

Shire of Peppermint Grove

Local Planning Scheme No. 4

Updated to include AMD 1 GG 28/12/18



Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
3 March 2017

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.

Department of Planning,
Lands and Heritage
Gordon Stephenson
House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au
tel: 08 6551 9000
fax: 08 6551 9001
National Relay Service: 13 36 77
infoline: 1800 626 477

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. 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 of any errors or omissions in this document.

Scheme details

The Shire of Peppermint Grove

Local Planning Scheme No. 4

The Shire of Peppermint Grove under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

SHIRE OF PEPPERMINT GROVE LPS 4 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
New Scheme	3 March 2016	30/08/17	AT	New Scheme
1	28/12/18	07/01/19	MLD	<p>Rezoning portion of Lot 90 (No. 2) Bay View Terrace, Peppermint Grove, from Residential R25 to Residential R10 as shown in the Amended LPS 4 Scheme Map.</p> <p>Rezoning of Lot 91 Keane Street, Peppermint Grove from R10 and R25 to Local Road as shown in the Amended LPS 4 Scheme Map.</p> <p>Updating the scheme maps accordingly.</p>

TABLE OF CONTENTS

PART 1 — PRELIMINARY	7
1. Citation	7
2. Commencement	7
3. Scheme Revoked	7
4. Notes Do Not Form Part Of Scheme	7
5. Responsibility For Scheme	7
6. Scheme Area	7
7. Contents Of Scheme	7
8. Purposes Of Scheme	7
9. Aims Of The Scheme	8
10. Relationship With Local Laws	8
11. Relationship With Other Schemes	8
12. Relationship With The Region Planning Scheme.....	8
PART 2 — RESERVES	9
13. Regional Reserves.....	9
14. Local Reserves	9
<i>Table 1 - Reserve Objectives</i>	9
15. Additional Uses For Local Reserves	9
PART 3 — ZONES AND THE USE OF LAND	10
16. Zones.....	10
<i>Table 2 - Zone Objectives</i>	10
17. Zoning Table	11
<i>Table 3 - Zoning Table</i>	11
18. Interpreting Zoning Table	13
19. Additional Uses	14
<i>Table 4 - Specified Additional Uses For Zoned Land In Scheme Area</i>	15
20. Restricted Uses	15
21. Special Use Zones	15
22. Non-Conforming Uses	15
23. Changes To Non-Conforming Use	16
24. Register Of Non-Conforming Uses.....	16
PART 4 — GENERAL DEVELOPMENT REQUIREMENTS	18
25. R-Codes.....	18
26. Modification Of R-Codes	18
27. State Planning Policy 3.6 To Be Read As Part Of Scheme	19
28. Modification Of State Planning Policy 3.6	19
29. Other State Planning Policies To Be Read As Part Of Scheme	19
30. Modification Of State Planning Policies	19
31. Environmental Conditions.....	19
32. Additional Site And Development Requirements	19
<i>Table 5 - Additional Site And Development Requirements</i>	19
33. Additional Site And Development Requirements For Areas Covered By Structure Plan, Activity Centre Plan Or Local Development Plan	23
34. Variations To Site And Development Requirements.....	23
35. Restrictive Covenants	23
PART 5 — SPECIAL CONTROL AREAS	25
36. Operation Of Special Control Areas.....	25
PART 6 - TERMS REFERRED TO IN SCHEME	26
DIVISION 1 - GENERAL DEFINITIONS USED IN SCHEME	26
37. Terms Used	26
DIVISION 2 - LAND USE TERMS USED IN SCHEME	28
38. Land Use Definitions.....	28
SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS	34
SCHEDULE 1 - PARKING STANDARDS	35

SCHEDULE 2 - EXEMPTED ADVERTISEMENTS.....	37
ADOPTION.....	40

PART 1 — PRELIMINARY

1. CITATION

This local planning scheme is the Shire of Peppermint Grove Scheme No. 4.

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 –

Shire of Peppermint Grove, Town Planning Scheme No. 3, Gazettal date 2 August 1996.

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 Shire of Peppermint Grove 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 is also subject to the Metropolitan Region Scheme (see clause 12).*

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.
- (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 set aside land as reserves for public purposes; and
- (b) zone land within the Scheme area for the purposes defined in the Scheme; and
- (c) control and guide development including processes for the preparation of structure

- plans, activity centre plans and local development plans; and
- (d) set out procedures for the assessment and determination of development applications; and
 - (e) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
 - (f) make provision for the administration and enforcement of this Scheme; and
 - (g) address other matters referred to in Schedule 7 of the Act.

