

LOCAL PLANNING SCHEME NO. 11

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Local Planning Scheme Gazettal Date **xx**

TOWN OF BASSENDEAN LOCAL PLANNING SCHEME NO. 11 AMENDMENTS

Amendment No.	Gazettal Date	Updated		Details
		When	By	

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SCHEME DETAILS

TOWN OF BASSENDEAN

LOCAL PLANNING SCHEME NO. 11

The Town of Bassendean under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

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TABLE OF CONTENTS

Part 1 – Preliminary

1.	Citation	3
2.	Commencement	3
3.	Scheme Revoked	3
4.	Notes do not form part of Scheme	3
5.	Responsibility for Scheme	3
6.	Scheme area	3
7.	Contents of Scheme	3
9.	Aims of Scheme	4
10.	Relationship with local laws	5
11.	Relationship with other local planning schemes.....	5
12.	Relationship with region planning scheme.....	5

Part 2 - Reserves

13.	Regional reserves	6
14.	Local reserves	6
15.	Additional Uses for local reserves.....	7

Part 3 - Zones and Use of Land..... 8

16.	Zones	8
17.	Zoning Table	9
18.	Interpreting zoning table	11
19.	Additional uses	12
20.	Restricted uses.....	13
21.	Special use zones	13
22.	Non-conforming uses	13
23.	Changes to non-conforming uses	14
24.	Register of non-conforming uses	14

Part 4 – General Development Requirements 16

25.	R-Codes	16
26.	Modification of R-Codes	16
27.	State Planning Policy 3.6 to be read as part of Scheme	16
28.	Modification of State Planning Policy 3.6.....	17
29.	Other State planning policies to be read as part of Scheme	17
30.	Modification of State planning policies.....	17
31.	Environmental conditions.....	17
32.	Additional site and development requirements	17
33.	Additional site and development requirements for areas covered by structure plan or local development plan	20

34.	Variations to site and development requirements	20
35.	Restrictive covenants	21
36.	Development in unsewered areas	21
37.	Design review.....	21
38.	Tree preservation	21
Part 5 - Special Control Areas		25
39.	Special control areas	25
Part 6 - Terms Referred to in Scheme.....		30
40.	Terms used	30
41.	Land use terms used	31

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Part 1 – Preliminary

1. Citation

This local planning scheme is the Town of Bassendean Scheme No. 11.

2. Commencement

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

3. Scheme Revoked

The following local planning scheme is revoked -

Local Planning Scheme No. 10 Gazettal date 24 June 2008 as amended.

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.

5. Responsibility for Scheme

The Town of Bassendean 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.

6. Scheme area

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

Note: The Scheme area (or part) is also subject to the Metropolitan Region Scheme (see clause 12) and other local planning schemes (see clause 11).

7. Contents of Scheme

(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);
- (b) the Scheme Map;
- (c) The supplementary provisions to the deemed provisions contained in Schedule A of the Scheme.

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of 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 local 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 made 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.

9. Aims of Scheme

The aims of this Scheme are -

- (a) Respect the community vision for the development of the district with appropriate land uses and development;
- (b) Ensure new built form responds to, protects and enhances the local character and amenity;
- (c) Provide greater housing choice to cater for a diverse and sustainable population;
- (d) Optimise and facilitate appropriate development around railway stations;
- (e) Foster and control the use and development of land in an effective, efficient and environmentally sustainable manner according to precinct planning principles, whilst striking the balance between accommodating increasing population and maintaining local character;
- (f) Integrate planning for land use and transport to achieve sustainable urban development encouraging the reduction in dependence on private motor vehicle use and promotion of alternative modes of transport and public transport;
- (g) Protect, preserve and maintain the Town's cultural and heritage values, including recognising and preserving the traditional setting of existing heritage and character dwellings including curtilage, garden areas and open space;

- (h) Protect and enhance the natural environment, in particular urban bushland, river environs and urban canopy;
- (i) Facilitate and protect the establishment of an attractive and efficient industrial area;
- (j) Ensure an appropriate transitional interface between industrial and residential land uses;
- (k) Encourage and provide for local economic development and employment opportunities to improve the vibrancy of the Town in particularly the Bassendean Town Centre;
- (l) To ensure the health and safety of residents, businesses and visitors of the district, including by the incorporation of Crime Prevention Through Urban Design Principles; and
- (m) Ensure planning at the local level is consistent with the Metropolitan Region Scheme and the State Planning Framework.

