CITY OF SOUTH PERTH TOWN PLANNING SCHEME NO. 6

SCHEME TEXT

* Last updated on 19 June 2018 to include Scheme Amendment No. 58
## Schedule of Scheme Amendments

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City of South Perth
Town Planning Scheme No. 6

Preamble

The Local Government of the City of South Perth, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

The City of South Perth Town Planning Scheme No. 6 consists of this Scheme Text and the Scheme Maps. The Scheme also consists of Schedule 2 ‘Deemed Provisions for Local Planning Schemes’ of the Planning and Development (Local Planning Schemes) Regulations 2015, and Schedule A ‘Supplemental Provisions to the Deemed Provisions’. The Scheme Text should be read in conjunction with the Local Housing Strategy and Local Commercial Strategy for the City, Heritage List, Precinct Plans and other Local Planning Policies.

The Scheme Text sets out the legislative Planning framework for the District. This framework is supplemented by the local government’s Planning Strategies which set out the long-term planning directions for the District, apply State and regional planning policies and provide the rationale for the zones, density coding and other provisions of the Scheme. In addition to the Local Housing and Local Commercial Strategies, the Local Planning Policies set out the general policies of the local government on a range of matters within the Scheme.

The Scheme divides the district of the City of South Perth into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development permitted in different zones. The Scheme also contains particular controls for heritage sites. In addition, the Scheme Text sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

**NOTE:** Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Town Planning Scheme No. 6

SCHEME PROVISIONS

Part I    Preliminary
Part II   Reserves
Part III  Zones, Precincts and Use of Land
Part IV   Development Requirements for Residential Uses
Part V    Development Requirements for Non-Residential Uses
Part VI   General Development Requirements
Part VII  Applications for Development Approval and Procedure for Dealing with Applications
Part VIII Non-Conforming Use
Part IX   Administration
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Part I

Preliminary

1.1 Citation

This Town Planning Scheme may be cited as the City of South Perth Town Planning Scheme No. 6 and shall come into operation on the publication of the Scheme in the Government Gazette.

1.2 Responsible Authority

The authority responsible for implementing the Scheme is the City of South Perth.

1.3 Scheme Area

The Scheme applies to the Scheme area which covers all of the local government district of the City of South Perth as shown on the Scheme Maps.

1.4 Contents of Scheme

The Scheme comprises:

(a) this Scheme Text;

(b) the Deemed Provisions set out in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015;

(c) the Supplemental Provisions to the Deemed Provisions pursuant to Regulation 10 (6) of the Planning and Development (Local Planning Schemes) Regulations 2015 as set out in Schedule A; and

(d) the Scheme Maps.

1.5 Supporting Documents  (Deleted)
1.6 **Scheme Objectives**

(1) The overriding objective of the Scheme is to require and encourage performance-based development in each of the 15 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.

(2) The general objectives of the Scheme are to:

(a) Maintain the City’s predominantly residential character and amenity;

(b) Introduce performance-based controls supported by Local Planning Policies and Precinct Plans;

(c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;

(d) Establish a community identity and ‘sense of community’ both at a City-wide and precinct level and to encourage more community consultation in the decision-making process;

(e) Ensure community aspirations and concerns are addressed through Scheme controls;

(f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;

(g) Protect residential areas from the encroachment of inappropriate uses;

(h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;

(i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;

(j) In all commercial centres, promote an appropriate range of land uses consistent with:

(i) the designated function of each centre as set out in the Local Commercial Strategy; and

(ii) the preservation of the amenity of the locality;

(k) Recognise and preserve areas, buildings and sites of heritage value; and

(l) Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.
1.7 Revocation of Existing Schemes

The City of South Perth Town Planning Scheme No. 5 published in the Government Gazette on 25 September, 1986 and all amendments thereto and the City of South Perth Town Planning Scheme No. 3 published in the Government Gazette on 29 March, 1974 and all amendments thereto are hereby revoked.

1.8 Relationship to Metropolitan Region Scheme

The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended, continue to have effect. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

1.9 Relationship to Local Laws

The provisions of this Scheme shall have effect, notwithstanding any local law for the time being in force in the Scheme area, and where the provisions of the Scheme are inconsistent with the provisions of any local law the provisions of the Scheme shall prevail.

1.10 Definitions and Interpretations

(1) Unless the context otherwise requires, words and expressions used in the Scheme shall have the respective meanings given to them in Schedule 1 or elsewhere in the Scheme, or in the Deemed Provisions.

(2) Where a word or term which is defined in the R-Codes is used in this Scheme, that word or term shall, unless otherwise defined in this Scheme or unless the context requires otherwise, bear the meaning given to it in those R-Codes.

(3) Words and expressions used in the Scheme but not defined in Schedule 1, elsewhere in the Scheme or in the R-Codes shall have their normal and common meanings.

(4) A reference in this Scheme to a written law shall be deemed to include a reference to such written law as it may from time to time be amended or re-enacted.

(5) Headings, notes, footnotes, and instructions, are not part of the Scheme.
1.10  Definitions and Interpretations (cont’d)

(6) Where in this Scheme reference is made to a part, clause, sub-clause, paragraph, Table or Schedule without anything in the context to indicate that a reference to a part, clause, sub-clause, paragraph, Table or Schedule of some other provision or document is intended, the reference shall be construed as a reference to a part, clause, sub-clause, paragraph, Table or Schedule of this Scheme or a provision of the Scheme in which the reference is made.
Part II

Reserves

2.1 Metropolitan Region Scheme Reserves

Land shown as ‘Metropolitan Region Scheme Reserves’ on the Scheme Maps is reserved under the Metropolitan Region Scheme and is shown on the Scheme Maps in order to comply with the Planning and Development Act 2005, as amended. Such land is not reserved by this Scheme. The provisions of the Metropolitan Region Scheme continue to apply to such land.

NOTE ON CLAUSE 2.1: Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

2.2 Local Scheme Reserves

(1) Land depicted as ‘Local Scheme Reserves’ on the Scheme Maps, is reserved under the Scheme for the purposes shown on the Scheme Maps and listed hereunder:

(a) Local Roads;
(b) Parks and Recreation; and
(c) Public Purposes.

(2) With respect to Local Scheme Reserves:

(a) A person must not change the use of, or commence or carry out development on, any such Reserve, without first having obtained development approval under Parts 7, 8 and 9 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

(b) In determining an application for development approval, the local government shall have regard to:

(i) the matters set out in Deemed Provisions clause 67; and
(ii) the ultimate purpose intended for the Reserve.

(c) (Deleted)

2.2 Local Scheme Reserves (cont’d)

(3) If a Local Road is closed and disposed of by the Crown, then, subject to notice being served in accordance with Deemed Provisions clause 64 upon the owners and occupiers of the lots potentially affected by the proposed use or development, and following full consideration of any resulting submissions, the local government may grant development approval for that land to be developed or used only for the same purposes for which any immediately adjoining land is zoned or reserved.

NOTE ON CLAUSE 2.2 (3):
Modified to align with Deemed Provisions.
Amendment No. 54 (GG 12.1.2018)
[Note added 12.1.2018]
Part III
Zones, Precincts and Use of Land

3.1 Zones

(1) The Scheme creates the following zones:
   (a) Residential;
   (b) District Centre Commercial;
   (c) Mends Street Centre Commercial;
   (d) Neighbourhood Centre Commercial;
   (e) Highway Commercial;
   (f) Mixed Use Commercial;
   (g) Local Commercial;
   (h) Public Assembly;
   (i) Private Institution;
   (j) Technology Park; and
   (k) Centre.

(2) The zones are delineated and depicted on the Scheme Maps.