9. AIMS OF THE SCHEME

The aims of this Scheme are —

- (a) To maintain and encourage a high quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes;
- (b) To identify land for residential and commercial uses;
- (c) To identify local and regional reserves for recreation and conservation;
- (d) To provide for orderly and proper planning;
- (e) To provide the statutory basis for land use and development control within the Shire; and
- (f) To set out administrative and operational requirements and procedures for planning.

10. RELATIONSHIP WITH LOCAL LAWS

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

11. RELATIONSHIP WITH OTHER SCHEMES

There are no other local planning schemes of the Shire of Peppermint Grove which apply to the Scheme area.

12. RELATIONSHIP WITH THE 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 region 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
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.
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.
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.

PART 3 — ZONES AND THE USE OF LAND

16. ZONES

- (1) The zones are delineated and depicted 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 to promote sustainable residential development. • To promote a residential environment consistent with the heritage of the locality and to enhance a sense of place and community identity. • To enhance those characteristics which contribute towards residential amenity, and to avoid those forms of development which have the potential to prejudice the preservation of the high amenity value of a safe and attractive residential environment.
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, 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.
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 wider 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 the provisions of this Scheme or the Activity Centres State Planning Policy.

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 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

	USES	RESIDENTIAL	DISTRICT CENTRE	MIXED USE	PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP
	<i>aged or dependent persons dwelling</i>	D	D	D	X
	<i>art gallery</i>	X	D	A	A
	<i>amusement parlour</i>	X	A	X	X
	<i>ancillary dwelling</i>	P	D	D	X
	<i>animal establishment</i>	X	X	X	X
	<i>bed and breakfast</i>	A	A	X	X
	<i>betting agency</i>	X	D	D	X
	<i>bulky goods showroom</i>	X	P	D	X
	<i>caravan park</i>	X	X	X	X
	<i>caretaker's dwelling</i>	X	D	X	D
	<i>carpark</i>	X	D	D	X
	<i>child care premises</i>	A	D	D	D
	<i>cinema/theatre</i>	X	D	A	X
	<i>civic use</i>	D	D	D	X

	USES	RESIDENTIAL	DISTRICT CENTRE	MIXED USE	PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP
	<i>club premises</i>	A	D	A	A
	<i>community purpose</i>	A	D	D	D
	<i>consulting rooms</i>	X	P	D	X
	<i>convenience store</i>	X	D	D	X
	<i>corrective institution</i>	X	X	X	X
	<i>educational establishment</i>	X	D	X	D
	<i>exhibition centre</i>	X	D	A	A
	<i>family day care</i>	A	A	A	X
	<i>fast food outlet</i>	X	D	A	X
	<i>fuel depot</i>	X	X	X	X
	<i>funeral parlour</i>	X	A	X	X
	<i>grouped dwelling</i>	D	D	D	X
	<i>home business</i>	A	D	D	X
	<i>home occupation</i>	D	D	D	X
	<i>home store</i>	X	D	D	X
	<i>hospital</i>	X	X	X	X
	<i>hotel</i>	X	A	X	X
	<i>industry</i>	X	X	X	X
	<i>industry - cottage</i>	A	D	D	X
	<i>Industry - light</i>	X	A	A	X
	<i>liquor store - large</i>	X	X	X	X
	<i>liquor store - small</i>	X	A	A	X
	<i>lunch bar</i>	X	D	D	X
	<i>market</i>	X	A	A	X
	<i>medical centre</i>	X	P	D	X
	<i>motel</i>	X	A	A	X
	<i>motor vehicle, boat or caravan sales</i>	X	X	X	X
	<i>motor vehicle repair</i>	X	X	X	X
	<i>motor vehicle wash</i>	X	A	X	X
	<i>multiple dwelling</i>	D	D	D	X
	<i>night club</i>	X	X	X	X
	<i>office</i>	X	P	A	X
	<i>park home park</i>	X	X	X	X