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.

11. Relationship with other local planning schemes

The following local planning schemes of the Town of Bassendean also apply in the Scheme area -

Guided Scheme No. 4A Gazettal date 20 January 1981

12. Relationship with region planning scheme

The Metropolitan 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 Metropolitan Region Scheme is the Western Australian Planning Commission.

Part 2 - Reserves

13. Regional reserves

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Metropolitan 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.

14. Local reserves

- (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) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows -

Table 1 - Reserve Objectives

Reserve Name	Objectives
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.
Civic and Community	<ul style="list-style-type: none"> • To provide for a range of community facilities which are compatible with surrounding development. • To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential education facilities.
Drainage / Waterway	<ul style="list-style-type: none"> • To set aside land required for significant waterways and drainage.

Reserve Name	Objectives
Primary Distributor Road	<ul style="list-style-type: none">To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none">To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
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.

15. Additional Uses for local reserves

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

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Part 3 - Zones and Use of Land

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows -

Table 2 - Zone Objectives

Zone Name	Objectives
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. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Light Industry	<ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Commercial	<ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment, and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
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. • To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Centre	<ul style="list-style-type: none"> • To designate land for future development as a town centre or activity centre. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.

Zone Name	Objectives
Private clubs, institutions and places of worship	<ul style="list-style-type: none"> To provide sites for privately owned and operated recreation, institutions and places of worship. To integrate private recreation areas with public recreation areas wherever possible. To separate potentially noisy engine sports from incompatible uses. 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.

17. Zoning Table

The zoning table for this Scheme is as follows -

Table 3 - Zoning Table

Use and Development Class	Zones						
	Residential	Commercial	Mixed Use	Light Industry	General Industry	Centre	Private Clubs, Institutions & Places of Worship
Aged Care Facility	A	X	D	X	X	A	X
Amusement Parlour	X	D	D	X	X	P	X
Ancillary Dwelling	P	X	D	X	X	D	X
Animal Establishment	X	X	X	D	A	X	X
Art Gallery	A	P	P	X	X	P	D
Bed & Breakfast	A	D	D	X	X	D	X
Betting Agency	X	X	X	X	X	A	X
Brewery	X	A	X	D	X	X	X
Bulky Goods Showroom	X	P	D	D	X	X	X
Caretaker's Dwelling	X	D	D	D	D	D	D
Carpark	X	D	D	D	D	D	D
Child Care Premises	A	D	D	X	X	D	X
Cinema/Theatre	X	D	D	X	X	D	X
Civic Use	D	P	P	D	A	P	D
Club Premises	X	D	D	A	A	D	P
Commercial Vehicle Parking	D	D	D	P	P	D	X
Community Purpose	A	D	A	D	X	A	P
Consulting Rooms	A	P	P	X	X	P	X
Convenience Store	X	A	P	X	X	P	X
Corner Store	A	P	P	X	X	P	X
Dwelling	P	A	X	X	X	X	X
Educational Establishment	A	D	P	A	X	P	P
Exhibition Centre	D	D	D	D	X	D	P
Family Day Care	P	P	D	X	X	D	X

Use and Development Class	Zones						
	Residential	Commercial	Mixed Use	Light Industry	General Industry	Centre	Private Clubs, Institutions & Places of Worship
Fast Food Outlet/Lunch Bar	X	A	A	D	D	A	X
Funeral Parlour	X	X	A	P	D	A	X
Garden Centre	X	X	X	A	A	X	X
Grouped Dwelling	P	A	D	X	X	D	X
Holiday Accommodation	A	D	D	X	X	D	X
Holiday House	A	D	D	X	X	D	X
Home Business	A	A	D	X	X	D	X
Home Occupation	P	D	D	X	X	D	X
Home Office	P	P	P	X	X	P	X
Home Store	A	D	A	X	X	A	X
Hospital	A	A	X	X	X	A	X
Hotel	X	A	A	X	X	A	X
Industry	X	X	X	A	P	X	X
Industry - Light	X	X	X	P	D	X	X
Liquor Store – Large	X	A	X	X	X	X	X
Liquor Store – Small	X	P	P	X	X	P	X
Market	X	D	A	A	A	D	D
Medical Centre	X	P	D	D	X	P	X
Motel	X	A	A	X	X	A	X
Motor Vehicle, Boat or Caravan Sales	X	X	X	D	A	X	X
Motor Vehicle Repair	X	X	X	D	D	X	X
Motor Vehicle Wash	X	A	D	D	X	D	X
Multiple Dwelling	P	D	P	X	X	P	X
Nightclub	X	X	X	X	X	A	X
Office	X	P	P	D	X	P	X
Place of Worship	A	D	A	D	X	A	P
Reception Centre	X	A	A	D	X	A	P
Recreation – Private	X	D	D	D	A	D	D
Residential Building	D	X	X	X	X	X	X
Resource Recovery Centre	X	X	X	A	A	X	X
Restaurant/Cafe	X	P	D	X	X	P	X
Restricted Premises	X	A	X	X	X	X	X
Serviced Apartment	X	A	A	X	X	P	X
Service Station	X	X	X	P	D	X	X
Shop	X	P	P	X	X	P	X
Small Bar	X	A	A	X	X	P	X
Tavern	X	A	A	X	X	D	X
Telecommunications Infrastructure	A	A	A	A	P	A	A
Trade Display	X	X	X	D	D	X	X
Trade Supplies	X	A	X	D	D	X	X
Transport Depot	X	X	X	D	P	X	X
Veterinary Centre	X	P	D	D	X	D	X
Warehouse/Storage	X	X	X	P	P	X	X
Waste Disposal Facility	X	X	X	X	A	X	X
Waste Storage Facility	X	X	X	A	A	X	X

