enhance the biodiversity and wildlife habitat of lands within these zones, the local government may require the planting of trees and/or groups of trees, where tree cover is considered deficient to facilitate rehabilitation of understorey species as a condition of any development approval.</p> <p data-bbox="603 1921 935 1951">6. Potable Water Supply</p> <p data-bbox="659 1962 1487 2069">(a) All buildings intended for residential use must include provision for the storage of water in tanks of not less than 130,000 litres capacity on the basis that no arrangements</p>

No.	Description of Land	Requirement
		<p>have been made for connection to a reticulated water supply provided by a licensed water provider.</p> <p>(b) Groundwater bores shall be subject to the restrictions of the Southwest Groundwater Catchment Allocation Plan administered by the Department of Water and Environmental Regulation.</p> <p>7. On-site wastewater disposal</p> <p>(a) Proposals for on-site wastewater disposal may be considered where the decision maker is satisfied that:</p> <p>(i) reticulated sewerage is not required;</p> <p>(ii) the site requirements for on-site wastewater disposal outlined in the Government Sewerage Policy can be met; and</p> <p>(iii) development will be serviced by an appropriate on-site wastewater system that will manage risk to the environment and public health where relevant.</p> <p>8. Stocking Rates for Animals</p> <p>(a) Development Approval for the keeping of animals is not required where the stocking rate is consistent with the base stocking rate determined by the Department of Primary Industries and Regional Development's <i>Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp, Western Australia</i> together with the following:</p> <p>(i) Stocking Rates being based on area of cleared land and not total lot size.</p> <p>(ii) Grazing being limited to parkland cleared areas only and further clearing of remnant bushland for grazing purposes shall not be permitted.</p> <p>(iii) Grazing is not permitted within the setback areas to Lake Clifton, Peel-Harvey Estuary, Other Wetlands and Vasse Soils Types as defined in the <i>Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp, Western Australia</i>.</p> <p>(b) Where a landowner proposes to keep stock in excess of the base stocking rate, provided for in the <i>Stocking Rate Guidelines for Rural Small Holdings, Swan Coastal Plain and Darling Scarp, Western Australia</i>, a Development Approval will be required, accompanied by a suitable Management Plan, which shall be assessed in accordance with the following:</p> <p>(i) The provisions of the 'Stocking Rates for Rural Small Holdings, Agriculture WA';</p> <p>(ii) The extent of dry pasture only;</p> <p>(iii) Based on area of cleared land and not total lot size.</p>

No.	Description of Land	Requirement
		<ul style="list-style-type: none"> <li data-bbox="715 232 1490 331">(iv) Grazing shall be limited to parkland cleared areas only and further clearing of remnant bushland for grazing purposes shall not be permitted. <li data-bbox="715 340 1490 510">(v) Advice from the Department of Primary Industries and Regional Development and the Department of Water and Environmental Regulation in relation to protection of watercourses, wetlands and ground and surface water quality. <li data-bbox="715 519 1490 618">(vi) Grazing is not permitted within the setback areas to Lake Clifton, Peel-Harvey Estuary, Other Wetlands and Vasse Soils Types. <li data-bbox="657 627 1490 882">(c) Where in the opinion of the local government, the continued presence of animals on any portion of land is likely to contribute, or is contributing to unsatisfactory environmental degradation and impacts, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.

Specific Site Requirements

No.	Description of Land	Requirement
1.	Lot 1 Petina Court and Lots 2 – 4 Seawind Drive, Silver Sands; Strata Lot 1 – 2 on Strata Plan 56323 Seawind Drive, Silver Sands; and Strata Lot 4 – 10 on Strata Plan 45471, Hickman Road Silver Sands.	<ol style="list-style-type: none"> 1. Development of all lots requires approval under the Scheme. 2. No building shall be greater than a maximum of 8.5 metres in height measured from 5.0m AHD (being the ground level established as part of the subdivision process). 3. Fencing shall maximise the opportunity for passive surveillance of the public open space and foreshore areas, where the extent of solid fencing shall be minimised, whilst respecting the need for privacy on individual lots. 4. All buildings and swimming pools shall be setback a minimum of 15.0 metres from the Regional Open Space alignment.
2.	All Canal Developments (Except for 'Port Mandurah Stage 1' and 'Waterside')	<ol style="list-style-type: none"> 1. Where a boundary abuts or is located within a canal waterway, setbacks for all development shall be a minimum of 4 metres with an average of 6 metres for a rear boundary and a minimum of 4 metres for a side boundary. 2. The setback requirements shall be measured from the outer or canal side of the canal wall. 3. Certification from a Structural Engineer will be required for any building or structure which is proposed to be closer than 6 metres to any canal wall.
3.	'Port Mandurah Stage 1' and 'Waterside' Canal Developments	<ol style="list-style-type: none"> 1. Where a boundary abuts or is located within a canal waterway, setbacks for all development shall be a minimum of 6 metres. 2. The setback requirements shall be measured from the outer or canal side of the canal wall.
4.	Lots 88, 89 and 90 Leisure Way, Halls Head	<ol style="list-style-type: none"> 1. Development shall be designed to front onto and be orientated to Old Coast Road. 2. Multiple Dwellings shall be permitted at a Residential Density Code of R80. 3. All land adjacent to Mandurah Road shall be provided with a landscape buffer area with a minimum width of 10.0m.
5.	Lot 507 Apollo Place, Halls Head	<ol style="list-style-type: none"> 1. Development of up to 4 storeys may be permitted. 2. A minimum of 75% Tourism Uses and maximum of 25% Residential uses to be provided.
6.	Lot 370 Country Club Drive, Dawesville	100% Tourism Uses to be provided with no Residential Uses permitted unless otherwise approved by the local government.
7.	Lot 9201 and 2001 Marina Quay Drive, Erskine	100% Tourism Uses to be provided with no Residential Uses permitted unless otherwise approved by the local government.