	USES	RESIDENTIAL	DISTRICT CENTRE	MIXED USE	PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP
	<i>place of worship</i>	A	D	D	A
	<i>reception centre</i>	X	A	A	X
	<i>recreation - private</i>	X	D	A	X
	<i>recreation- public</i>	X	D	D	X
	<i>residential building</i>	X	A	A	D
	<i>restaurant/ cafe</i>	X	P	D	X
	<i>restricted premises</i>	X	A	X	X
	<i>service station</i>	X	A	X	X
	<i>shop</i>	X	P	P	X
	<i>single house</i>	P	D	D	X
	<i>tavern</i>	X	A	A	X
	<i>telecommunications infrastructure,</i>	A	D	D	X
	<i>veterinary centre</i>	X	A	A	X
	<i>warehouse/storage</i>	X	A	A	X

Note 1: Under the Commonwealth Telecommunications (Low-Impact Facilities) Determination 1997 (as amended), certain facilities are exempt from local and state planning control, and the permissibility indicated in the above Zoning Table will not therefore apply to such (low-impact) facilities. Low-impact telecommunications facilities are defined with reference to their characteristics as well as the classification of the particular area in which they are proposed to be developed, e.g. commercial, industrial, residential, rural or area of environmental significance.

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 lists of 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 all relevant development standards or 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 standard or 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 giving special notice in accordance with clause 64 of the deemed provisions;
 - X means a use that is not permitted by the 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) 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 give notice 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 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.
 - (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) an activity centre plan;
 - (c) a local development plan.

19. ADDITIONAL USES

- (1) The Table 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 35 (3) View Street Lot 36 (142) Forrest Street Lot 37 (140) Forrest Street	Administrative uses and staff accommodation associated with the educational establishment located on adjoining lots in the Private clubs, institutions and places of worship zone.	<p>Uses carried out on these lots are to be accommodated within the existing residential buildings or within new buildings approved by the local government.</p> <p>These uses will require development approval and will be dealt with as discretionary (D) uses pursuant to clause 18(2) of the Scheme.</p> <p>Any additions to the existing buildings or new development on the lots are to comply with the provisions of the R-Codes and be of a residential character, appearance and scale.</p>

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (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.

20. RESTRICTED USES

There are no restricted uses which apply to this Scheme.

21. SPECIAL USE ZONES

There are 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 USE

- (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 make a copy of the register available for public inspection during business hours at the offices of the local government; and

- (c) may publish a copy of the register on the website of the local government.
- (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 -
 - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (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 boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. MODIFICATION OF R-CODES

- (1) For the purpose of Clause 5.1.6 (Building height) deemed to comply requirement C6 of the R-Codes the following modification applies:

The maximum height of dwellings in areas coded R10, R12.5, R15 and R20 shall be determined in accordance with the R-Codes for category B area buildings and shall not exceed 2 storeys excluding any basement.

The maximum height of an ancillary dwelling shall be determined in accordance with the R-Codes for Category A area buildings and shall not exceed 1 storey.

For the purpose of this clause height shall be measured in accordance with the definitions of *'height, building'*, contained in the R-Codes and be measured from *'mean natural ground level'* as defined in Part 6 of the Scheme as opposed to *'natural ground level'* as defined in the R-Codes.

The Local Government may consider variations to the height of development in residential areas having due regard to an adopted Local Planning Policy.

- (2) For the purpose of Clause 5.1.2 (Street setback) deemed to comply requirements C2.1 to C2.4 and Clause 5.2.1 (Setback of garages and carports) deemed to comply requirements C1.1, C1.2, C1.3 and C1.5 of the R-Codes the following modifications apply:

For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street.

- (3) Battleaxe lot subdivision shall not be supported within the Residential Zone.

For the purpose of this clause a battleaxe lot includes a single house lot, or a grouped housing lot forming part of a vacant or survey strata scheme, that has a frontage for purposes of access to a public road only through a strip of connecting land containing a pedestrian and/or vehicular access way that is part of the lot, or forms part of a common property lot. The term excludes a site that has vehicle access from a private or communal street or right-of-way connected to a public road.

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 -
 - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

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) The Table sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

Table 5 - Additional Site And Development Requirements

No.	Description of land	Requirement
1	Residential	(a) For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5 unless otherwise determined by the local government.
2	District Centre Zone	(a) Subdivision or development is to generally comply with an activity centre plan that applies to the land. (b) The maximum height permitted within the activity centre shall be 21-metres unless the development complies with an adopted Local Planning Policy for the area.