(3) The objectives of the Centre zone are as follows:
   (a) To designate land for future development as a town centre or
       activity centre.
   (b) To provide a basis for future detailed planning in accordance with
       the structure planning provisions of this Scheme and the Activity
       Centres State Planning Policy.

3.2 Precincts

The Scheme creates 15 precincts within the Scheme area as indicated on the
respective sheets comprising the Scheme Maps which are named as follows:
   (a) Precinct 1 : Mill Point;
   (b) Precinct 2 : South Perth Central;
   (c) Precinct 3 : South Perth Civic;
   (d) Precinct 4 : Hurlingham;
   (e) Precinct 5 : Arlington;
   (f) Precinct 6 : Kensington;
3.2 Precincts (cont’d)

(g) Precinct 7: Collier;
(h) Precinct 8: Como Beach;
(i) Precinct 9: Como;
(j) Precinct 10: McDougall Park;
(k) Precinct 11: Karawara;
(l) Precinct 12: Manning;
(m) Precinct 13: Salter Point;
(n) Precinct 14: Waterford; and
(o) Precinct 15: South Perth Station.

NOTE ON CLAUSE 3.2 (o):
Added by Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]

3.3 Land Use Control within Zones

(1) Subject to the provisions of this Scheme, the various purposes for which land may be used are set out in Table 1. Those purposes are herein referred to as Uses. Whether land in a particular zone may be used for a particular purpose is determined by reference to the relevant symbol in Table 1.

NOTE ON CLAUSE 3.3:
Refer to Table 1.
[Note added 29.4.2003]

(2) Land may be used for more than one Use.

(3) The symbols used in the cross-reference in Table 1 have the following meanings:

‘P’ indicates a Permitted Use and means, subject to the provisions of sub-clause (4), that the Use is permitted by the Scheme.

‘D’ indicates a Discretionary Use and means that the Use is not permitted unless the local government has exercised its discretion by granting development approval.

‘DC’ indicates a Discretionary Use with Consultation and 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 Deemed Provisions clause 64.

‘X’ indicates a Prohibited Use and means that the use is not permitted by the Scheme.

NOTE ON CLAUSE 3.3 (3) :
Modified to align with Deemed Provisions. Amendment No. 54
(GG 12.1.2018)
[Note added 12.1.2018]

(4) Notwithstanding that a Use may be permitted under the Scheme, a place included in Management Category A or B of the Heritage List, shall not be developed for any such Use unless the local government is satisfied that the proposed development will not:

(a) involve the demolition of the building or cause a detrimental change to the character or external appearance of the building; or
(b) cause a detrimental change to the character of the place.

NOTE ON CLAUSE 3.3 (4) :
Refer also to Deemed Provisions Part 3 relating to heritage protection; and to Supplemental Provisions to Deemed Provisions Part 3 clauses 7A (1) and (2) and (12). Amendment No. 54.
(GG 12.1.2018)
[Note added 29.4.2003]
[Note amended 12.1.2018]
3.3 Land Use Control Within Zones (cont’d)

(5) In respect of a Discretionary Use or a Discretionary Use with Consultation, in exercising its discretion as to whether or not development approval ought to be granted, the local government shall have regard to the Scheme objectives listed in clause 1.6 and to any objectives for the precinct as stated within the relevant Precinct Plan and to such matters referred to in Deemed Provisions clause 67 as the local government considers to be relevant in the circumstances.

NOTE ON CLAUSE 3.3 (5):

(6) Where a particular Use is defined in Schedule 1 it is deemed to be excluded from any other Use which by its more general terms might otherwise include such particular Use.

NOTE ON CLAUSE 3.3 (6):

(7) A use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the Uses defined in Schedule 1 may only be approved if notice of the development is first given in accordance with Deemed Provisions clause 64.

NOTE ON CLAUSE 3.3 (7):

(8) Notwithstanding that a proposed use of land is a Permitted Use or a Discretionary Use, the local government may require the development of the land for that Use to be the subject of consultation in accordance with the provisions of Deemed Provisions clause 64, if the local government considers that the proposed Use or development may significantly affect the amenity of an adjoining property.

NOTE ON CLAUSE 3.3 (8):

(9) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct and Special Control Area 2 – Civic Site, land use controls are contained within Schedule 9A and Schedule 13 respectively.

NOTE ON CLAUSE 3.3 (9):
Added by Amendment No. 25. (GG 18.1.2013) [Note added 18.1.2013]

(10) Where the Scheme does not identify any site or development requirements for a zone, in considering an application for development approval for land within zone, the local government may have due regard to any of the following plans that apply to the land:

(a) a structure plan;
(b) an activity centre plan; or
(c) a local development plan.

NOTE ON CLAUSE 3.3 (10):
Added by Amendment No. 47. (GG 10.2.2017) [Note added 10.2.2017]

3.4 Additional Uses

(1) (a) Land may be used for a purpose not otherwise permitted under Table 1, if such use is identified as a permitted Additional Use for such land within Schedule 2.

NOTE ON CLAUSE 3.4:
Refer to Schedule 2. [Note added 29.4.2003]
3.4 (1)  Additional Uses (cont’d)

(b) Where Schedule 2 identifies one or more Additional Uses for particular land, development of that land may incorporate any of those Additional Uses, with or without any of the Uses permitted under Table 1.

(2)  (a) In addition to any other requirements prescribed elsewhere in the Scheme, development of land for an Additional Use shall comply with the requirements specified in Schedule 2.

(b) The maximum plot ratio prescribed in Schedule 2 is not additional to the maximum plot ratio for that land prescribed elsewhere in the Scheme.

(c) Where the plot ratio prescribed for an Additional Use is higher than that prescribed elsewhere in the Scheme for the land, nothing in the Scheme shall prevent the development of the land for that Additional Use to the higher prescribed plot ratio.
Part IV
Development Requirements for Residential Uses

4.1 R-Codes

(1) (Deleted)

(2) A copy of the R-Codes, as amended, shall be kept and made available for public inspection at the offices of the local government.

(3) Unless otherwise provided in the Scheme, the development of land for any of the residential purposes dealt with by the R-Codes shall conform to the provisions of the R-Codes.

(4) The R-Codes density coding applicable to land within the Scheme area shall be determined by reference to the R-Codes density coding number superimposed on the particular areas shown on the Scheme Maps as being contained within the density coding boundaries or where such an area abuts another area having an R-Code density coding, as being contained within the centre-line of those boundaries.

4.2 Dual Density Codings: Performance Criteria for Determination of Applicable Coding

(1) Where land has dual density coding numbers indicated on the Scheme Maps, development shall not exceed the lower density coding unless the local government is satisfied that the minimum number of performance criteria prescribed for that dual density coding, are met.

(2) The performance criteria referred to in sub-clause (1) are contained within Schedule 3.

(3) If a tree which is retained in order to satisfy performance criterion (m) in Schedule 3 does not survive to the end of its natural life expectancy, that tree shall be replaced by another appropriate tree located either:
   (a) on the development site; or
4.2 (3) Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont’d)

(b) on a street verge or a Park and Recreation reserve, as close to the development site as the local government considers practicable, in a location to be determined by the local government.

4.3 Special Application of R-Codes - Variations

(1) The following provisions constitute variations from the provisions of the R-Codes with respect to the kinds of development dealt with by those R-Codes.

(a) Where a lot contains an existing approved development which exceeds the prescribed density coding or plot ratio or both, the local government may permit redevelopment of that lot with a greater number of dwellings or a higher plot ratio, or both, than permitted by the R-Codes, subject to compliance with the provisions of clause 6.2A.

