

- (v) conserve places of heritage significance the subject of or affected by the development.

*Note: Objective (iv) derived from Part 4.2 B1.1 of Fremantle Planning Strategy.*

(f) **Commercial zone**

Development within the commercial zone shall—

- (i) provide for the development of offices and associated commercial and larger scale uses, including showrooms, and warehouses and uses requiring outdoor displays,
- (ii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and
- (iii) to conserve places of heritage significance the subject of or affected by the development.

*Note: Objective derived from Part 4.1, A5.4 Fremantle Planning Strategy.*

(g) **Industrial zone**

Development within the industrial zone shall —

- (i) provide for manufacturing, processing and fabrication industry, the storage and distribution of goods and associated uses, service industry, utilities and communication, ancillary retail which by the nature of their operations should be separated from residential areas, and
- (ii) ensure that development contributes to a high standard amenity and design as well as compatibility with adjacent residential areas.

(h) **Development zone**

The purpose of the Development Zone is to provide for future residential, industrial, commercial or other uses in accordance with a comprehensive structure plan or Local Development Plan prepared in accordance with the provisions of the Scheme.

(i) **Special use zone**

The purpose of the Special Use Zone is to provide for uses which have unique development requirements that cannot be easily accommodated by the objectives of any of the other zones included in the Scheme.

- 3.2.2 The above zoning objectives shall be read in association with the relevant local planning area objectives cited in schedule 7.

### 3.3 Zoning Table

- 3.3.1 The zoning Table at Table 1 indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones.

- 3.3.2 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.

3.3.3 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 requirements of the scheme,
- "D"** means that the use is not permitted unless the Council has exercised its discretion by granting planning approval,
- "A"** means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, and
- "X"** means a use that is not permitted by the Scheme.

*Note:*

1. *The planning approval of the Council 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 Council will not refuse a "P" 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 Council will have regard to the matters set out in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2.*
4. *The Council must refuse to approve any "X" use of land. Approval to an "X" use may only proceed by way of an amendment to the Scheme.*

3.3.4 A change in the use of land from one use class to another is permitted if —

- (a) the Council has exercised its discretion by granting planning approval,
- (b) the change is to a use class which is designated with the symbol "P" in the cross reference to that zone or local reserve in the zoning table and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the previous use was subject,
- (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, and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the development is subject, or
- (d) the change is to an incidental use that does not change the predominant use of the land, and the proposed use complies with all the relevant development standards and any requirements of the Scheme or conditions of approval to which the previous use was subject.

## 3.4 Interpretation of the Zoning Table

- 3.4.1 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.
- 3.4.2 If a person proposes to carry out 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 Council 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 zone and thereafter follow the advertising procedures of the *Planning and Development (Local Planning Schemes) Regulations 2015* 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.

3.4.3 Unless otherwise exempted, a use includes all ancillary activities normally necessary to the proper functioning of the predominant use.

### 3.5 Additional Uses

3.5.1 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 the zone that applies to the land.*

### 3.6 Restricted Uses

3.6.1 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.

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

### 3.7 Special Use Zones

3.7.1 Special use zones are set out in schedule 4 and are in addition to the zones in the Zoning Table.

3.7.2 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.

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

### 3.8 Non-Conforming Uses

3.8.1 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 80 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, 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.*

*Note: The definition of "non-conforming use" and "gazettal date" are contained in schedule 1.*

### **3.9 Extensions and Changes to a Non-Conforming Use**

3.9.1 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 non-conforming use,

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

3.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3.9.3 Where an application is for a change of use from an existing non-conforming use to another use, the Council shall not 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 Council, closer to the intended purpose of the zone.

### **3.10 Discontinuance of Non-Conforming Use**

3.10.1 Where a non-conforming use of any land or buildings has been discontinued for a period of six months such land or buildings shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

### **3.11 Termination of a Non-Conforming Use**

3.11.1 The Council may affect the discontinuance of a non-conforming use by the purchase of the land and buildings, or by the payment of compensation to the owner or the occupier or to both the owner and the 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 2005 enable the Council to purchase or, with the consent of the Governor, take compulsorily land for the purpose of a local planning Scheme, subject to Part 9 of the Land Administration Act 1997.*

### **3.12 Destruction of Non-Conforming Use Buildings**

3.12.1 If a building used for a non-conforming use is destroyed to 75% or more of its value, the buildings shall not be repaired or 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 Council.