18. Interpreting zoning table

(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.

(2) The symbols used in the zoning table have the following meanings –

P means that the use is permitted if 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. For development on land that does not require development approval see clause 61 of the deemed provisions.

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

3. Under clause 61(2) of the deemed provisions, certain uses are exempt from the requirement for development approval.

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

(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 –

(a) 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

(b) 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

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

- (5) If a use of land is identified in a zone as being a class P 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.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –
 - (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) 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.

19. Additional uses

- (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 uses for zoned land in Scheme area

No.	Description of Land	Additional Use	Conditions
1	Lot 50 (No. 163-165) Guildford Road, Bassendean	Medical Centre	<ol style="list-style-type: none"> 1. No vehicular access to or from Guildford Road will be permitted. 2. No more than three rooms within the clinic to be used for the treatment of patients. 3. Lots 12 & 3 Guildford Road to be amalgamated and all costs associated with this to be met by the applicant. 4. A total of 14 parking bays shall be provided, line marked and maintained in accordance with the plan approved by Council. 5. A directional sign to be erected and maintained by the occupier to indicate the location of both patient

No.	Description of Land	Additional Use	Conditions
			and employee parking areas.
2	Lot 2 (No. 175) Guildford Road, Bassendean	Veterinary Clinic	As determined by Council.
3	Lot 2 (No. 77) West Road, Bassendean	Shop/Restaurant/Café	As determined by Council.
4	Lots 3 and 250 (No. 103 – 105) Old Perth Road, Bassendean	Medical Centre	<ol style="list-style-type: none"> 1. An application for development approval is required for any change in land use. 2. Lots 3 and 250 Old Perth Road to be amalgamated and all costs associated with this to be met by the applicant. 3. A minimum total of 25 parking bays to be provided to the facility to the satisfaction of council. 4. Limiting the number of practitioners to eleven (11) at any one time. 5. 1.8m high fence, constructed of corrugated fibre cement sheeting or higher standard shall be provided from the building setback line on the eastern boundary to Lot 250 Old Perth Road.

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional classes of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

There are currently no restricted uses which apply to this Scheme.

21. Special use zones

There are currently no special use zones which apply to this Scheme.

22. Non-conforming uses

- (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.
- (2) Subclause (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) Subclause (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.

23. Changes to non-conforming uses

- (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% 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.
- (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) A local government may only grant development approval for a change of use of land referred to in subclause (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.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (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) If the local government prepares a register under subclause (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 –
 - (i) published on the website of the local government; and
 - (ii) if its reasonably practicable to do so – made available for public inspection at a public place in the district of the local government during business hours.
- (4) 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.

