

**PART 3 - ZONES****3.1 ZONES**

3.1.1 The following zones are used for the classification of land within the Scheme Area:

Residential  
Mixed Use  
Business  
Commercial  
Civic & Cultural  
Private Clubs/Recreation  
Marina  
General Industrial  
Service Industrial  
Centre  
Urban Development  
Industrial Development  
General Rural  
Rural Resource  
Special Rural  
Special Residential  
Special Use  
Rural Community

The zones are delineated and depicted on the Scheme Map and Structure Plan Maps according to the legend thereon.

**3.2 ZONING TABLE**

3.2.1 The Zoning Table (hereinafter called Table 1) indicates subject to the provisions of the Scheme, the permissibility of use classes within the various zones. The permissibility of any use class is indicated by a symbol determined by cross reference between the list of "Use Classes" listed down the left hand side of Table 1 and the "Zones" listed along the top of Table 1.

3.2.2 The symbols used in Table 1 have the following meanings:

"P" = A use class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval;

"D" = A use class that is not permitted, unless the Council grants its approval after following the procedures laid down by subclause 6.6.2;

"A" = A use class that is not permitted unless the Council has exercised its discretion and has granted planning

approval after giving notice in accordance with Clause 6.7;

“X” = A use class that is not permitted except where provision is made specifically for Council to approve an otherwise prohibited use.

The Special Use Zone, Marina Zone, Urban Development Zone, Industrial Development Zone, Rural Community Zone and Centre Zone are not listed in Table 1 and the permissibility of uses in those zones is to be determined by the provisions specifically applying to them in the Scheme or in any Agreed Structure Plan approved under Part 9.

- 3.2.3 Where in Table 1 a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.
- 3.2.4 Where a building or land is used, or a proposed building is designed, for more than one use, it shall be regarded for the purposes of the Scheme as being used or designed partially for each of those uses.

### **3.3 UNLISTED USES**

If the use of the land for a particular purpose is not specifically mentioned in Table 1 and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the “D” procedures of Clause 6.6.2 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

### **3.4 THE RESIDENTIAL ZONE**

- 3.4.1 The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.
- 3.4.2 Residential development is provided for at a range of densities with a variety of housing to meet the needs of different household types. This is done through application of the Residential Design Codes (R Codes), and the allocation of a residential density code to an area of land.
- 3.4.3 The objectives of the Residential Zone are to:

- (a) maintain the predominantly single residential character and amenity of established residential areas;
- (b) provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City;
- (c) provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City; and
- (d) provide for compatible urban support services.

### **3.5 THE MIXED USE ZONE**

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

3.5.2 The zoning will provide an intermediate stage between Residential and Commercial or Business Zone areas.

3.5.3 The objectives of the Mixed Use Zone are to:

- (a) provide a diversity of land use and housing types;
- (b) allow appropriate businesses to locate and develop in close proximity to residential areas;
- (c) allow for services to be provided locally; and
- (d) provide high level of amenity.

### **3.6 THE BUSINESS ZONE**

3.6.1 The Business Zone is intended to accommodate warehouses, showrooms, trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme-based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.

3.6.2 The objectives of the Business Zone are to:

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;

- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

### **3.7 THE COMMERCIAL ZONE**

- 3.7.1 The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where the planning of the locality is well advanced.
- 3.7.2 The objectives of the Commercial Zone are to:
  - (a) make provision for existing or proposed retail and commercial areas that are not covered currently by an Agreed Structure Plan;
  - (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.
- 3.7.3 All land contained in the Commercial Zone shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified.
- 3.7.4 Notwithstanding the provisions of clause 3.7.3, the floorspace figures contained within Schedule 3 shall be adhered to except where a provision to the contrary is made in an Agreed Structure Plan for the centre locality as adopted by the Council and the Commission.

### **3.8 THE CIVIC AND CULTURAL ZONE**

- 3.8.1 The objective of the Civic and Cultural Zone is to make specific provision for public facilities such as government offices, halls, theatres and art galleries.
- 3.8.2 Although many of the uses permitted in the Civic and Cultural Zone may be equally appropriate in the Centre Zone, it is provided as a separate zone to stand in its own right should the need arise.

### **3.9 THE PRIVATE CLUBS/RECREATION ZONE**

The objective of the Private Clubs/Recreation Zone is to accommodate uses such as private golf clubs, private educational, institutional, recreational and tourist accommodation activities.

