

PART 4 - ZONES AND THE USE OF LAND

4.1 ZONES

4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

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

4.2 OBJECTIVES OF THE ZONES

The objectives of the zones are:

4.2.1 Residential Zone

The objectives of the Residential Zone are:

- (a) to maintain life long or long-time residents as an integral component of the Bassendean community;
- (b) to continue and increase the attraction for young families to reside and raise their families in the Bassendean community;
- (c) to recognise the role of Bassendean as a middle metropolitan area that is well placed to contribute meaningfully to sustainable urban development for the Perth Region, and therefore facilitate the planned gradual increase in population growth in a manner that provides net environmental, social and economic benefit;
- (d) to make provision for housing types that respond to the demands of an ageing population and declining occupancy rates;
- (e) to limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;
- (f) to ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors; and
- (g) to ensure that subdivision and development comply with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

4.2.2 Local Shopping Zone

The objectives of the Local Shopping Zone are:

- (a) to provide for the local retail and service needs of the locality;
- (b) to ensure that the local needs of residents are met, whilst maintaining a retail hierarchy to ensure that the catchment of the Town Centre zone is not adversely affected;
- (c) to ensure a respect for the residential amenity of the surrounding neighbourhood, particularly in terms of design and location of vehicle parking, pedestrian movement, pedestrian and vehicular safety, and control of signage;

- (d) to ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

4.2.3 Town Centre Zone

The objectives of the Town Centre Zone are:

- (a) to promote, facilitate and strengthen the town centre zone as the principal focus of the district in terms of shopping, professional, administrative, cultural, entertainment and other business activities;
- (b) To recognise the unique and specific function of each precinct within the town centre in terms of:
 - (i) Traditional main street pedestrian based commercial retail, west of Wilson Street;
 - (ii) Civic, drive-by commercial and town centre living uses between Wilson and Whitfield Street; and
 - (iii) Car based retail in the Bassendean Village Shopping Centre.
- (c) to accommodate a diversity of commercial, cultural and residential facilities;
- (d) to encourage the integration of existing and proposed facilities within the zone so as to promote ease of pedestrian movement and the sharing of infrastructure, as well as to retain the opportunity for any future expansion of the area;
- (e) to achieve safety and efficiency in traffic circulation;
- (f) to ensure that buildings, ancillary structures and advertising are of high quality and achieve an architectural theme contributing to the uniqueness of the townscape;
- (g) to provide sheltered places for pedestrians and shade to car parking areas;
- (h) to preclude the storage of bulky and unsightly goods from public view;
- (i) to provide landscaping appropriate to the scale of development; and
- (j) to ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

4.2.4 General Industry Zone

The objectives of the General Industry zone are:

- (a) To provide for a broad range of industrial uses, excluding noxious or hazardous activities;
- (b) To accommodate industry that would not otherwise comply with the performance standards of light industry;
- (c) To accommodate a range of manufacturing and associated service activities which will not, by the nature of their operations, detrimentally affect the amenity of the adjoining or nearby land;
- (d) To achieve safety and efficiency in traffic circulation, and also recognise the function of Collier Road as a regional road;

- (e) To provide car parking and landscaping appropriate to the scale of development;
- (f) To preclude the storage of unsightly goods from public view; and
- (g) To ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

4.2.5 Light Industry Zone

The objectives of the Light Industry zone are:

- (a) To accommodate a range of manufacturing and associated service activities which will not, by nature of their operations, detrimentally affect the amenity of the adjoining or nearby land;
- (b) To ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated as not to detract from the residential amenity;
- (c) To achieve safety and efficiency in traffic circulation, and also recognise the function of Collier Road as a regional road;
- (d) To provide car parking and landscaping appropriate to the scale of development;
- (e) To preclude the storage of unsightly goods from public view; and
- (f) To ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.

4.3 ZONING TABLE

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

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

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- 'X' means a use that is not permitted by the Scheme.