Part 4 – General Development Requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are –
 - (a) published on the website of the local government; and
 - (b) if its reasonably practicable to do so – made available for public inspection at a public place in the district of the local government during business hours.
- (3) 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) The R-Codes apply to an area if –
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

- (1) The local government may permit the development, or support the subdivision of an existing R17.5 or R20 coded corner lot to a maximum density of R25 provided the original lot has frontage to two constructed roads and any new lots created or new dwellings constructed shall have their own frontage to a constructed road.
- (2) Notwithstanding any other provision of the Scheme, where a site has been approved for or developed for residential purposes at a density greater than that permitted under the relevant R-Code applicable under the Scheme, the local government may permit the site to be re-developed at the same density, provided it is satisfied that the standard of development will be significantly improved as a result.
- (3) With the exception of site area, the local government may vary one or more of the development requirements under the R-Codes where it involves the conservation of a place on the Heritage List or Local Heritage Survey.
- (4) With the exception of site area, the local government may vary one or more of the development requirements under the R-Codes where it involves the conservation of a significant tree.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6 - Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.

- (2) The local government must ensure that State Planning Policy 3.6 is -
- (a) published on the website of the local government; and
 - (b) if its reasonably practicable to do so – made available for public inspection at a public place in the district of the local government during business hours.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

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

30. Modification of State planning policies

There are no modifications to a State Planning Policy that, under clause 29 is to be read as part of the Scheme.

31. Environmental conditions

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

32. Additional site and development requirements

- (1) Table 5 sets 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.

Table 5 – Additional requirements that apply to land in Scheme area

No.	Description of Land	Requirement
1	All Residential zoned land	1. All new non-residential development within the residential zone shall comply with the provisions of the R-Codes with respect to setbacks, building height and open space unless otherwise specified in a local planning policy.
2	Lots 1, 2, 3, 4, 5, and 6 Earlsferry Court, Bassendean	<ul style="list-style-type: none"> 1. All development of the land, including that which does not require the planning consent of Council under the Scheme shall comply with the Earlsferry House Development Policy as adopted by Council. The development policy shall include reference to such matters as fencing, building orientation, design, height and construction materials in addition to any other matters considered appropriate by Council. 2. All boundary fencing shall be ornamental picket or traditional red brick, and shall be no greater than 1.2 metres high, excepting that which is not visible from Nurstead Avenue or Guildford Road. 3. Dwellings shall present to Nurstead Avenue and shall be setback a minimum of 6 metres and a maximum of 9 metres from Nurstead Avenue. 4. Dwelling shall be single storey only with a maximum building height of 6m.

No.	Description of Land	Requirement
		<p>5. Building materials must be:</p> <ul style="list-style-type: none"> (i) walls: traditional red brick with light coloured (not grey) mortar or tuck-pointing; (ii) roof: terracotta roof tiles, custom orb, colourbond or painted, zincalume. Roof pitch shall be no less than 30 degrees; (iii) Roof plumbing: gutters to be ogee, ovolo or rounded – downpipes shall be round. (iv) eaves: to be a minimum of 400mm excluding gutters. Under eaves is to be exposed with rafters, bird boards or closed with adequate ventilation. Boxed eaves are prohibited; (v) windows: to be timber or coloured aluminium frames, to be an upright style on all facades visible from the street. Bay windows are acceptable. Window sill shall be projecting brick or timber; (vi) verandas, carports and garages: constructed from brick or timber posts. Roofs shall be constructed to match those on the main dwelling, where such structures are visible from Guildford Road or Nurstead Avenue. (vii) driveways: to be brick paves or patterned in a colour consistent with the dwelling. (viii) a schedule of colours and materials is required to be submitted with a development application. (iv) satellite dishes, roof installations, all radio or television aerials, solar heaters, air-conditioning units, or similar external attachment shall be located such that they are not visible from either Nurstead Avenue or Guildford Road.
3	Lot 74 (No. 68) & Lot 75 (No. 72) Walter Road East, Eden Hill	1. Vehicle access is not permitted from Walter Road East, Eden Hill. Vehicle Access must be provided from the secondary street (Ivanhoe Street or Marion Street).
4	All Commercial zoned land	<ul style="list-style-type: none"> 1. The local government may, at its discretion, permit residential development within the Commercial zone to a maximum density of R60. Residential development shall only be permitted where the local government is satisfied that this development is complementary to the scale and character of the buildings within the Commercial zone. 2. Residential uses are not permitted on the ground floor facing a primary and/or secondary street, except where the use faces a pedestrian access way, right of way or laneway. 3. Minimum tenancy depth facing a street is 10 metres. 4. All new non-residential development within the Commercial zone are to be provided with end of trip facilities to encourage alternative modes of transport as specified in the relevant local planning policy.
5	All Mixed Use zoned land	<ul style="list-style-type: none"> 1. The local government may, at its discretion, permit residential development within the Mixed Use zone to a maximum density of R60. Residential development shall only be permitted where the local government is satisfied that this development is complementary to the scale and character of buildings within the Mixed Use zone. 2. Buildings are to have active frontages on the ground floor to the primary and secondary street. 3. Residential uses are not permitted on the ground floor facing a primary and/or secondary street, except where