### **3.10 THE MARINA ZONE**

- 3.10.1 The Marina Zone is intended to accommodate a wide range of appropriate development adjacent to marinas.
- 3.10.2 The objectives of the Marina Zone are to:

- (a) accommodate commercial, residential, recreational and associated activities related to marinas;
- (b) guide and manage the planning and development of areas adjacent to marinas to ensure a diverse mix of uses and high standards of amenity.

3.10.3 The following general provisions shall apply:

- (a) Subject to Clause 9.11, no subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in a Marina Zone until an Agreed Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority.
- (b) The permissibility of uses in the Marina Zone, subject to subclauses 9.8.2 and 9.8.3, shall be determined in accordance with the provisions of the relevant Agreed Structure Plan.

### **3.11 THE GENERAL INDUSTRIAL ZONE**

3.11.1 The General Industrial Zone is intended to provide for industrial development which the Council considers would be obtrusive in or detrimental to the amenity of the Service Industrial Zone.

3.11.2 The objectives of the General Industrial Zone are to:

- (a) accommodate a wide range of industrial activities, including those generally involving production, processing, storage, wholesaling or distribution processes;
- (b) minimise adverse visual and environmental effects of industrial uses on surrounding areas.

3.11.3 Non-industrial development is not favoured in the General Industrial Zone.

### **3.12 THE SERVICE INDUSTRIAL ZONE**

3.12.1 The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial, Business and General Industrial Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.

3.12.2 The objectives of the Service Industrial Zone are to:

- (a) accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

### **3.13 THE CENTRE ZONE**

3.13.1 The Centre Zone is intended to accommodate existing and proposed business centres or other planning precincts where the Council considers that an Agreed Structure Plan is necessary to provide for the co-ordinated planning and development of these centres. The centres may range in size from small neighbourhood centres to large multi-purpose regional centres.

3.13.2 The objectives of the Centre Zone are to:

- (a) provide for a hierarchy of centres from small neighbourhood centres to large regional centres, catering for the diverse needs of the community for goods and services;
- (b) ensure that the City's commercial centres are integrated and complement one another in the range of retail, commercial, entertainment and community services and activities they provide for residents, workers and visitors;
- (c) encourage development within centres to create an attractive urban environment;
- (d) provide the opportunity for the coordinated and comprehensive planning and development of centres through an Agreed Structure Plan process.

3.13.3 Subject to Clause 9.11, no subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in a Centre Zone until an Agreed Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority.

3.13.4 The permissibility of uses in the Centre Zone subject to subclauses 9.8.2 and 9.8.3 shall be determined in accordance with the provisions of the relevant Agreed Structure Plan.

3.13.5 All Centre Zones shall specify the proposed maximum retail net lettable area (NLA) which relates to retail floor areas. The maximum NLA shall

be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified.

- 3.13.6 Notwithstanding the provisions of sub-clause 3.13.5, the floorspace figures contained within Schedule 3 shall be adhered to except where a provision to the contrary is made in an Agreed Structure Plan for the centre locality as adopted by the Council and the Commission.

### **3.14 THE URBAN DEVELOPMENT ZONE**

- 3.14.1 The purpose of the Urban Development Zone is to provide for the orderly planning and development of larger areas of land in an integrated manner within a regional context whilst retaining flexibility to review planning with changing circumstances. In considering applications for development and changes to residential density codings in areas near existing and proposed future railway stations the Council will have due regard to the desirability of higher residential densities, transit related development and good pedestrian and vehicular access to stations in order to promote public transport usage.

- 3.14.2 The objectives of the Urban Development Zone are to:

- (a) designate land for future urban development;
- (b) provide for the orderly planning of large areas of land for residential and associated purposes through a comprehensive structure planning process;
- (c) enable planning to be flexible and responsive to changing circumstances throughout the developmental stages of the area.

- 3.14.3 Subject to Clause 9.11, no subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in an Urban Development Zone until an Agreed Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority.

- 3.14.4 The permissibility of uses in the Urban Development Zone subject to subclause 9.8.2 and 9.8.3 shall be determined in accordance with the provisions of the relevant Agreed Structure Plan.