3	Mixed use	<p>(a) Maximum plot ratio 1.0;</p> <p>(b) Development for residential and/or non-residential purposes is to comply with the lot boundary setbacks under Table 5 of the R-Codes unless otherwise varied through an adopted local planning policy or local development plan.</p> <p>(c) Development for residential and/or non-residential purposes is to comply the R80 general site requirements under Table 4 of the R-Codes unless otherwise varied through an adopted local planning policy or local development plan.</p>
No.	Description of land	Requirement
3	Mixed use	(d) For lots fronting Stirling Highway setbacks shall be to the satisfaction of the local government, on the advice of the Western Australian Planning Commission, having regard to an adopted access strategy, local planning policy or local development plan.
4	Private Clubs, Institutions and places of worship	<p>(a) Minimum building set back from adjoining properties within the residential zone to be 6 metres;</p> <p>(b) Minimum building setback from McNeil Street and View Street to be 6 metres;</p> <p>(c) Maximum site coverage to be 0.5;</p> <p>(d) Maximum height of building: The lesser of 10 metres or half of the horizontal distance measured from the mean natural ground level of the nearest adjoining land boundary in a residential zone and the vertical line of the highest point of the building.</p>
5	Stirling Highway	<p>(a) Development abutting Stirling Highway is required to rationalise access arrangements such that no direct vehicular access is obtained from Stirling Highway unless otherwise supported as part of an access strategy approved by Main Roads Western Australia.</p> <p>(b) In consideration of applications abutting Stirling Highway the local government will consider:</p>

		<p>(i) the requirements of any approved access strategy;</p> <p>(ii) the availability of alternative vehicular access from streets or public rights of way;</p> <p>(iii) the need to accommodate extension of streets and public rights of way, or the granting of easements to allow alternative vehicular access for adjoining lots fronting Stirling Highway;</p> <p>(iv) the need to coordinate shared parking, pedestrian access, loading, waste management collection and vehicular access across multiple lots within the same street block.</p> <p>and may impose conditions relating to such access arrangements.</p>
No.	Description of land	Requirement
6	Scheme Area	<p style="text-align: center;"><u>Vehicle Parking and Access</u></p> <p>(a) Unless otherwise provided for in the Scheme a person shall not erect or use a building unless paved parking spaces or garages including all necessary accessways are provided on the lot on which the building is erected in compliance with the minimum standards outlined in this Part.</p> <p>(b) Carparking shall be provided in accordance with Schedule 1: Carparking Requirements and shall be calculated to the nearest whole number.</p> <p>(c) If no parking standard is listed in Schedule 1 for a particular use class, the parking requirement is at the discretion of the Local Government.</p> <p>(d) All carparking and accessways are to have regard to appropriate Australian standards.</p> <p>(e) In the Mixed Use or District Centre zones, in considering redevelopment or new development, the local government may vary the parking requirements specified in Schedule 1, having regard to the size and shape of the land, the number and availability of parking spaces in the vicinity, the likelihood of traffic congestion, and the opportunity to improve the appearance, amenity, function and accessibility of the Mixed Use zone or</p>

		<p>District Centre.</p> <p>(f) In the Mixed Use or District Centre zones, the local government may approve development without the required number of parking spaces being provided on the land, subject to the applicant making arrangements satisfactory to the local government for the provision of off-street parking in the vicinity; and in this regard to the local government may accept cash in lieu of parking spaces on the land, subject to the following:-</p> <p>(i) the cash in lieu payment shall not be less than the estimated cost to the applicant of providing and constructing the parking spaces required by the Scheme plus the value as estimated by the local government of that area of the land which would have been occupied by the parking spaces but at the discretion of the local government the cash in lieu payment may be reduced in accordance with a local planning policy made under this scheme for the purpose; and</p> <p>(ii) payments made under this clause shall be paid into a special fund to be used to provide public parking stations or for the provision of public transportation, in order to alleviate parking demand in the</p>
No.	Description of land	Requirement
		<p>Scheme area.</p> <p>(g) In assessing the number of parking spaces required for a development containing more than one use, the local government may have regard to the likely patterns of usage, in particular the likely maximum use of the development at any time, and may reduce the number of parking bays.</p> <p>(h) In the case of non-residential development car parking shall be designed so as not to require vehicles to reverse into a public street.</p> <p>(i) A person shall not use any land for the purpose of a carpark, or for the parking of vehicles (including motor cycles), a loading bay or service ways unless the land and all accessways thereto have been paved, drained and landscaped, marked out, sign posted and illuminated to specifications approved by the local government.</p>

- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre 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, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN

There are no additional requirements that apply to this Scheme.

34. VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS

- (1) In this clause -
- additional site and development requirements** means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional 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 of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (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 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 additional 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.