Schedule 2 Parking Requirements

Land Use Categories / Specific Uses	Neighbourhood Centre	Local Centre	Service Commercial	Light Industry	Residential
Residential Uses <ul style="list-style-type: none"> • Ancillary Dwelling • Caretaker's Dwelling • Grouped Dwelling • Multiple Dwelling • Family Day Care • Holiday House • Home Business • Home Occupation • Home Office • Independent Living Complex • Single House • Single Bedroom Dwelling 	As per R-Codes plus 1 bay for Home Business;		N/A	N/A	As per R-Codes plus 1 bay for Home Business
Commercial Uses <ul style="list-style-type: none"> • Betting Agency • Car Park • Child Care Premises • Home Store 	4.5 parking bays per 100m ² of net lettable floor area				
Retail Uses <ul style="list-style-type: none"> • Convenience Store • Market • Shop 	4.5 parking bays per 100m ² of net lettable floor area		1 parking bay per 10m ² of net lettable floor area	N/A	
Service Uses <ul style="list-style-type: none"> • Bulky Goods Showroom • Funeral Parlour • Lunch Bar • Motor Vehicle, Boat or Caravan Sales • Motor Vehicle Wash • Warehouse/Storage 	N/A	N/A	1 parking bay per 50m ² of net lettable floor area	N/A	
Industrial Uses	N/A	N/A	1 parking bay	1 parking bay per	N/A

Land Use Categories / Specific Uses	Neighbourhood Centre	Local Centre	Service Commercial	Light Industry	Residential
<ul style="list-style-type: none"> • Industry • Industry - Light • Motor Vehicle Repair • Trade Display • Trade Supplies • Transport Depot 			per 50m ² of net lettable floor area	60m ² of net lettable floor area	
Tourism Uses <ul style="list-style-type: none"> • Caravan Park • Holiday Accommodation • Motel • Serviced Apartment • Tourist Development 	1 per unit		N/A	N/A	1 per unit
Dining and Entertainment <ul style="list-style-type: none"> • Amusement Parlour • Reception Centre • Restaurant • Recreation - Private • Small Bar 	1 parking bay per 4 patrons				N/A
Child Care Premises	1 per staff member plus 4				
Fast Food Outlet	1 parking bay per 4 patrons (Exclusive of drive through stacking)	N/A	N/A	N/A	N/A
Consulting Rooms & Medical Centre	5 per practitioner				
Liquor Store - Small	3 parking bays per 100m ² of net lettable floor area				
Office	1 per 50m ²				
Residential Aged Care	1 bay per 4 beds, plus 1 bay per staff member present, or otherwise determined by the local government following the submission of a traffic management report.				
Place of Worship	1 per 4 patrons				

Land Use Categories / Specific Uses	Neighbourhood Centre	Local Centre	Service Commercial	Light Industry	Residential
Service Station	3 parking bays per 100m ² of net lettable floor area	N/A	3 parking bays per 100m ² of net lettable floor area		N/A
Veterinary Centre	3 parking bays per 100m ² of net lettable floor area	N/A	3 parking bays per 100m ² of net lettable floor area		N/A

Note: Parking ratios shall be calculated based on the net lettable floor area of the development.

Where parking ratios require a fraction of a space, it must be rounded up to the nearest higher whole number.

Parking ratios for land uses not listed to be determined by the local government.

Endorsement

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the City of Mandurah at the meeting of the Council held on the 30 April 2019

.....
MARK ROBERT NEWMAN
CHIEF EXECUTIVE OFFICER

.....
RYHS JOHN WILLIAMS
MAYOR

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the City of Mandurah at the Meeting of Council held on the 23 June 2020. The Common Seal of the City of Mandurah was hereunto affixed by authority of a resolution of the Council in the presence of:

.....
MARK ROBERT NEWMAN
CHIEF EXECUTIVE OFFICER

.....
RYHS JOHN WILLIAMS
MAYOR

WAPC Recommended for Final Approval

.....
Delegated under S.16 of the
Planning and Development Act 2005

.....
DATE

Approval Granted

.....
MINISTER FOR PLANNING

.....
DATE