### **3.15 THE INDUSTRIAL DEVELOPMENT ZONE**

- 3.15.1 The purpose of the Industrial Development Zone is to provide for the orderly planning of larger areas of land proposed for industrial use in an integrated manner within a regional context whilst retaining flexibility to review planning with changing circumstances.

- 3.15.2 The objectives of the Industrial Development Zone are to:
- (a) designate land for future industrial development;
  - (b) provide for the orderly and comprehensive planning and development of large areas of industrial land for industrial and employment purposes;
  - (c) enable planning to be flexible and responsive to changing circumstances throughout the developmental stages of the area.
- 3.15.3 Subject to Clause 9.11 no subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in an Industrial Development Zone until an Agreed Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with the Agreed Structure Plan which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority.
- 3.15.4 The permissibility of uses in the Industrial Development Zone subject to subclauses 9.8.2 and 9.8.3 shall be determined in accordance with the provisions of the relevant Agreed Structure Plan.

### **3.16 THE GENERAL RURAL ZONE**

- 3.16.1 The objectives of the General Rural Zone are to:
- (a) accommodate agricultural, horticultural and equestrian activities;
  - (b) maintain and enhance the rural character and amenity of the areas designated for rural use and to protect their ground water and environmental values.
- 3.16.2 When considering applications for subdivision or for Planning Approval for development which relate to land which is within the General Rural Zone, Council shall have regard to the objectives set out in Clause 3.16.1 for the General Rural Zone, the contents of any Local Rural Strategy adopted by Council and the Commission and any other requirement for proper and orderly planning.
- 3.16.3 No person shall construct any building or undertake any development or other works, other than a fire break or an equivalent alternative approved by Council or an accessway, closer than 7.5 metres to a street alignment or 4 metres to any other boundary.

- 3.16.4 Where residential development is carried out in the General Rural Zone, the following provisions shall apply:
- (a) Notwithstanding that “Grouped Dwelling” is designated as a not permitted use class in the General Rural Zone in Table 1, the Council may approve the development of a maximum of two grouped dwellings on a lot if having regard to all relevant considerations it is reasonable to do so provided the Council is satisfied of all the following facts:
    - (i) The lot is a minimum of 5 hectares in area if situated south of Flynn Drive and 8 hectares in area if situated north of Flynn Drive;
    - (ii) Both dwellings will be erected in a position that complies with all other provisions of the Scheme, subject to any discretionary modifications by the Council;
    - (iii) The second dwelling is necessary or desirable to provide accommodation on the lot for a person or persons who will assist in the lawful management or exploitation of a rural or other resource on the land consistent with the objectives of the Zone;
    - (iv) There is no current proposal for or intention of any person to propose subdivision of the lot including strata or survey strata subdivision.
  - (b) If the Council approves or has at any time before the gazettal of the Scheme approved a second dwelling on a lot in the circumstances set out in paragraph (b), that approval shall not be and shall not be taken to be support in any way for the future subdivision or strata subdivision of the lot or provision of separate certificates of title in respect of the two dwellings on the lot.
  - (c) It is the intent of the preceding paragraphs (b) and (c) that a second dwelling on a lot in this zone should be allowed to facilitate the carrying on of rural and resource exploitation uses, and the provisions should expressly not be used presently or in the future to support fragmentation of the land, or the alienation of ownership or use of either of the dwellings from the ownership and control of the person carrying on the rural or resource exploitation use.
  - (d) Notwithstanding anything set out in the preceding paragraphs, any approval by the Council for two grouped dwellings under the preceding paragraph (b) shall in any case require the owner seeking approval for a second dwelling to grant a Restrictive Covenant in gross in favour of the Council against the lot prepared at that owner's expense by solicitors for the Council precluding the owner or any future owner of the lot from seeking strata-subdivision or subdivision approval in any form for the lot.

### 3.17 THE RURAL RESOURCE ZONE

3.17.1 The objectives of the Rural Resource Zone are to:

- (a) Protect from incompatible uses or subdivision, intensive agriculture, horticultural and animal husbandry areas with the best prospects for continued or expanded use;
- (b) protect from incompatible uses or subdivision basic raw materials priority areas and basic raw materials key extraction areas.