(b) Where a lot has a lesser area than the minimum area prescribed in Table 1 of the R-Codes, a Single House may be erected on the lot provided that, in the opinion of the local government, all other relevant objectives and provisions of the Scheme and Precinct Plan are satisfied.

(c) Other than in Special Control Area 1 ‘South Perth Station Precinct’ and Special Control Area 2 – Civic Site, the local government may permit a cantilevered balcony or a balcony supported by columns to extend not more than 2.0 metres forward of the prescribed setback from the street alignment, provided that any such balcony shall be set back not less than 1.5 metres from a street boundary.

(d) Notwithstanding other provisions of the Scheme, the local government may permit a portico or a porte-cochère to be located forward of the prescribed setback from the street boundary, provided that such a structure shall be set back not less than 1.5 metres from a street boundary.

(e) In Precinct 11 - Karawara, other than within the Karawara Redevelopment Area identified in Schedule 4, the following provisions shall apply:

(i) an outbuilding appurtenant to a dwelling may be located within the setback area from the street alignment if the local government is satisfied that such outbuilding will be aesthetically desirable and will be visually compatible with buildings in close proximity; and
4.3 (1) Special Application of Residential Design Codes - Variations (cont'd)

(ii) a Single House, a Grouped Dwelling and any associated outbuilding shall be set back an average of 6.0 metres from the boundary of an open space reserve provided that the minimum setback shall be not less than 3.0 metres.

(f) In respect of Lots 500, 221 to 226 inclusive, 22, 21 and 229 to 240 inclusive (Nos. 15 to 57) Swanview Terrace, South Perth, the setback from the rear boundary adjoining the Regional Parks and Recreation reserve comprising Sir James Mitchell Park, shall be not less than 6.0 metres. Averaging of the rear setback is not permitted for development on these lots, and the side and rear setbacks may not be interchanged.

(g) In certain streets greater setbacks than those prescribed in the R-Codes shall apply as prescribed by clause 4.7 and Table 2.

(h) The area of any land adjacent to a lot which, in the opinion of the local government, is contained within the abutting road reserve as a corner truncation:

(i) shall be deemed to be included within the area of the lot for the purposes of determining:

(A) the maximum permissible number of dwellings;

(B) the maximum plot ratio;

(C) the minimum lot frontage; and

(D) the open space requirements; and

(ii) may, at the discretion of the local government, be deemed to be included within the area of the lot for the purposes of any setback requirement.

(i) (Deleted)

(j) Notwithstanding any other provisions of this Scheme, the local government may permit unroofed car parking bays to be provided within a street setback area if the local government is satisfied that:

(i) the parking bays and associated accessways are screened by dense landscaping at least 1.5 metres in width; and

(ii) such bays and accessways will not have an excessively dominant visual impact on the streetscape or adjoining properties; and

(iii) pedestrian access from the street is not impeded,

provided that the local government shall have discretion to determine the number of such bays which may be permitted within the street setback area.

(k) (Deleted)
4.3 (1) Special Application of Residential Design Codes – Variations (cont’d)

(l) The definition of ‘patio’ shall be as set out in Schedule 1 – Definitions.

(m) For any dwellings within comprehensive new development in Special Control Area SCA1 – South Perth Station Precinct or Special Control Area 2 – Civic Site, the applicable development requirements are contained within Schedule 9A and Schedule 13 respectively, and provisions of the R-Codes do not apply except to the extent specified in that Schedule.

(m) For any comprehensive new development on proposed Lot 801 Bradshaw Crescent, Manning, and proposed Lot 802 Conochie Crescent, Manning, pursuant to conditionally approved subdivision application WAPC Ref. 148502, approved by the Western Australian Planning Commission on 23 October 2013, the applicable development requirements are contained within clause 5.4(10).

(n) Unless otherwise provided in clauses 6.1A and 6.2A, the maximum permissible height of any building shall be as depicted on the Scheme Maps – Building Height Limits, in Schedule 9A and in Schedule 13. Building height shall be measured in the manner prescribed in clause 6.1A and Schedule 9A.

(o) (Deleted)

(p) For any dwellings within the Canning Bridge Activity Centre, the applicable development requirements are contained within the Canning Bridge Activity Centre Plan and provisions of the R-Codes do not apply, other than provisions relating to:

(i) Utilities and Facilities; and

(ii) sight lines at vehicle access points and street corners.

(q) In respect of Lots 501 and 502 River Way, Salter Point, in order to reduce the impact of building bulk on adjoining properties, and consistent with the setbacks of the lots on either side, buildings are to be set back not less than 6.0 metres from the rear boundary of the lots. A greater setback may be required to comply with the Scheme and Policy requirements.

(2) (Deleted)

4.4 Corner Lot Subdivisions in Certain Circumstances
4.4 Corner Lot Subdivisions in Certain Circumstances (cont’d)

(1) In respect to subdivision for the purpose of creating lots for Single Houses, the local government generally will not recommend to the Western Australian Planning Commission that variations from the minimum land area prescribed in the R-Codes be approved unless, in the local government’s opinion, the following criteria are met:

(a) the land to be subdivided has been allocated a density coding of R15;
(b) the land to be subdivided is situated on a street corner;
(c) the resulting subdivided lots shall have a minimum frontage of not less than 12.0 metres to each street;
(d) the land to be subdivided is adjoined on at least one boundary by a lot which has been redeveloped to a density higher than R15; and
(e) in the case of a corner lot created by the subdivision, the resultant lot shape shall be conducive to a dwelling design which would equally address both streets.

(2) The local government will generally not support a variation of the kind referred to in sub-clause (1) for land within Precinct 2: South Perth Central, Precinct 3: South Perth Civic, and Precinct 6: Kensington.

4.5 General Design Guidelines (Deleted)

NOTE ON CLAUSE 4.5:
Deleted and replaced by Deemed Provisions clause 67(g).
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

4.6 Residential Development in Non-Residential Zones

Unless otherwise provided in the Scheme, on land in any non-residential zone, development solely for residential purposes shall not exceed the respective density codings depicted on the Scheme Maps for that land.

4.7 Setbacks from Specified Streets for Residential Uses

(1) Subject to the provisions of sub-clause (2), in the case of the streets listed in Table 2, setbacks for residential development shall be as prescribed in that table.

(2) In the case of land with a frontage onto Canning Highway and Manning Road (west of Ley Street), where land has been excised from a lot for future road widening, the setbacks prescribed in Table 2 shall be measured from the street boundary which existed immediately prior to such excision.

NOTE ON CLAUSE 4.7:
1. Refer to clause 4.3 (1) (g) and Table 2.
2. Also refer to clause 4.3 (1) (f) for minimum rear setback for certain lots in Swanview Terrace.
[Notes added 29.4.2003]
4.7 **Setbacks from Specified Streets for Residential Uses (cont’d)**

(3) For any dwellings within comprehensive new development in Special Control Area SCA1 South Perth Station Precinct or Special Control Area 2 – Civic Site, the applicable setbacks are contained within Schedule 9A and Schedule 13 respectively, and the provisions of clause 4.7 and Table 2 do not apply.

**NOTE ON CLAUSE 4.7 (3):**
Added by Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]

4.8 **Student Housing**

(1) On land in the Residential zone having a density coding of R30 and situated between Kent Street and Walanna Drive in Karawara, the following provisions apply in respect of Student Housing:

(a) The setbacks shall conform to the requirements applicable to Single Houses.

(b) The plot ratio shall not exceed 0.35.

(c) At least 50% of every lot shall be designed, developed and maintained as open space.