No.	Description of Land	Requirement
		<p>the use faces a pedestrian access way, right of way, or laneway.</p> <ol style="list-style-type: none"> 4. Minimum tenancy depth facing a street is 10 metres. 5. All new non-residential development within the Mixed Use zone are to be provided with end of trip facilities to encourage alternative modes of transport as specified in the relevant local planning policy. 6. Notwithstanding 5(1) above, for Lot 736 (No.2) Broadway, Bassendean and Lots 54 & 51 (No. 72 & 76) Railway Parade, Bassendean, the local government may, at its discretion, permit residential development to a maximum density of R160.
6	All Centre zoned land	<ol style="list-style-type: none"> 1. The local government may at its discretion, permit residential development within the Centre zone to a maximum density of R-AC3. Residential development shall only be permitted where the local government is satisfied that the development is complementary to the scale and character of buildings within the Centre zone. 2. Notwithstanding 6(1) above, for Lot 9644 Park Lane, Bassendean, the local government may at its discretion, permit residential development to a maximum density of R-AC1. 3. Buildings are to have active frontages on the ground floor to the primary and secondary street. 4. Residential uses are not permitted on the ground floor facing a primary and/or the secondary street, except where the uses faces a pedestrian access way, right of way, or laneway. 5. All new non-residential development within the Centre zone are to be provided with end of trip facilities to encourage alternative modes of transport as specified in the relevant local planning policy.
7	All zoned land	<p>Trees and Development</p> <ol style="list-style-type: none"> 1. The retention of 'significant trees' may be imposed as a condition of development approval. 2. Where the local government approves development on a site which at the time does not contain a significant tree or involves the removal of a significant tree from the site, the local government may, as a condition of development approval, require the planting of trees approved by the local government to be planted in particular locations on the site at a maximum ratio of one advanced tree for every 350m² (or part thereof) of the sites area. Where this ratio is inconsistent with the maximum ratio specified by a local planning policy, standard structure plan, precinct structure plan or local development plan which applies to the particular site or the area in which the site is located, the local government may vary the maximum ratio specified above having due regard to the maximum ratio of that local planning policy, standard structure plan, precinct structure plan or local development plan. 3. Where the local government approves development on a site with a condition of development approval requiring the retention of a significant tree or the planting of a new tree no less than 2 metres in height and 100L in pot size, the local government may, as a condition of development approval, require: <ol style="list-style-type: none"> (i) a Tree Growth Zone that is free of development, structures and hardstand to the specifications of

No.	Description of Land	Requirement
		<p>the local government and the installation appropriate root barriers or root directors to sustain the trees health and growth;</p> <p>(ii) the retention of the tree in perpetuity; and</p> <p>(iii) a notification to be registered on the Certificate of Title under Section 70A of the Transfer of Land Act 1893 advising prospective purchasers that the site contains a tree which is required to be retained and protected from development works.</p> <p>4. In addition to a trees on private property, the local government may impose a condition of development approval to require the planting of a tree, at the applicants cost, on an abutting road reserve.</p>

- (2) To the extent that a requirement referred to in subclause (1) (2) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements for areas covered by structure plan or local development plan

There are currently no areas covered by a structure plan or local development plans under this scheme.

34. Variations to site and development requirements

- (1) If a development is the subject of an application does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- (2) If the local government is of the opinion that the non-compliance with a standard or requirement prescribed under the Scheme 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.
- (3) 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 matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and

- (b) the non-compliance with the standard or requirement prescribed under the Scheme 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.

35. Restrictive covenants

- (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.
- (2) If subclause (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, where it perceives there may be an amenity impact to the locality unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

36. Development in unsewered areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house on a single lot shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

37. Design review

- (1) The local government may share or appoint a Design Review Panel for the purposes of considering and providing advice on design elements of planning proposals.
- (2) The operation of and the matters considered by the Design Review Panel shall be in accordance with an adopted Local Planning Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (3) The local government shall have due regard to any advice or recommendations made by the Design Review Panel when considering planning proposals.