**TABLE 1 — ZONING**

Symbol Index		Zones							
P	means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.	RESIDENTIAL	CITY CENTRE	NEIGHBOURHOOD CENTRE	LOCAL CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE
D	means that the use is not permitted unless the Council has exercised its discretion by granting development approval.								
A	means that the use is not permitted unless the Council has exercised its discretion and has granted development approval after giving special notice (advertising) in accordance with clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Schedule 2.								
X	Not Permitted								
Amusement Parlour		X	A	D	A	A	D	D	NOTE 1 NOTE 2
Animal Establishment		X	X	X	X	X	A	D	
Art Gallery		X	P	D	D	D	D	X	
Bed and Breakfast		A	D	D	D	A	A	X	
Betting Agency		X	P	P	D	D	D	D	
Brewery		X	A	A	X	A	A	D	
Bulky Goods Showroom		X	P	D	X	A	D	P	
Car Park		X	A	A	A	A	A	A	
Caretaker's Dwelling		X	A	X	X	X	D	D	
Child Care Premises		A	A	A	A	A	A	X	
Cinema/Theatre		X	P	A	A	A	A	X	
Civic Use		A	P	P	P	P	D	P	
Club Premises		X	P	P	D	P	D	P	

Commercial Vehicle Parking	X	A	D	D	A	P	P
Community Purpose	A	P	P	P	P	D	P
Consulting Rooms	X	P	P	D	P	P	P
Convenience Store	X	P	P	P	A	A	P
Drive-through Food Outlet	X	X	X	X	X	A	X
Educational Establishment	A	D	D	D	P	A	D
Exhibition Centre	X	P	D	D	D	D	D
Family Day Care	A	A	A	A	A	A	X
Fast Food Outlet	X	D	A	A	X	A	X
Fuel Depot	X	X	X	X	X	X	P
Funeral Parlour	A	A	X	X	X	D	D
Garden Centre	X	D	D	D	P	D	P
Grouped Dwelling	P	D	A	A	A	A	X
Home Business	A	P	A	A	A	A	X
Home Occupation	D	P	A	A	A	A	X
Home Office	P	P	P	P	P	A	X
Home Store	D	D	D	P	A	A	X

	RESIDENTIAL	CITY CENTRE	NEIGHBOURHOOD CENTRE	LOCAL CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE	DEVELOPMENT ZONE
Hospital	X	D	D	X	D	D	A		
Hotel	X	A	A	X	A	X	A		
Independent Living Complex	P	D	A	A	D	X	X		
Industry	X	X	X	X	X	X	P		
Industry – Cottage	A	D	A	D	D	X	P		
Industry – General (licensed)	X	X	X	X	X	X	D		
Industry – Light	X	X	X	X	A	X	P		
Industry – Noxious	X	X	X	X	X	X	A		
Industry – Service	X	A	A	X	D	A	P		
Liquor Store – Large	X	A	A	X	X	A	A		
Liquor Store – Small	A	A	A	A	A	X	X		
Lunch Bar	X	P	P	P	A	D	D		
Market	X	P	P	A	A	D	X		
Medical Centre	X	P	P	A	P	P	D		
Motel	X	P	D	X	A	X	D		
Motor Vehicle, Boat or Caravan Sales	X	D	A	X	A	P	P	NOTE 1	NOTE 2
Motor Vehicle Repair	X	A	X	X	A	A	P		



Motor Vehicle Wash	X	D	A	X	A	P	P		
Motor Vehicle Wrecking	X	X	X	X	X	X	D		
Multiple Dwelling	D	D	A	A	A	A	X		
Night Club	X	A	X	X	X	X	X		
Office	X	P	P	D	P	P	P		
Place of Worship	A	P	D	D	P	D	D		
Public Amusement	X	D	D	X	A	A	P		
Reception Centre	X	P	D	A	D	A	D		
Recreation - Private	X	D	D	A	D	D	D		
Residential Aged Care Facility	P	D	A	A	D	X	X		
Residential Building	A	D	A	A	A	A	X		
Resource Recovery Centre	X	X	X	X	X	X	D		
Restaurant/Café	A	D	A	A	A	D	A		
Restricted Premises	X	A	X	X	A	A	A		
Service Station	X	A	D	A	A	D	P		
Serviced Apartment	A	D	A	A	A	X	X		
Shop	X	P	D	D	A	X	X		



	RESIDENTIAL	CITY CENTRE	NEIGHBOURHOOD CENTRE	LOCAL CENTRE	MIXED USE	COMMERCIAL	INDUSTRIAL	SPECIAL USE	DEVELOPMENT ZONE
Short Stay Dwelling	A	A	A	A	A	A	X		
Single House	P	D	A	A	A	A	X		
Small Bar	X	A	A	X	A	X	A		
Tavern	X	A	A	X	A	X	A		
Telecommunications Infrastructure	X	A	X	X	A	A	A		
Tourist Development	X	D	A	A	A	X	X		
Trade Display	X	A	A	A	A	D	P		
Trade Supplies	X	X	X	X	X	A	P		
Transport Depot	X	X	X	X	X	X	P		
Veterinary Centre	X	A	A	A	A	A	P		
Warehouse/Storage	X	D	D	X	P	A	P		
Waste Storage Facility	X	X	X	X	X	X	D		

NOTE 1: Development and use of land is to be in accordance with schedule 4.

NOTE 2: Development and use of land is to be in accordance with an approved structure plan or Local Development Plan prepared. See also Schedule 6 in Part 6 for interim & additional requirements & also Schedule 9 for Development Plan requirements.