4.3.3 A change in the use of land from one use to another is permitted if:

- (a) the local government has exercised its discretion by granting planning approval;

- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:
1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
 2. The local government will not refuse a 'ID' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
 3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.
 4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

TABLE 1 - ZONING TABLE

	Residential	Town Centre	Local Shopping	Light Industry	General Industry
Agriculture - Extensive	X	X	X	X	X
Agriculture - Intensive	X	X	X	D	D
Agroforestry	X	X	X	X	X
Amusement Parlour	X	D	A	D	D
Ancillary Accommodation	D	D	D	X	X
Animal Establishment	X	X	X	X	A
Animal Husbandry - Intensive	X	X	X	X	X
Bed & Breakfast	A	D	D	X	X
Betting Agency	X	D	A	X	X
Caravan Park	A	X	X	X	X
Caretaker's Dwelling	D	D	D	D	D
Carpark	D	D	D	D	D
Child Care Premises	A	D	D	D	A
Cinema/Theatre	X	D	X	X	X
Civic Use	D	P	P	D	A
Club Premises	A	D	A	D	A
Commercial Vehicle Parking	D	D	D	P	P
Community Purpose	A	D	D	D	A
Consulting Rooms	A	P	P	X	X
Convenience Store	X	P	P	D	D
Corner Shop	A	P	P	D	D
Corrective Institution	X	X	X	X	X
Dwelling	P	D	A	X	X
Educational Establishment	A	D	D	D	X
Exhibition Centre	D	D	D	D	D
Family Day Care,	P	P	P	X	X
Fast Food Outlet	X	D	A	A	D
Fuel Depot	X	X	X	A	P
Funeral Parlour	X	D	X	D	A
Grouped Dwelling	P	D	A	X	X
Home Business	A	D	A	D	D
Home Occupation	D	D	D	D	D
Home Office	P	P	P	P	P
Home Store	A	D	D	D	D
Hospital	A	A	A	X	X
Hotel	X	D	A	X	X
Industry - Cottage	A	D	D	P	P
Industry - Extractive	X	X	X	X	A
Industry - General	X	X	X	A	
Industry - Light	X	D	A	P	P
Industry - Mining	X	X	X	X	A
Industry - Rural	X	X	X	A	D
Industry - Service	X	D	D	P	P
Lunch Bar	X	P	P	D	D
Marina	X	X	X	X	X
Marine Filling Station	X	A	X	A	A
Market	X	D	D	D	D
Medical Centre	X	D	D	D	X
Motel	X	D	A	X	X
Motor Vehicle, Boat or Caravan Sales	X	D	X	D	A
Motor Vehicle Repair	X	X	X	D	P
Motor Vehicle Wash	X	D	A	X	D
Multiple Dwelling	P	D	A	X	X
Night Club	X	A	X	X	X
Office	X	P	P	D	D
Park Home Park	A	X	X	X	X
Place of Worship	A	D	D	D	X
Plantation	X	X	X	X	X

	Residential	Town Centre	Local Shopping	Light Industry	General Industry
Plant Nursery	X	D	D	D	D
Recreation - Private	X	D	A	A	D
Residential Building	D	X	X	X	X
Restaurant	X	P	D	X	X
Restricted Premises	X	A	A	X	X
Rural Pursuit	X	X	X	A	A
Service Station	X	A	A	A	A
Shop	X	P	P	X	X
Showroom	X	D	D	D	D
Storage	X	X	X	D	P
Tavern	X	A	A	X	X
Telecommunications Infrastructure	A	A	A	A	A
Trade Display	X	X	X	D	D
Transport Depot	X	X	X	D	P
Warehouse	X	D	D	P	P
Winery	X	A	D	X	X

4.4 INTERPRETATION OF THE ZONING TABLE

4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in 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.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

4.6 RESTRICTED USES

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

There are no restricted uses which apply to the Scheme.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

4.7 SPECIAL USE ZONES

4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 A person must not 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 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

There are no special use zones which apply to the Scheme

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

4.8 NON-CONFORMING USES

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

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

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

4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

4.9.1 A person must not:

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another nonconforming use,

without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

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

4.10 DISCONTINUANCE OF NON-CONFORMING USE

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

4.11 TERMINATION OF A NON-CONFORMING USE

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

Note: Sections 190 and 191 of the Planning and Development Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

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