38. Tree preservation

- (1) Interpretation:
 - (a) In this section, unless the context otherwise requires:
 - (i) “cut” includes prune, lop, damage, injure or interfere with; and

- (ii) "tree" includes a group of trees or other vegetation.
- (2) Tree Preservation Order:
- (a) The local government may order the preservation and maintenance of a tree, having regard to a tree's:
 - (i) historical association; or
 - (ii) aesthetic quality; or
 - (iii) rarity; or
 - (iv) habitat; or
 - (v) other significance.
 - (b) The local government may amend or repeal an order made under subclause 2(a).
- (3) Notice of a Tree Preservation Order:
- (a) Subject to subclause (2) above, where the local government proposes to order, or to amend or repeal an order, that a tree is to be preserved, the local government is to:
 - (i) advertise the proposed order, or the proposed amendment or repeal of the order, to the owner and occupier of the land on which the tree is located;
 - (ii) advertise the proposed order, or the proposed amendment or repeal of the order, to owners and occupiers of any adjoining land which may be affected by the tree; and
 - (iii) invite the owner and occupiers mentioned within the above subclauses to make written submissions to the local government about the proposed order, or the proposed amendment or repeal of the order, within 14 days or such further period as the local government may determine.
 - (b) Where, in the opinion of the local government, there is a risk of imminent damage to a tree, requiring an order to be made or amended as a matter of urgency, it may make or amend the order without notice to the owner or occupier of the land on which the tree is located.
 - (c) where the local government makes or amends an order under subclause (2) of this subclause, the local government, as soon as practicable, is to give notice of the order or amended order to the owner and occupier of the land on which the tree is located;
- (4) Destruction, etc., of trees

Except with the prior written consent of the local government, given under subclause (6) below, a person shall not:

- (a) cut, remove or otherwise destroy; or
- (b) cause or permit to cut, remove or otherwise destroy a tree which is the subject of an order, or an amended order, or where the owner has been given notice of a proposed order, under this section.

(5) Maintenance of trees

Except with the prior written consent of the local government, given under subclause (6) below, a person shall not cut, prune, treat or permit to cut, prune or treat a tree which is the subject of an order, or an amended order, or where the owner has been given notice of a proposed order, under this section.

(6) Local government consent

- (a) An application for local government consent for the purposes of subclause (4) and (5) above is:
 - (i) to be in writing;
 - (ii) to be signed by the owner of the land upon which the tree is situated;
 - (iii) where the local government considers it necessary and so requires, be accompanied by a report of an arboriculturist or suitably qualified person or person having experience acceptable to the local government as to the condition of the tree; and
 - (iv) to specify the work proposed to be done to the tree.
- (b) The local government may refuse to consider an application which does not comply with subclause (6)
- (c) The local government may determine an application under subclause (6) by:
 - (i) granting approval without conditions; or
 - (ii) granting approval with conditions; or
 - (iii) refusing to grant approval.
- (d) The local government is not to grant its consent to work which, if carried out, may result in the destruction of or permanent harm to, a tree which is the subject of an order, or amended order, under this section unless:
 - (i) the local government is satisfied that the tree is dangerous;

- (ii) it is necessary to remove the tree for the purpose of constructing or erecting a building, structure, fence or access way in respect of which planning approval or a building permit has been issued by the local government; or
 - (iii) the local government or public authority considers that it is necessary to cut, remove or destroy the tree to provide a public utility or service.
- (7) Registry of Tree Preservation Orders
 - (a) The local government is to record, in a Registry of Tree Preservation Orders, a list of the trees subject to orders under this Section.
 - (b) A copy of the Registry is to be –
 - (i) published on the website of the local government; and
 - (ii) if its reasonably practicable to do so – made available for public inspection at a public place in the district of the local government during business hours.

Part 5 - Special Control Areas

39. Special control areas

- (1) Special Control Areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (1) The purpose, objectives and additional provisions that apply to each Special Control Area is set out in Table 6.
- (2) Development within a Special Control Area marked on the Scheme Map shall require development approval from the local government.

Table 6 - Special control areas in scheme area

Name of Area	Purpose	Objectives	Additional Provisions
SCA1 - Success Hill South Station Area	To achieve a range of medium to high density housing within a walkable catchment of the Success Hill Station Area.	<ol style="list-style-type: none"> (i) To provide for medium to high density housing; and (ii) To provide safe and functional access for vehicles and pedestrians. 	<ol style="list-style-type: none"> 1. Prior to subdivision or development of the land, suitable arrangements for vehicular access to Guildford Road being provided to the satisfaction of Main Roads Western Australia and the local government.
SCA2 - Old Perth Road Heritage Precinct	To ensure the cultural heritage of precinct is retained.	To enable mixed use development that retains the cultural heritage of the precinct.	<ol style="list-style-type: none"> 1. Development within the Old Perth Road Heritage Precinct area depicted on the Scheme maps will only be considered acceptable to Council where: <ol style="list-style-type: none"> (i) there is due regard to any relevant standard structure plan, precinct structure plan, local development plan or local planning policy; (ii) identified heritage objectives are not compromised; and (iii) the existing streetscape is preserved.