(2) Other than in the area between Kent Street and Walanna Drive, the following provisions apply to land used for the purpose of Student Housing:

(a) Only a Single House or a Grouped Dwelling may be used for such purpose.

(b) No more than 40% of the number of dwellings in any one street may be used for such purpose.

(c) The plot ratio, setbacks, and open space shall conform to the provisions of the R-Codes applicable to the density coding assigned to the land.

(3) A building on a lot shall not be used as Student Housing unless –

(a) the number of occupiers’ cars parked on the lot is limited to the number determined by the local government when granting development approval in respect of the lot;

(b) occupiers of the building do not park their cars on a street or verge abutting land used for a residential purpose within a radius of 500 metres of the building;

(c) the number of parking bays for visitors’ cars provided on the lot is as prescribed in Table 6; and

(d) the lot and all buildings on the lot are, in the opinion of the local government, well presented and maintained at or above the standard of presentation and maintenance of the other buildings and lots in the same street.

**NOTE ON CLAUSE 4.8:**
Modified to align with Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]
4.8 Student Housing (cont’d)

(4) The local government shall not grant development approval for a building to be used as Student Housing unless it is satisfied that the owner or lessor of the building has taken, or is to take, appropriate measures (including entering into appropriate tenancy agreements) to ensure that the use of the building is likely to comply with the requirements prescribed in clause 4.8(3).

4.9 Noise Attenuation for Dwellings in Canning Highway

In the case of lots abutting Canning Highway, where such lots are proposed to be developed for the purpose of dwellings, whether or not as part of a Mixed Development, those dwellings shall be designed to incorporate noise attenuation measures to the satisfaction of the local government. Such measures shall include either or both of the following:

(a) design measures such as minimising the number and size of major openings to habitable rooms in order to minimise noise disturbance within those rooms; and

(b) structural measures such as double glazing or insulation within roofs, ceilings or walls.

4.10 General Requirements for Residential Uses

In addition to compliance with other provisions of Part IV, the development of land for residential purposes shall also comply with the relevant provisions of Part VI.

4.11 Removal of Restrictive Covenants Affecting Density

A restrictive covenant affecting any land in the Scheme area by which, or the effect of which, is that the number of dwellings which may be constructed on the land is restricted to less than the number permitted by the Scheme (including any covenant purporting to restrict subdivision), is hereby extinguished or varied to the extent that it is inconsistent with the density provisions of the R-Codes which apply under the Scheme.
4.12 Home Occupation

(1) An application for development approval for a Home Occupation shall not be approved unless the local government is satisfied that all of the requirements and restrictions contained in the definition of Home Occupation in Schedule 1 will be met.

(2) Subject to sub-clause (3), an application for development approval for a Home Occupation shall not be approved where the Home Occupation would involve –

(a) more than the three (3) client visits to the premises per day and fifteen (15) client visits per week;
(b) the storage, preparation or sale of foodstuffs;
(c) the breeding, keeping or selling of any animal; and
(d) the storage of goods, merchandise, materials, equipment or supplies other than within a building.

(3) The local government may permit a variation from the provisions of sub-clause (2) where the applicant provides documentation which demonstrates to the local government’s satisfaction that the proposed Home Occupation will not adversely affect the amenity of the locality and will meet requirements relating to health.

(4) Unless otherwise approved by the local government, on any site used for the purpose of a Home Occupation, in addition to parking bays provided for the occupiers of the dwelling as required by the R-Codes, at least one (1) car parking bay shall be provided for clients’ use.

4.13 Home Office

A Home Office shall operate in compliance with the requirements and restrictions contained in the definition of Home Office in Schedule 1.
Part V
Development Requirements for Non-Residential Uses

5.1 Development Requirements for Non-Residential Uses in Non-Residential Zones

(1) All Mixed Development and other non-residential Uses in non-residential zones shall comply with the requirements prescribed in Table 3 except where prescribed under clause 5.4 (10).

(2) Within the Highway Commercial and the Local Commercial zones, in the case of additions to an existing building, notwithstanding the maximum plot ratio prescribed in Table 3 with respect to those zones, where the proposed additions involve an increase in floor area of more than 10%, such development will only be approved if the existing building is upgraded to a standard which the local government considers to be equivalent to the new additions.

(3) Within the Mixed Use Commercial zone:
   (a) any Mixed Development shall contain at least 2 dwellings; and
   (b) in the case of Mixed Development, the local government may grant development approval permitting a development with a plot ratio of up to 1.0, if the following criteria have been met:
      (i) the development site has an area of 1,700 square metres or more;
      (ii) the residential and the non-residential portions of the development shall each comprise not less than 40% of the total floor area calculated according to the definition of plot ratio contained in Schedule 1;
      (iii) visual articulation to the street elevations of the building is provided by way of balconies or other design elements in order to enhance the appearance of the building to the satisfaction of the local government; and
      (iv) outstanding landscaping is provided in accordance with the provisions of clause 6.14(1).
5.1  Development Requirements for Non-Residential Uses in Non-Residential Zones (cont’d)

(4) Notwithstanding the minimum setbacks prescribed in Table 3:
   (a) in any non-residential zone where a development site has a common boundary with land in the Residential zone:
      (i) the local government may require a building on the development site to be set back a greater distance from the street than the setback prescribed in Table 3, in order to protect the amenity of the adjoining land in the residential zone. In such cases, the setback area in front of the building shall contain landscaping visible from the adjoining residential site; and
      (ii) the setback from that common boundary shall be the same as that prescribed for Grouped Dwellings on the adjoining residential land, unless otherwise prescribed by the local government;
   (b) in the District Centre Commercial zone, the Mends Street Centre Commercial zone and the Highway Commercial zone, the rear setback may be reduced, subject to provision being made to the satisfaction of the local government for loading and off-loading of delivery vehicles and the removal of rubbish from the site without the need for vehicles to reverse from or to a street; and
   (c) in the Neighbourhood Centre Commercial zone, the prescribed street setback may be reduced to nil where, in the opinion of the local government, this would achieve the objectives of the relevant Precinct Plan.

(5) Notwithstanding the minimum landscaped area prescribed in Tables 3 and 4, the local government may permit a lesser landscaped area, if the developer provides outstanding landscaping in accordance with the provisions of clause 6.14(1), together with landscaping within the street reserve adjacent to the development site to a standard considered by the local government to be exceptional.

(6) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct or Special Control Area 2 – Civic Site, development requirements are contained within Schedule 9A and Schedule 13 respectively, and the provisions of clause 5.1 and Table 3 do not apply.

NOTE ON CLAUSE 5.1 (6):
Added by Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]

5.2  Development Requirements for Non-Residential Uses in the Residential Zone

(1) Unless otherwise provided in the Scheme, all non-residential Uses in the Residential zone shall comply with the requirements prescribed in Table 4.

NOTE ON CLAUSE 5.2:
Refer to Table 4.
[Note added 29.4.2003]
5.2 Development Requirements for Non-Residential Uses in Residential Zones (cont’d)

(2) For the purpose of determining the relevant provisions of Table 4, in the case of land having a dual density coding, the applicable code shall be deemed to be the lower coding.

(3) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct, development requirements are contained within Schedule 9A, and the provisions of clause 5.2 and Table 4 do not apply.

5.3 Setbacks from Specified Streets for Non-Residential Uses

(1) Subject to the provisions of sub-clause (2), in the case of the streets listed in Table 5, street setbacks for non-residential Uses shall be as prescribed in that table.

(2) In the case of Canning Highway and Manning Road (west of Ley Street), where a lot has been subdivided in order to excise land for future road widening, the setbacks prescribed in Table 5 shall be measured from the street boundary which existed immediately prior to such excision.