3.17.2 When considering applications for subdivision or for Planning Approval for development which relate to land which is within the Rural Resource Zone, Council shall have regard to the relevant matters listed in Clause 6.8 of the Scheme and in addition to the following matters:

- (a) The contents of any Local Rural Strategy adopted by Council and the Western Australian Planning Commission.
- (b) Within the Rural Resource Zone the priority uses are intensive agriculture, horticulture and basic raw materials extraction.
- (c) The Council shall not support any use or subdivision or zoning that is, or potentially could be, incompatible with the carrying out of the priority uses referred to in sub clause 3.17.2 (b).
- (d) Unless proved otherwise to the satisfaction of the Council on a case by case basis, rural residential development is considered an incompatible use.
- (e) There is a presumption in favour of applications for agriculture and intensive agriculture in the agricultural resource areas identified in the Local Rural Strategy subject to the acceptable management of any offsite environmental and land use impacts.
- (f) There is a presumption in favour of applications for the extraction of basic raw materials in the basic raw materials resource areas identified in the Local Rural Strategy subject to the management of offsite impacts and an approved land restoration plan to a standard suitable for intended subsequent long term land uses.
- (g) Notwithstanding the presumptions in sub clauses (e) & (f) above the Council will not support any proposals that adversely impact on any designated Bush Forever site, conservation category wetlands and their buffers, important heritage site and important site of Aboriginal significance.
- (h) In the Rural Resource Zone, erection of a single house shall be subject to Planning Approval as contemplated under subclause 6.1.1 of this Scheme. Subclause 6.1.3 (b) does not apply in this Zone.

- (i) In applying for Planning Approval for 'sensitive uses' within the Rural Resource Zone or on lots directly abutting the boundary of the Rural Resource Zone, the Council shall require that the applicant includes with the application a written acknowledgment by the applicant, acknowledging the nature and legitimacy of any nearby existing or future priority use, and acceptance of the existence, or potential existence of noise, dust, odour and other impacts which may be associated with such uses. The Council shall not grant Planning Approval to any 'sensitive use' where an acknowledgment in writing as required under this subclause does not accompany the planning application.
  - (j) A copy of such written acknowledgments shall be kept in a permanent register by the Council, which shall be made available for public information.
  - (k) In addition to the provision of the written acknowledgments required pursuant to (i) above, applicants shall also be required, prior to granting of Planning Approval by the Council, to arrange for the inclusion on the title of the land concerned, a notice to the same effect as that given by the written acknowledgment, to facilitate awareness of the matters concerned by future owners of that land.
- 3.17.3 No person shall construct any building or undertake any development or other works, other than a fire break or an equivalent alternative proposed by Council or an accessway, closer than 7.5 metres to a street alignment or 4 metres to any other boundary.
- 3.17.4 Where residential development is carried out in the Rural Resource Zone, the following provisions shall apply:
- (a) Notwithstanding that "Grouped Dwelling" is designated as a not permitted use class in the Rural Resource Zone in Table 1, the Council may approve the development of a maximum of two grouped dwellings on a lot if having regard to all relevant considerations it is reasonable to do so provided the Council is satisfied of all the following facts:
    - (i) The lot is a minimum of 5 hectares in area if situated south of Flynn Drive and 8 hectares in area if situated north of Flynn Drive;
    - (ii) Both dwellings will be erected in a position that complies with all other provisions of the Scheme, subject to any discretionary modifications by the Council;
    - (iii) The second dwelling is necessary or desirable to provide accommodation on the lot for a person or persons who will assist in the lawful management or exploitation of a rural or other resource on the land consistent with the objectives of the Zone;

- (iv) There is no current proposal for or intention of any person to propose subdivision of the lot including strata or survey strata subdivision.
- (b) If the Council approves or has at any time before the gazettal of the scheme approved a second dwelling on a lot in the circumstances set out in paragraph (b), that approval shall not be and shall not be taken to be support in any way for the future subdivision or strata subdivision of the lot or provision of separate certificates of title in respect of the two dwellings on the lot.
- (c) It is the intent of the preceding paragraphs (b) and (c) that a second dwelling on a lot in this zone should be allowed to facilitate the carrying on of rural and resource exploitation uses, and the provisions should expressly not be used presently or in the future to support fragmentation of the land, or the alienation of ownership or use of either of the dwellings from the ownership and control of the person carrying on the rural or resource exploitation use.
- (d) Notwithstanding anything set out in the preceding paragraphs, any approval by the Council for two grouped dwellings under the preceding paragraph (b) shall in any case require a person seeking approval for a second dwelling to grant a Restrictive Covenant in gross in favour of the Council against the lot prepared at that owner's expense by solicitors for the Council precluding the owner or any future owner of the lot from seeking strata subdivision or subdivision approval in any form for the lot.