<p>SCA3- Devon Road Heritage Precinct</p>	<p>To ensure the cultural heritage of the precinct is retained.</p>	<p>To enable residential development that retains the cultural heritage of the precinct.</p>	<ol style="list-style-type: none"> 1. Pursuant to Schedule 2, Part 7, Clause 61 (3) (a), development approval is required for all new Single Houses and additions visible from the street. 2. Any development within the Devon Road Heritage Precinct shall be consistent with relevant Local Planning Policies and shall not adversely affect the character, amenity or recognised cultural heritage of the place, streetscape or the precinct. 3. Development within the Devon Road Precinct area depicted on the Scheme maps will only be considered acceptable to Council where: <ol style="list-style-type: none"> (i) there is due regard to any relevant local planning policy; (ii) the development does not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct; (iii) the existing streetscape is preserved; and (iv) provision is made for the preservation of significant landscaping features, including significant trees or other vegetation.
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<p>SCA4- Kenny Street Character Precinct</p>	<p>To ensure the character of the precinct is retained.</p>	<p>To enable residential development that retains the cultural heritage of the precinct.</p>	<ol style="list-style-type: none">1. Pursuant to Schedule 2, Part 7, Clause 61 (3) (a), development approval is required for all new Single Houses and additions visible from the street.2. Any subdivision or development within the Kenny Street Character Area shall be consistent with relevant Local Planning Policies and shall not adversely affect the character, amenity or recognised cultural heritage of the place, streetscape or the precinct.3. Subdivision or development resulting in more than one lot or more than one dwelling shall only be considered acceptable and supported by Council where:<ol style="list-style-type: none">(i) the development does not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct;(ii) provision is made for the preservation of significant landscaping features, including significant trees or other vegetation;(iii) provision is made for the carrying out of conservation works
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			<p>approved by the Council on a heritage place;</p> <p>(iv) there is due regard to relevant local planning policies; and</p> <p>(v) a minimum 3m wide shared vehicle access occurs.</p>
<p>SCA5 – Railway Parade Road Reserve – PTA Carpark</p>	<p>To facilitate medium density within a walkable catchment of the Bassendean Train station.</p>	<ol style="list-style-type: none"> 1. To provide for medium to high density housing; and 2. To ensure development is appropriate to the context in close proximity to the Bassendean Train Line. 	<ol style="list-style-type: none"> 1. Pursuant to Schedule 2, Part 7, Clause 61 (3) (a), no development shall occur without the prior approval of the local government. 2. The local government may at its discretion, permit residential development within SCA5 to a density of R80. 3. With the exception of multiple dwellings, all other uses are 'X' (i.e. not permitted) uses. 4. Development shall only be permitted where the local government is satisfied that the development: <ol style="list-style-type: none"> (i) is complementary to the scale and character of nearby residential development; (ii) it can be demonstrated that noise and vibration from the nearby train line can be appropriately mitigated; (iii) outdoor living areas and habitable rooms are located as far as practical

			<p>from the railway line;</p> <p>(iv) Any noise wall required must be constructed of masonry material and an appropriate finish, for the entire length of the adjoining boundary as prescribed within an approved acoustic report prior to the subdivision or development of the land to the satisfaction of the local government; and</p> <p>(v) There is due regard for any relevant local planning policies.</p>
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Part 6 - Terms Referred to in Scheme

40. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows:

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.

building height in relation to a building –

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.

commencement day means the day this Scheme comes into effect under section 87(4) of the Act.

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).

development means the development or use of any land, including –

- (a) Any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) The carrying out on the land of any excavation or other works, which includes the clearing and removal a significant tree;
- (c) In the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that –
 - (i) Is likely to change the character of that place or the external appearance of any building; or
 - (ii) Would constitute an irreversible alteration of the fabric of any building.

floor area has meaning given in the Building Code.

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use

non-conforming use has the meaning given in the *Planning and Development Act 2005* section 172.