(3) For any dwellings within comprehensive new development in Special Control Area SCA1 South Perth Station Precinct or Special Control Area 2 – Civic Site, the applicable setbacks are contained within Schedule 9A and Schedule 13 respectively, and the provisions of clause 5.3 and Table 5 do not apply.

5.4 Development Requirements for Certain Sites

(1) (Deleted)

(2) (a) In this sub-clause, ‘Site B’ means Lot 10 (No. 1) Preston Street, Como.

(b) Notwithstanding anything contained in this Scheme or in the R-Codes, the local government, in respect of Site B, may grant development approval permitting a development with a maximum plot ratio of 1.2 and a maximum building height of 14 metres if it is satisfied that –

(i) all of the buildings on that site are of an integrated design;

(ii) both the footpaths and verges of the portion of Preston Street situated between Mary Street and Melville Parade will be or have been paved and landscaped at the expense of the owner of Site B in accordance with the streetscape improvement plan approved by the local government on 24 July 2001;

NOTE ON CLAUSE 5.3 (3):
Added by Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]

NOTE ON CLAUSE 5.4 (1):
Sub-clause (1) related to former Site A - 'Blue Waters', Lot 188 Labouchere Road / Bowman Street / Judd Street, South Perth.
Deleted by Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]

NOTE ON CLAUSE 5.4 (2):
Site B - Lot 10 Preston Street / Melville Parade, Como.
[Note added 29.4.2003]
5.4 (2)(b) Development Requirements for Certain Sites (cont’d)

(iii) both the footpaths and verges of the portion of Melville Parade abutting Site B will be or have been paved and landscaped at the expense of the owner of that site in accordance with the streetscape improvement plan approved by the local government on 24 July 2001;

(iv) within the portions of Preston Street and Melville Parade referred to in sub-paragraphs (ii) and (iii), the roadways will be or have been reconstructed at the expense of the owner of Site B to formally provide on-street parking bays and islands, including street trees, in accordance with the streetscape improvement plan approved by the local government on 24 July 2001;

(v) the landscaping referred to in sub-paragraphs (ii) and (iii), or the landscaping of Site B, includes sculpture or other urban artwork and ornamental water features, in addition to any other landscaping component considered by the local government to contribute to the visual quality of the streetscape;

(vi) development of Site B will not cause more than 50% of an adjoining lot to be in shadow at noon on June 21, save with the approval of the local government; and

(vii) car parking will be provided for all Offices, Shops and residential dwellings strictly in accordance with the provisions of the Scheme, with no reciprocity of use or other form of concession in respect of the number of parking spaces provided.

(3) (a) In this sub-clause, ‘Site C’ means Lot 46 (No. 64-68) South Terrace, corner of Coode Street, South Perth.

(b) In respect of a development on Site C for Mixed Development:

(i) notwithstanding the provisions of Table 3, a maximum plot ratio of 0.75 shall apply provided that the floor area used for purposes other than residential dwellings shall not exceed a plot ratio of 0.35;

(ii) each residential dwelling shall be provided with:

(A) a private balcony with a maximum area of 10 square metres opening directly from a living room; and

(B) an enclosed storage area with a minimum area of 1.5 square metres.

(4) (a) In this sub-clause, ‘Site D’ means all the land comprised in:

(i) Lot 409 (No. 56) Ley Street, Como (‘Lot 409’);

(ii) Lot 408 (No. 2) Downey Drive corner Ley Street, Como (‘Lot 408’); and

(iii) Lot 407 (No. 4) Downey Drive, Manning (‘Lot 407’).
5.4 (4) **Development Requirements for Certain Sites (cont’d)**

(b) None of the land comprised in Lot 407 may be used for the purposes of:
   (i) non-residential development;
   (ii) Mixed Development;
   (iii) Grouped Dwellings; or
   (iv) Multiple Dwellings;

unless such use is part of an integrated development encompassing all of the lots comprised in Site D.

(c) None of the land comprised in Lot 408 may be used for the purposes referred to in paragraph (b) unless such use is part of an integrated development encompassing:
   (i) both Lot 408 and Lot 409; or
   (ii) all of the lots comprised in Site D.

(d) In respect of a development on Site D or on a site comprising Lots 408 and 409, the following development requirements shall apply:
   (i) Notwithstanding the provisions of Table 3, the maximum plot ratio applicable to Shops shall not exceed:
      (A) 0.12 if development comprises Lots 407, 408 and 409; or
      (B) 0.165 if development comprises Lots 408 and 409; or
      (C) 0.35 if development comprises Lot 409 only.
   (ii) Every dwelling shall be provided with:
      (A) a private balcony with a minimum area of 10 square metres, opening directly from a living room; and
      (B) an enclosed storage area of a minimum internal area of 1.5 square metres.

(e) In respect of a development on Site D or on a site comprising Lots 408 and 409, the local government shall have regard to the following:
   (i) the development should be designed so that the front of the building or buildings face Ley Street, Downey Drive and the junction of these two streets;
   (ii) the building setback from the northern boundary should be confined to the minimum necessary for functional driveway access and associated landscaping;
   (iii) the ground floor portion of the building fronting Ley Street should be developed for non-residential purposes only;
   (iv) residential development should preferably be situated on the Downey Drive frontage of the building and the upper floor of the Ley Street frontage of the building in the case of a two storey development;
**5.4 (4)(e) Development Requirements for Certain Sites (cont'd)**

(v) car parking bays should not be located between the building and the street alignment;

(vi) a landscaping strip at least 2.0 metres in width should be provided along the eastern and northern boundaries and between the street alignment and any parking area; and

(vii) a brick screen fence 1.8 metres in height should be constructed along the eastern boundary.

(5) (a) In this sub-clause, ‘Site E’ means Lot 19 (No. 296) Mill Point Road, South Perth.

(b) Notwithstanding anything contained in this Scheme or in the R-Codes, with respect to Site E, the local government shall not grant development approval for a development containing a plot ratio area which is greater than 2,000 square metres unless:

(i) the building which was used for the purpose of Tourist Accommodation on 23 October 2001, is demolished;

(ii) the proposed building is graduated in height, with lower portions situated towards the front of the site;

(iii) car parking for any proposed dwellings is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from the street boundary, and these bays are for the sole use of occupiers of the dwellings;

(iv) visitors’ car parking for any dwellings on Site E is provided in excess of the number of bays required by the R-Codes;

(v) the development incorporates outstanding landscaping; and

(vi) any Café/Restaurant on the site shall:

   (A) be restricted to a maximum plot ratio of 0.04; and

   (B) be situated more than 45.0 metres from the rear boundary of the site.

(6) **(Deleted)**

**NOTE ON CLAUSE 5.4 (5):**

Site E -

1. Lot 19 (No. 296) Mill Point Road, South Perth.

2. The date referred to in clause 5.4 (5)b)((i) is the date of the relevant Council resolution deciding to amend Town Planning Scheme No. 5, Amd No. 121.

[Notes added 29.4.2003]

**NOTE ON CLAUSE 5.4 (6):**

Sub-clause (6) related to former Site F - Lot 2 Bowman Street NW cnr Labouchere Road, South Perth.

Deleted by Amendment No. 25 (GG. 19.1.2013)

[Note added 18.1.2013]
5.4 Development Requirements for Certain Sites (cont’d)

(7) (a) In this sub-clause, ‘Site G’ means Lot 2199 (No. 6) Morrison Street, Como.