### **3.18 THE SPECIAL RURAL ZONE**

- 3.18.1 The Special Rural Zone is intended to accommodate rural-residential retreats on lots generally ranging between one and four hectares in size. In some cases, agricultural uses are also intended to be accommodated. All development in the Special Rural Zone shall be conducted in a manner that preserves local amenity and the natural landscape or rural character of the zone concerned.
- 3.18.2 The objectives of the Special Rural Zone are to:
  - (a) designate areas where rural-residential retreats can be accommodated without detriment to the environment or the rural character;
  - (b) meet the demand for a rural lifestyle on small rural lots generally ranging from one to four hectares in size;
  - (c) maintain and enhance the rural character and amenity of the locality.
- 3.18.3 The general provisions set out hereafter shall apply to the Special Rural Zone:

- (a) The Scheme provisions for a specific Special Rural Zone shall include a Development Guide Plan for that specific Zone. The Development Guide Plan for a specific Zone shall include any of the matters in Schedule 7 which Council considers appropriate for that specific Zone. Subdivision and development should be in accordance with the Development Guide Plan.
- (b) The subdivider shall ensure that each prospective purchaser of a subdivided lot acknowledges in writing, at the time of purchase of a lot, the requirements and provisions of the Rights in Water and Irrigation Act and more specifically the fact that:
  - (i) the Water and Rivers Commission imposes constraints on the extraction of ground water from and the use of groundwater on the land.
  - (ii) where the lot is within a proclaimed groundwater area it is unlikely that a licence will be issued for the use of groundwater for amounts more than 1500m<sup>3</sup> per annum, ie sufficient for house and domestic garden requirements and for the irrigation of approximately 0.1 hectare of pasture or other crops.
- (c) Only one dwelling (a single house) may be erected on each lot.
- (d) No development shall take place within 25 metres of a street boundary or within 15 metres of a side or rear boundary. Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and may permit buildings to within 15 metres from the other street boundaries.
- (e) When exercising its powers to relax requirements and standards under the provisions of Clause 4.2 the Council shall, in addition, pay particular regard to the effect on flora and fauna, and the character and amenity of the Special Rural Zone.
- (f) Except where a reticulated water supply is provided, a person shall not construct a dwelling unless a concrete water tank of not less than 90,000 litres or other type of domestic water supply approved by the Council is incorporated in the plans and constructed at the same time as the dwelling. If with the approval of the Council groundwater is used the approval of the Water and Rivers Commission is also required. All lots less than 2 hectares in size shall have a reticulated scheme water supply to the satisfaction of the Water Corporation.
- (g) The approval of the Council and of the Commissioner for Health to the proposed method of disposal of sewage and other domestic wastes (either solid or liquid) is required.
- (h) No dwelling shall be constructed unless it is on at least a 1,000m<sup>2</sup> portion of the lot, located behind the building setback line, which will result in the dwelling and base of the dwelling effluent disposal

chamber being a minimum height (as determined by the Health Department of Western Australia and the Department of Environmental Protection) above the expected maximum water table level as shown on the Development Guide Plan. This will ensure compliance with the requirements for effluent disposal systems set down by the Health Department of Western Australia.

- (i) The land is to be managed in such a manner as to avoid it being laid bare of vegetation. Land shall not be cleared of vegetation except where necessary to permit the construction of buildings or where the vegetation is dead or poses a hazard to safety.
- (j) A person shall not without Planning Approval of the Council remove, cut down, or damage any vegetation on land within a Special Rural Zone including street verges. Where the Council grants approval it may impose a condition requiring the planting of suitable vegetation at the cost of the applicant.
- (k) Council may permit an area of not more than 1,000m<sup>2</sup>, in a central location on each lot, to be cleared for the establishment of a residence, garage, ancillary buildings and a non-commercial garden/product/ pasture area, this cleared area shall be no closer than 15 metres to any side or rear boundary.
- (l) The approval of Council is required for the keeping of horses. In seeking such approval, the applicant is required to include with the application a management plan demonstrating that the proposal is acceptable to Agriculture Western Australia and the Department of Environmental Protection.
- (m) The subdivider shall develop all areas designated as or set aside for the purposes of public open space within the land the subject of the subdivision to the satisfaction of the Council and within the period stipulated by the Council.