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.

- short-term accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.
- significant tree** means a woody plant at a height of at least four (4) metres above ground level and meets one of the following criteria:
- (a) for a single trunk species, a trunk circumference of at least 500mm at a height of one (1.0) metre above ground level; or
 - (b) for a multi-trunk species, a trunk circumference of at least 250mm at a height of one (1.0) metre above ground level.
- wholesale** means the sale of goods or materials to be sold by others.

- (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.

41. 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 follows –

- aged accommodation** Means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation; includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short-term) care but does not include a hospital or psychiatric facility.
- amusement parlour** means premises –
- (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.
- ancillary dwelling** has the same meaning as in the R-Codes.
- 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.
- art gallery** means premises —
- (a) that are open to the public; and
 - (b) where artworks are displayed for viewing or sale
- bed and breakfast** means a dwelling –
- (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 *Racing and Wagering Western Australia Act 2003*.
- brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*.
- bulky goods showroom** means premises –
- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes:
 - (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;or
 - (b) used to sell goods and accessories by retail if –
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
- caretaker's dwelling** means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
- car park** means premises used primarily for parking vehicles whether open to the public or not but does not include:
- (a) any part of a public road used for parking or for a taxi rank; or
 - (b) any premises in which cars are displayed for sale.

- child care premises** means premises where –
- (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
 - (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.
- 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.
- 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 vehicles but does not include –
- (a) any part of a public road used for parking or for a taxi rank; or
 - (b) parking of commercial vehicles 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 300m² net lettable area.
- corner store** means a shop located on a corner used for the sale of daily grocery needs to persons in the immediate locality, with a net lettable area not exceeding 100m², which may be attached to a dwelling in residential zones.
- dwelling** has the same meaning as in the R-Codes.
- 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.
- exhibition centre** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.

- family day care** means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.
- fast food outlet / lunch bar** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –
- (a) without further preparation; and
 - (b) Primarily off the premises.
- 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.
- grouped dwelling** has the same meaning as in the R-Codes.
- holiday accommodation** means two or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
- holiday home** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
- home business** 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 –
- (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** 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 –
- (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 –
 - (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 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

means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –

- (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
- (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 100m²; and
- (b) is operated by a person residing in the dwelling.

hospital

means premises used as a hospital as defined in the Private Hospitals and Health Services Act 1927 section 2(1).

hotel

means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.

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.

<i>industry - light</i>	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.
<i>liquor store - large</i>	means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of more than 300m ² .
<i>liquor store - small</i>	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 .
<i>market</i>	means premises used for the display and sale of goods from stalls by independent vendors.
<i>medical centre</i>	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.
<i>motel</i>	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.
<i>motor vehicle, boat or caravan sales</i>	means premises used to sell or hire motor vehicles, boats or caravans.
<i>motor vehicle repair</i>	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 re-treading of tyres.
<i>motor vehicle wash</i>	means premises primarily used to wash motor vehicles.
<i>multiple dwelling</i>	has the same meaning as in the R-Codes.
<i>nightclub</i>	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
<i>office</i>	means premises used for administration, clerical, technical, professional or similar business activities.
<i>place of worship</i>	means premises use for religious activities such as a chapel, church, mosque, synagogue or temple.
<i>reception centre</i>	means premises used for hosted functions on formal or ceremonial occasions.
<i>recreation private</i>	means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
<i>residential building</i>	has the same meaning as in the R-Codes.

- resource recovery centre** means premises other than a waste disposal facility used for the recovery of resources from waste.
- 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 *Liquor Control Act 1988*.
- restricted premises** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -
- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); and
 - (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.
- 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.
- 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.

transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including -

- (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 means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

warehouse/storage means premises including indoor or outdoor facilities used for

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or the sale by wholesale of goods.

waste disposal facility means premises used -

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste.

waste storage facility 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.

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Town of Bassendean at the Special Meeting of Council held on the 04 November 2020.

CHIEF EXECUTIVE OFFICER

MAYOR

DRAFT

COUNCIL RESOLUTION TO SUPPORT / NOT SUPPORT* SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Town of Bassendean at the Ordinary Meeting of Council held on the _____.

The Common Seal of the Town of Bassendean was hereunto affixed by authority of a resolution of the Council in the presence of:

CHIEF EXECUTIVE OFFICER

MAYOR

WAPC Recommended for Approval

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

Date

Approval granted

MINISTER FOR PLANNING

Date