(b) In respect of Site G, the local government may grant development approval for a building greater than 7.0 metres in height to a maximum of 10.5 metres in height, if it is satisfied that:

(i) any such building will not cause any overshadowing of Lot 3296 Morrison Street at noon on 21 June;

(ii) the height of any such building fronting Morrison Street or Thelma Street on Site G shall be contained beneath an angle plane extending from a height of 1,600 millimetres measured at the street boundary of any residential property directly opposite Site G to a height of 7.0 metres measured 7.5 metres inside the boundary to Morrison Street or Thelma Street on Site G;

(iii) any such building is of an architectural design quality considered by the local government to be visually exceptional and incorporates environmentally sustainable design features;

(iv) landscaping is provided on Site G of a standard considered by the local government to be outstanding and contributing positively to -

(A) the visual quality of all streetscapes of which Site G forms a part;

(B) the visual balance between buildings of varying heights on Site G, and between buildings on Site G and those on neighbouring sites; and

(C) the local natural environment;

(v) any trees to be removed from Site G are replaced by other trees after the species, number and location of replacement trees have been approved by the local government;

(vi) any development proposal submitted to the local government, which involves the demolition or substantial modification of an existing building, is accompanied by a heritage assessment statement adequately justifying the proposed demolition or modification and describing the effect of the proposal on the character or appearance of other buildings within Site G; and

(vii) the façades of any existing building to be demolished or substantially modified in order to achieve a height of 10.5 metres, is photographically recorded at the expense of the owner, such record being provided to the local government for its heritage archives prior to any of the proposed works being undertaken.

NOTE ON CLAUSE 5.4 (7):
Site G - Penrhos College, Lot 2199 (No. 6) Morrison Street, Como.
Added by Amd 18
(GG 9.7.2010)
[Note added 14.7.2010]

(Note added 14.7.2010)
5.4 Development Requirements for Certain Sites (cont’d)

(8) (a) In this sub-clause, ‘Site H’ means Lot 3298 Murray Street, Como.

(b) For the purpose of this sub-clause, the term 'architectural feature' means an element of a building that is designed for ornamental or service purposes, does not comprise habitable floor area, and includes spires, towers, bell housings, fly towers, and other similar minor construction.

(c) In respect of Site H, the local government may permit a site to be developed at a density exceeding R30 to a maximum of R40 and may grant development approval for a building greater than 7.0 metres in height to a maximum height of:

(i) 14.0 metres; and

(ii) 17.5 metres for any architectural feature forming part of any such building;

where it is satisfied that all of the following performance criteria are met:

(A) the height of the building is contained beneath an angled plane extending eastwards from a height of 1,600 millimetres above ground level measured at the McNabb Loop boundary of Lot 3296 (Collier Park Village) to a height of 7.0 metres measured on an alignment 7.5 metres east of the western boundary of Site H, and extending further eastwards to a height of 14.0 metres. On the remainder of Site H, the maximum permissible building height is 14.0 metres other than for architectural features;

(B) the building is set back a minimum of 7.5 metres from the western boundary of the site;

(C) any architectural feature of greater height than 14.0 metres is set back at least 30.0 metres from the northern, eastern and southern boundaries of the site, and 60.0 metres from the western boundary;

(D) the building reflects a commitment to excellence in architectural design and environmental sustainability;

(E) visual articulation to the elevation of any building facing the western leg of McNabb Loop is provided by way of balconies or other design elements, in order to enhance the appearance of the building and reduce the impact of building bulk when viewed from the Collier Park Village opposite;

(F) landscaping is to be of a standard considered by the local government to be exceptional and will:

NOTE ON CLAUSE 5.4 (8):
Site H - Lifestreams Christian Church, Lot 3298 Murray Street, Como.
Added by Amd 26 (GG 27.9.2011)
[Note added 4.10.2011]
5.4 (8)(c) Development Requirements for Certain Sites (cont’d)

(I) contribute to the amelioration of the visual impact of any building on Site H; and

(II) enhance the local natural environment; and

(G) any trees removed from the site to facilitate further development are replaced by other trees, the species, number and location of which are approved by the local government.

(d) In respect of site planning and car parking bays to be provided for development on Site H, the following requirements apply:

(i) for non-residential uses, the local government is to be satisfied that the number of bays on the site and on portions of street reserves abutting Site H is sufficient, having regard to the peak parking demand for different non-residential uses on the site;

(ii) for residential uses:

(A) the minimum number of bays for occupiers is to be calculated as required by the R-Codes;

(B) all car parking bays for occupiers of any dwelling are to be accommodated on the site in an undercroft or provided with another form of roof cover; and

(C) bays provided for non-residential uses are also to be available for use by visitors to the dwellings; and

(iii) the proposed development of Site H is supported by an Impact Assessment Report prepared under clause 7.6 including, in addition to an assessment of any other relevant matter listed in Deemed Provisions clause 67, a Traffic Impact Assessment report incorporating a Parking Needs Study. The Traffic Impact Assessment report is to include, but is not limited to, analysis and recommendations adequately addressing the following:

(A) the existing and likely increase in parking demand on the site having regard to the nature, level of usage and time of operation of each existing and proposed land use and facility;

(B) the possible extent of fully functional reciprocal car parking arrangements for any non-residential use;

(C) measures to prevent any vehicular access between McNabb Loop (west) and Site H and discourage use of McNabb Loop (west) by motorists visiting the site;

(D) the desirable location and maximum extent of formal paved car parking bays on the street verges of McNabb Loop (north and south) and Murray Street, immediately adjoining the site;
5.4 (8)(d) Development Requirements for Certain Sites (cont’d)

(E) a design for the proposed McNabb Loop (south) cul-de-sac, accommodating any required vehicle crossover to the site, possible formal paved verge parking bays, and a pick-up / drop-off zone for Como Secondary College students; and

(F) a design for any other traffic management measures which will minimise any potential points of vehicle and pedestrian conflict in streets surrounding the site;

(iv) the Traffic Impact Assessment report is to relate to the ultimate total development of Site H;

(v) relevant findings of the Traffic Impact Assessment report are to be reflected in every future development application for the site, whether or not such development benefits from the additional entitlements permitted through this sub-clause; and

(vi) a Traffic Impact Assessment report is to be submitted in support of any application for development approval for Site H involving the provision of required car parking bays, unless the local government is satisfied that a Traffic Impact Assessment is not required in support of any particular proposal.

(9) (a) In this sub-clause, ‘Site I’ means Lot 51 Canning Highway, Como.

(b) In respect of Site I, the local government may grant development approval for a building greater than 7.0 metres in height to a maximum height of –

(i) 10.5 metres;

where it is satisfied that the following criteria has been met –

(A) The setback of any part of the building onsite shall be setback a minimum of 5m from adjoining lots, where that part of the building exceeds 7.0 metres.

(10) (a) In this sub-clause –

(i) Site J means proposed Lot 801 Bradshaw Crescent, Manning pursuant to conditionally approved subdivision application WAPC Ref: 148502, approved by the Western Australian Planning Commission 23 October 2013; and

(ii) Site K means proposed Lot 802 Conochie Crescent, Manning pursuant to conditionally approved subdivision application WAPC Ref: 148502, approved by the Western Australian Planning Commission 23 October 2013.

(b) In respect of Site J, any comprehensive new development shall not extend beyond any portion of the three-dimensional building

NOTE ON CLAUSE 5.4 (9):
Site I - Lot 51 (No. 245-247) Canning Highway, Como.
Added by Amendment No. 28.
(GG 26.6.2012)
[Note added 26.6.2012]

NOTE ON CLAUSE 5.4 (10):
Sites J and K – Manning Community Facility, Bradshaw Crescent and Conochie Crescent, Manning.
Added by Amendment No. 36.
(GG 25.7.2014)
[Note added 25.7.2014]

Refer also to Figure 1; Figure 2; Figure 3; and Figure 4.
envelope depicted in Figures 1 and 2 of this sub-clause.