3.18.4 Special Provisions relating to individual Special Rural Zones are set out in Schedule 13. In the case of any conflict the Special Provisions shall prevail over the general provisions of the Scheme. The Special Provisions for a specific Special Rural Zone shall specify, amongst other things:

- (a) Proposals for the control of land uses and development which will ensure that the objectives of the zone are secured and the rural environment and amenities are not impaired;
- (b) Any stipulation or requirement the owner of the land must satisfy pursuant to any agreement between the owner and the Council;
- (c) Without limiting the generality of subclause 3.18.3, any other obligation of the owner relevant to the subdivision, development or use of the land.

- 3.18.5 Notwithstanding any other provision of the Scheme, in the case of any conflict between the special provisions relating to individual Special Rural Zones and Table 1, the special provisions shall prevail.

When a Special Rural Zone Development Guide Plan was adopted and approved under the City's Town Planning Scheme No 1 immediately before the revocation of Scheme No 1, and was referred to in Schedule 4 of Scheme No 1, it shall have the status of a Development Guide Plan under subclause 3.18.3 of this Scheme as if it was prepared and adopted under the provisions of this Scheme.

- 3.18.6 Where a Development Guide Plan has effect under this Scheme by force of the provisions of subclause 3.18.5, any change in title of the Development Guide Plan, or in other matters whatsoever, shall be made to the extent only that is it necessary to provide it with the form of a Development Guide Plan under this Scheme, and to make its terms consistent in all ways with the provisions of this Scheme, including (but without limiting the generality of the foregoing) any standards or requirements.

### **3.19 THE SPECIAL RESIDENTIAL ZONE**

- 3.19.1 The Special Residential Zone is intended to accommodate the development of single houses on lots of not less than 2,000m<sup>2</sup> with an average lot size of not less than 3,000m<sup>2</sup> unless otherwise approved by the Council on the relevant Development Guide Plan or Agreed Structure Plan for that zone. This clause and the Special Provisions and Development Guide Plan or Agreed Structure Plan applying to any Special Residential Zone shall prevail over any density coding shown on the Residential Density Code Map and any conflicting provisions in the Residential Planning Codes.

- 3.19.2 The objectives of the Special Residential Zone are to:

- (a) accommodate a spacious style of living in a low density setting;
- (b) maintain important environmental and landscape values through site-sensitive design and development.

- 3.19.3 A Development Guide Plan or Agreed Structure Plan shall be a prerequisite to the creation of a Special Residential Zone in any locality and the general provisions set out hereunder shall apply:

- (a) Subdivision should be in accordance with the Development Guide Plan or Agreed Structure Plan.
- (b) A reticulated deep sewerage system will be required if, in the opinion of the relevant authorities, the land is considered not suitable for the long term, efficient on-site disposal of effluent.
- (c) A reticulated water supply from the Water Corporation network shall be provided to each lot.
- (d) Only one dwelling (a single house) shall be permitted on each lot.

- (e) No building shall be constructed closer than 15 metres to a street alignment, within 5 metres of a side boundary, or within 10 metres of the rear boundary of any lot. Where a lot has frontage to more than one street, the Council shall designate one such street as the frontage and may permit the construction of buildings to within 7.5 metre from the other street boundaries.
  - (f) Except to the extent necessary for the construction of approved buildings and driveways, no land shall be cleared of vegetation without the prior written approval of the Council.
  - (g) A person shall not without Planning Approval of the Council remove, cut down, or damage any mature tree on land within a Special Residential Zone including street verges.
  - (h) The Council may, as a condition of any approval granted under general provisions (f) and (g) of this subclause, require the applicant to plant and/or maintain to its satisfaction mature trees and shrubs to promote the natural or other aesthetic setting of the area.
  - (i) No cattle, goats, sheep, horses, bees or any other animal stipulated from time to time by the Council to be inappropriate to Special Residential Zones, shall be kept on any lot.
- 3.19.4 Special Provisions relating to individual Special Residential Zones are set out in Schedule 14. In the case of any conflict the Special Provisions shall prevail over the general provisions of the Scheme.
- 3.19.5 Notwithstanding any other provision of the Scheme, in the case of any conflict between the Special Provisions relating to individual Special Residential Zones and Table 1, the Special Provisions shall prevail.
- 3.19.6 When a Special Residential Zone Development Guide Plan was adopted and approved under the City's Town Planning Scheme No 1 immediately before the revocation of Scheme No 1, and was referred to in Schedule 6 of Scheme No 1, it shall have the status of a Development Guide Plan under Clause 3.19 of the Scheme as if it was prepared and adopted under the provisions of the Scheme.
- 3.19.7 Where a Development Guide Plan has effect under the Scheme by force of the provisions of subclause 3.19.6, any change in title of the Development Guide Plan, or in other matters whatsoever, shall be made to the extent only that it is necessary to provide it with the form of a Development Guide Plan under this Scheme, and to make its terms consistent in all ways with the provisions of this Scheme, including (but without limiting the generality of the foregoing) any standards or requirements.