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 unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5 — SPECIAL CONTROL AREAS

36. OPERATION OF SPECIAL CONTROL AREAS

There are no special control areas which apply to this Scheme.

PART 6 - TERMS REFERRED TO IN SCHEME

DIVISION 1 - GENERAL DEFINITIONS USED IN SCHEME

37. TERMS USED

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

basement is defined as a non-habitable portion of a building contained entirely underground, and below the ground floor of a dwelling;

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

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);

floor area has meaning given in the Building Code;

frontage, 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, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

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.

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

mean natural ground level means the average natural ground level calculated by dividing the sum of the ground level measured at each corner of a lot divided by the number of corners.

minerals has the same meaning given in the *Mining Act 1978* section 8(1);

net lettable area or nla means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas —

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;

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;

storey means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling;

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;

wall height in relation to a wall of 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 vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

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.

DIVISION 2 - LAND USE TERMS USED IN SCHEME

38. LAND USE DEFINITIONS

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

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;

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*;

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 childrens' goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;and
- (b) used to sell by retail 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;

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;

carpark 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;

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;

corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

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 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,

but does not include a lunch bar;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used-

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used -

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

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;
- (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 neighborhood; and
- (f) does not involve the presence, use or calling of a vehicle of 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 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 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 *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;

industry – cottage means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which -

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household
- (c) is conducted in an out-building which is compatible with the principal uses to which the land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

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 *Liquor Control Act 1988* with a net lettable area of more than 300m²;

liquor store - small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m²;

lunch bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

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 licenced under the *Liquor Control Act 1988* -

- (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 re-treading of tyres;

motor vehicle wash means premises primarily used to wash motor vehicles;

night club means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

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 *Caravan Parks and Camping Grounds Regulations 1997*;

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/cafe 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); 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;

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; or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,
- (c) but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

shop means premises other than 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.

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;

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 sale by wholesale of goods;

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*.

- Clause 61(1)(k) the erection or installation of a sign of a class specified in Schedule 2 - exempted advertisements unless the sign is to be erected or installed -
- (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area;

SCHEDULE 1 - PARKING STANDARDS

USE	PARKING REQUIREMENT(Number of Bays)
amusement parlour	As per shop requirement.
bed and breakfast	1 space for every bedroom.
betting agency	As per shop requirement.
bulky goods showroom	1 space per 100m ² of gross floor area or 1 to every 2
caretaker's dwelling	1 space.
child care premises	1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee. Minimum 4 spaces.
cinema/theatre	1 space for every 4 seats or 1 space for every 2.5m ² net seating area, whichever is the greater.
civic use	1 space for every 4 persons the facility is designed to accommodate.
club premises	1 space for every 100m ² gross floor area, plus 1 space for every employee. Minimum 4 spaces.
community purpose	1 space for every 100m ² gross floor area, plus 1 space for every employee. Minimum 4 spaces.
consulting rooms	4 spaces per consulting room.
convenience store	1 space for every 15m ² net lettable area, plus Service Station requirements.
educational establishme	1 space for every employee on site at any one time and a drop off and pick up area to the satisfaction of the local government.
exhibition centre	1 space for every 100m ² gross floor area, plus 1 space for every employee. Minimum 4 spaces for every tenancy or unit.
fast food outlet	1 space for every 2.5m ² internal queuing area with a minimum of 4 spaces, plus 1 space for every 5m ² seating area, plus 4 car queuing spaces for any drive through facility.
funeral parlour	1 space for every 4 persons for which any assembly area is designed, or 1 space for every 2.5m ² seating area, whichever is greater, plus 1 space for every staff member. Minimum of 4 spaces.
home store	1 space for every 15m ² net lettable area with a minimum of 2 spaces, plus requirements under the R-Codes for a single
hotel	1space for every 2m ² of bar area, plus 1 space for every 4m ² of lounge or beer garden area; a space for every 4 seats of which an eating area is designed to provide or 1 space for every 4m ² of eating area, whichever the greater. 1 space for every 4 seats provided in assembly area, or 1 space for every 2.5m ² of assembly seating area, whichever is the greater
industry	1 space for every 100m ² open space used for such purposes, plus 1 space for every 100m ² gross floor area, plus 1 space for each employee Minimum 4 spaces per tenancy or unit.
liquor store	As per shop requirement.
lunch bar	1 space for every 15m ² gross leasable area Minimum 2 spaces.