(c) In respect of Site K, any comprehensive new development shall not extend beyond any portion of the three-dimensional building envelope depicted in Figures 3 and 4 of this sub-clause.

5.4 (10) Development Requirements for Certain Sites (cont’d)

(d) The three-dimensional building envelopes depicted in Figures 1, 2, 3 and 4 replace all plot ratio, residential density, and setback provisions for Sites J and K respectively.

(e) Notwithstanding clause 5.4 (10)(b) and clause 5.4 (10)(c), awnings, canopies and balcony balustrades are permitted to extend beyond the three-dimensional building envelopes depicted in Figures 1, 2, 3 and 4 provided that no portion of any balcony extends beyond the lot boundaries of Sites J and K.

(f) All car parking for Sites J and K is to be provided below street level, in an undercroft car park arrangement accessed through the adjoining undercroft car park serving the Manning Community Facility.

(11) (a) In this sub-clause –

   (i) Site L means Lot 11 Welwyn Avenue, Manning; and

   (ii) Site M means Lot 9 Welwyn Avenue, Manning.

(b) In respect of Sites L and M, any new development shall:

   (i) provide a high degree of activation to the Welwyn Avenue boundary, the pedestrian accessway, and the right-of-way; and

   (ii) shall ensure utility and service areas are effectively located away, or screened, from the public realm.
5.4 (10) Development Requirements for Certain Sites (cont’d)

NOTE ON CLAUSE 5.4 (10):
Figure 1 – Site J - Added by Amendment No. 36.
(GG 25.7.2014)
Refer to clause 5.4(10)
[Note added 25.7.2014]
5.4 (10) Development Requirements for Certain Sites (cont’d)

NOTE ON
CLAUSE 5.4 (10):
Figure 2 – Site J - Added by Amendment No. 36.
(GG 25.7.2014)
Refer to clause 5.4(10)
[Note added 25.7.2014]

Figure 2 – Site J (south-east view)
NOTE ON CLAUSE 5.4 (10):
Figure 3 – Site K
Added by Amendment No. 36.
(GG 25.7.2014)
Refer to clause 5.4(11)
[Note added 25.7.2014]
NOTE ON
CLAUSE 5.4 (10):
Figure 4 – Site K
Added by
Amendment No. 36.
(GG 25.7.2014)
Refer to clause 5.4(11)
[Note added 25.7.2014]
5.4 Development Requirements for Certain Sites (cont’d)

(12) **Deleted**

(13) (a) In this sub-clause, ‘Site O’ means Lots 11, 12 and 342 (Nos. 51, 51A and 53) Bickley Crescent, Lot 10 (No. 19) Pether Road and Survey-Strata Lots 1 (No. 49 Bickley Crescent) and 2 (No. 17 Pether Road) of Lot 340 on Survey-Strata Plan 2946, Manning.

(b) Notwithstanding anything contained in this Scheme (with the exception of Schedule 2) or in the R-Codes relating to building height limits and maximum plot ratio, the local government, in respect of Site O, may grant development approval permitting a development with a maximum building height of 14 metres and with unlimited plot ratio across the whole site for all components of the development, if it is satisfied that all of the following requirements are met -

(i) The site is developed only for the purposes of Aged or Dependent Persons’ Dwellings, Aged or Dependent Persons’ Amenities, aged or dependent persons’ care, community welfare activities or services, and other related services.

(ii) Subject to sub-paragraph (iii), the height of the building is contained beneath a 25 degree angled plane extending southwards into Site O from a height of 7 metres measured at a distance of 7.5 metres from the Pether Road boundary of Site O, to the maximum height of 14 metres.

(iii) Notwithstanding sub-paragraph (ii) —

(A) buildings on Site O situated within 10 metres of any land in the Residential zone shall not exceed 7 metres in height; and

(B) on the portion of Lot 10 situated within 10 metres of the eastern lot boundary and within 15 metres of the Manning Road boundary, building height shall not exceed 10.5 metres.

(iv) Visual articulation to the elevation of any building facing Pether Road, Bickley Crescent or Manning Road is provided by way of suitable design elements in order to enhance the appearance of the building and reduce the impact of building bulk on the street.

(v) Landscaping on Site O is to include, as a minimum, two areas of land on each side of Bickley Crescent, to be used exclusively for landscaping, each having a minimum area of 30 square metres and a minimum dimension of 6.0 metres measured along the Bickley Crescent boundary of the site and containing a tree with a minimum height of 3.0 metres at the time of planting.
The proposed redevelopment of Site O is supported by an Impact Assessment Report prepared under clause 7.6 including, in addition to an assessment of any other relevant matter listed in Deemed Provisions clause 67, a Traffic and Access Statement and a Parking Needs Study. The Parking Needs Study is to relate to all proposed uses in the completed development. The Traffic and Access Statement and Parking Needs Study are to include, but are not limited to, analysis and recommendations adequately addressing the following —

(A) vehicular traffic approaches to the site and any traffic management techniques recommended to be implemented in order to minimise any potential points of traffic or vehicle and pedestrian conflict in streets in the vicinity of Site O;

(B) the existing and likely increase in parking demand on Site O having regard to the nature, level of usage and time of operation of each existing and proposed land use and facility; and

(C) a design for Bickley Crescent between Pether Road and Manning Road, including any required vehicle crossovers to Site O, formal paved car parking bays, any proposed al fresco area, and landscaping within the road reserve.

Subject to paragraph (c), the number of parking bays to be provided on Site O shall be not less than the minimum number required to meet demand based on the findings of the Parking Needs Study.

If the ultimate development is to proceed in stages, the Traffic Impact Assessment report is to relate to the ultimate total redevelopment of Site O.

Relevant findings of the Impact Assessment Report are to be reflected in every future development application for Site O, whether or not such development benefits from the additional entitlements permitted through this sub-clause.

In conjunction with the development of Site O, works within the road reserve in the portion of Bickley Crescent situated between Pether Road and Manning Road, will be modified at the expense of the owner of Site O in accordance with any Streetscape Improvements Plan approved by the local government. Such works may include addition to, or modification or removal of, any existing street improvements to the extent necessary to facilitate provision of the following —
5.4 (13)(b) Development Requirements for Certain Sites (continued)

(A) the optimum number of formal on-street parking bays;
(B) landscaped islands, including shade trees;
(C) any other landscaping within the road reserve; and
(D) any alfresco area.

(c) In respect of car bays required by the Parking Needs Study described in part (b) of this clause, not more than 15 of the visitor car bays for non-residential land uses may be provided in Bickley Crescent south of Pether Road.

(d) Any building on Site O is to be set back the following minimum distances from boundaries —
   (i) Pether Road: 6.0 metres;
   (ii) Land in the Residential zone: As prescribed by the R-Codes for the R40 coding;
   (iii) Bickley Crescent: Nil; and
   (iv) Manning Road: 1.5 metres.

(e) For the purpose of assessing applications for development approval for development in accordance with the Additional Use provisions in Item 9 of Schedule 2 of the Scheme, plot ratio is to be calculated across the entire Site O.

5.5 General Design Guidelines (Deleted)

5.6 General Requirements for Non-Residential Uses

In addition to compliance with other provisions of Part V, the development of land for non-residential purposes shall also comply with the relevant provisions of Part VI.
Part VI

General Development Requirements

6.1 Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits (Deleted)

6.1A Building Height Limits and Method of Measuring Height

(1) Maximum permissible height of a building
On any land, the height of a building shall not exceed the Building Height Limit applicable to that land, unless otherwise provided in this clause and clause 6.2A.