### **3.20 ADDITIONAL USES (SCHEDULE 2 – SECTION 1)**

Notwithstanding anything contained in Table 1, the land specified in Section 1 of Schedule 2 may be used for the specific use or uses that are listed in addition to any

uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

### **3.21 RESTRICTED USES (SCHEDULE 2 – SECTION 2)**

Notwithstanding anything contained in Table 1, the land specified in Section 2 of Schedule 2 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 2 with respect to that land.

### **3.22 THE SPECIAL USE ZONE (SCHEDULE 2 – SECTION 3)**

The Special Use Zone is set out in Section 3 of Schedule 2 and is in addition to the zones in Table 1. No person shall use any land or any structure or buildings on land in a Special Use Zone except for the purpose set out against that land in Schedule 2 and subject to compliance with any conditions set out in Schedule 2 with respect to that land.

### **3.23 RURAL COMMUNITY ZONE**

3.23.1 The purpose of the Rural Community Zone is to provide for the orderly and integrated subdivision and development of larger areas of land proposed for rural residential use, in a manner which maintains the environmental, vegetation and landscape characteristics of the locality.

3.23.2 No subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in a Rural Community Zone until a Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision (including strata or survey strata subdivision) should be commenced or carried out, and no development shall be commenced or carried out otherwise than in conformity with the Special Provisions contained in Schedule 15 of the Scheme and an Agreed Structure Plan, which is in existence at the time the application for approval of the subdivision or other development is received by the responsible authority.

3.23.3 The intent of this Clause is to address the possibility of strata cluster subdivisional development being approved as an alternative to conventional subdivisional development in the Rural Community Zone.

For the purpose of this Clause, the terms “conventional subdivision” and “cluster subdivision” are explained by the following hypothetical examples:

- (a) conventional subdivision may involve a 100 hectare lot being subdivided into fifty lots each of 2 hectares where 2 hectares is the minimum lot size stipulated by the Special Provisions contained in Schedule 15 of the Scheme.
- (b) A cluster subdivision in the same circumstances may involve fifty small lots clustered perhaps on one 10 hectare portion of the 100 hectare original lot, leaving 90 hectares in a single common rural area

lot, protected from further subdivision (including strata or survey strata subdivision) and development.

Consistent with the aim of preserving the environmental, vegetation and landscape characteristics of the Rural Community Zone, in specific cases a cluster subdivision lot yield equal to or greater (if specified in Schedule 15) than the maximum lot yield possible by conventional subdivision may be permitted.

- 3.23.4 The permissibility of uses in the Rural Community Zone shall be determined in accordance with the provisions of the relevant Agreed Structure Plan and any provisions contained in Schedule 15. The provisions of subclauses 9.8.2 and 9.8.3 shall apply save that it is not intended that Agreed Structure Plan provisions will be replaced by an amendment to the Scheme in the case of the Rural Community Zone.
- 3.23.5 Schedule 15 is incorporated in the Scheme and the provisions of that Schedule shall have full force and effect as provisions of the Scheme.

### **3.24 NEW DEVELOPMENT AROUND EXISTING RAILWAY STATIONS**

In order to promote public transport usage, Council shall encourage appropriate transit-related development to take place around existing railway stations. This relates to both private property, and government-owned land and air rights above that land where achievable.