	USE	PARKING REQUIREMENT(Number of Bays)
	medical centre	4 spaces per consulting room.
	motel	1 space per accommodation unit plus one space per employee.
	nightclub	1 space for every 2m ² of public bar area, plus. 1 space for every 4m ² of lounge/garden
	office	1 space for every 25m ² of gross floor area.
	place of worship	1 space per six persons the premises is designed to accommodate.
	reception centre	1 space for every 4 seats or 1 space for every 4 persons the building is designed to accommodate or 1 space for every 4m ² seating area, whichever is the greater, plus 1 space for every staff member present at any one time.
	recreation – private	Gym/health studio: 1 space for every 10m ² net floor area. Other: 1 space for every 20m ² active area 1 space for every 4 seats provided. 1 space for every staff member present during peak operation.
	residential building	1 space for every 4 persons the building is designed to accommodate, plus 1 space for every staff member present at any one time.
	restaurant/ cafe	1 space for every 4 seats or 1 space for every 4 persons the building is designed to accommodate or 1 space for every 4m ² seating area, whichever is the greater, plus 1 space for every staff member present at any one time.
	service station	4 spaces for every working bay, plus 1 space for every person employed on site.
	shop	1 space to each 12.5m ² of gross lettable floor area. Minimum 2 spaces.
	single house, grouped dwelling and multiple dwelling	In accordance with the R-Codes.
	tavern	1 space for every 2m ² of public bar area, plus 1 space for every 4m ² of lounge/garden area.
	veterinary centre	4 spaces per veterinary practitioner, plus 1 space for every 10 animals the facility is designed to accommodate.
	warehouse/storage	1 space for every 100m ² gross floor area, plus 1 space for every employee. Minimum 4 spaces for every tenancy or unit.
	All other uses	To be determined by the local government considering the likely demand for parking by the proposed use having regard to the nature of the proposed use, the likely volumes of goods or materials and the numbers of people moving to or from the land, and the likelihood of traffic congestion on roads or in public places in the locality.

SCHEDULE 2 - EXEMPTED ADVERTISEMENTS

- (1) The following are exempt advertisements:
- (a) a property disposal sign not exceeding 1.2m^2 erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
 - (b) a plate not exceeding 0.2m^2 in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
 - (c) a direction sign;
 - (d) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m^2 ;
 - (e) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
 - (f) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed 1.2m^2 in area and a height of 600mm;
 - (g) a sign within a building unless it is clearly visible from a public place outside the building;
 - (h) a sign not larger than 0.6m x 0.9m on an advertising pillar or panel for the purpose of displaying public notices for information;
 - (i) a building name sign on any building, where it is of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
 - (j) newspaper or magazine posters, provided they are displayed against the outside wall of the business premises from which the newspapers or magazines are sold;
 - (k) a sign erected by the local government, on land under the care, control and management of the local government;
 - (l) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the local government and the company responsible for those signs;
 - (m) a maximum of 4 garage sale signs, each not greater than 0.25m^2 , advertising the sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession and only being displayed on the day of the sale and on no more than 2 occasions for the same lot in each 6 month period;
 - (n) a sign painted on a kerb, adjacent to a property depicting the house number;
 - (o) a sign erected by the local government for the purpose of:
 - (i) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 28 days prior to the election; or
 - (ii) indicating the name and location of a polling place for an election.
 - (p) a sign either temporarily or permanently affixed or painted on a vehicle to identify a company, business, service or product supplied or sold by that company.

(q) a sign that is required by the Builders Registration Board or other Government Bodies or Authorities on building sites, providing the area of any such sign does not exceed 1.5m^2 and no part of the sign is more than 2.0 metres above ground level and that any such sign is removed within seven (7) days of completion of the building works on that site.

(2) A sign which contains any of the following is not classified as exempt:

- (a) any illumination or radio;
- (b) animation or movement in its design or structure; or
- (c) retro-reflective or fluorescent materials in its design or structure.

This page has been left intentionally blank

ADOPTION

Adopted by resolution of the Council of the Shire of Peppermint Grove at the Special Meeting of the Council held on the 3rd July 2012.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Peppermint Grove at the Special Meeting of the Council held on the 22nd day of March 2016 and the Common Seal of the Shire of Peppermint Grove was hereunto affixed by the authority of a resolution of the Council in the presence of :

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....
DELEGATED UNDER S.16 OF
THE PD ACT 2005

DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....