(2) Ground level point used for measuring building height
(a) The height of a building shall be measured vertically from the level of the highest point on the ground which is:
   (i) situated under the building; and is also
   (ii) set back at least:
      (A) 6.0 metres from a street boundary or rear boundary of the development site, whichever is the more elevated; and
      (B) 1.5 metres from a side boundary of the development site.
(b) In the case of a development site having a boundary to South Perth Esplanade, or required by clause 6.9 to be filled in order to achieve the prescribed minimum ground and floor levels, the height of a building shall be measured from the level of 2.3 metres above Australian Height Datum.

(3) Upper level used for measuring building height
(a) Building height shall be measured to the level of the uppermost points of the building situated vertically above the outer face of BHL walls. Depending on the building design, the uppermost points of the building may be on the top surface of the roofing material, or on the top of the BHL walls.
(b) Where a gable forms a triangular extension of a BHL wall, the upper level on a building to which height is measured shall be the level at one-third of the vertical height of the gable.
6.1A (3) Building Height Limits and Method of Measuring Height (cont’d)

(c) In the case of a building with a mansard roof, the upper level to which height is measured shall be the top of the more steeply pitched plane of the roof.

(4) Roof height control

(a) Measurement of the height of a building excludes roof height.

(b) The local government may impose a restriction on roof height where, in the local government’s opinion, the proposed roof height or pitch would:

(i) have an adverse impact on, or be out of character with, development on the development site or within the focus area; or

(ii) contravene any Local Planning Policy adopted under Deemed Provisions, Part 2, Division 2, relating to the design of buildings, significant views, or maintenance of streetscape character.

(5) Permitted projections above Building Height Limit

Notwithstanding sub-clause (1), the following may project above the applicable Building Height Limit:

(a) any replacement building or additions to an existing building which are approved under clause 6.2A;

(b) any wall contained within a space enclosed by a notional hip roof shape formed by planes pitched off the outer face of each BHL wall at 25 degrees commencing at the level of the Building Height Limit. A separate notional hip roof shape is to be established above each required ground level point in the following cases:

(i) where the proposed development comprises more than one building as determined under sub-clause (6); and

(ii) on sloping sites where sub-clause (7) applies;

(c) the upper two-thirds of the vertical height of a gable where the gable forms a triangular extension of a BHL wall;

(d) dormers not more than 1.2 metres wide, separated from each other by a minimum horizontal distance of 2.0 metres and located at least 1.0 metre from any edge of the roof plane containing the dormer;

(e) minor projections; and

(f) lift shafts, including the overrun portion accommodating operating machinery, subject to the local government being satisfied that the lift shaft is of the minimum height necessary for the safe and efficient operation of the lift and is positioned and designed to be visually unobtrusive when viewed from adjoining streets, and is compatible with the design of the building.
6.1A Building Height Limits and Method of Measuring Height (cont'd)

(6) Sites containing more than one building
   (a) Where a proposed development comprises more than one building, the height of each building shall be measured separately, with separate ground level points and upper levels being used for measuring the height of each building.
   (b) For the purpose of this sub-clause, buildings are deemed to be separate from one another if they are:
       (i) completely detached; or
       (ii) connected by a portion of building with external walls not more than 3.5 metres high and comprising only a carport, porte-cochère, unenclosed patio, pergola or similar structure which is open on at least two sides.

(7) Buildings on sloping sites
   On a sloping site where an external wall of the building extends downwards to a ground level more than 3.5 metres lower than the ground level point prescribed in sub-clause (2), the height of the building is measured as follows:
   (a) At every point along each BHL wall where the ground level falls by 3.5 metres, a separate ground level point shall be established in the manner prescribed in sub-clause (2)(a) for the purpose of measuring the height of the portion of the building above that point.
   (b) The Building Height Limit shall apply separately above each separate ground level point established as prescribed in paragraph (a).
   (c) Above each separate ground level point, a separate uppermost point of the building shall be established in the manner prescribed in sub-clause (3).

(8) Additions to an existing Single House
   In addition to the extent of variation permitted in clause 6.2A, in the case of additions to an existing Single House, the local government may permit the prescribed Building Height Limit to be exceeded by not more than 0.5 metres if the local government is satisfied that the increased height would be beneficial to the preservation of the existing character of the house, and that there would be no adverse impact on adjoining properties.

(9) Building height restrictions in Precinct 13 'Salter Point'
   In Precinct 13 ‘Salter Point’, on any land which has been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres, a person shall not erect or add to a building unless:
6.1A (9) Building height restrictions in Precinct 15 ‘South Perth Station’ (cont’d)

(a) drawings are submitted showing, to the local government’s satisfaction:
   (i) the location of the proposed building in relation to existing buildings on lots potentially affected with respect to views of the Canning River;
   (ii) the finished floor levels and the levels of the highest parts of those existing and proposed buildings; and
   (iii) sight lines demonstrating that views of the Canning River from any of those existing buildings will not be significantly obstructed;

(b) notice has been served upon the owners and occupiers of the lots potentially affected in relation to views of the Canning River, in accordance with Deemed Provisions clause 64; and

(c) the local government is satisfied that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.

(10) Building height restrictions in Precinct 15 ‘South Perth Station’

(a) The Building Height Limit Scheme Map for Precinct 15 ‘South Perth Station’ shall only apply to development which the local government has determined to be a minor alteration, addition, or extension to an existing development.

(b) For all comprehensive new development in Precinct 15 ‘South Perth Station’:
   (i) Building Height Limits shall be as shown on Plan 3 ‘Building Height Plan’ contained in Schedule 9A or as prescribed in Schedule 13, unless otherwise approved by the local government for development complying with the provisions of Table B of that Schedule; and
   (ii) subject to (iii), on land which is not in the Special Design Area, where the assigned Building Height Limit is 25.0 metres:
      (A) height shall be measured to the finished floor level of the highest storey of the building; and
      (B) for the purpose of paragraph (b)(ii), a horizontal surface supporting electrical transformers, air conditioning, fire service or water storage equipment, or similar plant or equipment, and used for no other purpose, is deemed not to comprise a floor.
   (iii) for any comprehensive new development in the Special Design Area, where a proposed building is higher than the Building Height Limit shown on Plan 3 ‘Building Heights’ in Schedule 9A, the provisions of sub-clauses 6.1A (2), (3), (4), (5), (6), (7), (8) and (9) of the Scheme do not apply.
6.1A  Building height restrictions in Precinct 15 'South Perth Station' (cont'd)

(11)  Building height restrictions in the Centre zone

(a) In the Centre zone, building height shall be measured in accordance with the relevant provisions contained in the structure plans for the respective structure plan areas.

(b) For development in the Canning Bridge Activity Centre, the Building Height Limits are as prescribed in the Canning Bridge Activity Centre Plan.

(Notes on clause 6.1A continue on next page in the form of explanatory diagrams)
6.1A  Building Height Limits and Method of Measuring Height  (cont’d)

NOTES ON CLAUSE 6.1A - EXPLANATORY DIAGRAMS

Drawings not to scale.

These drawings constitute ‘Notes’ which supplement and illustrate the statutory provisions of clause 6.1A. As such, they do not form a statutory part of the Scheme but are to be read in conjunction with the clause.

 Clause 6.1A Explanatory Diagram 1:
 Determination of ground level point

The height of a building is measured vertically from the level of the highest point of the ground which is situated under the building and is also set back at least 6.0 metres from the front or rear boundary (whichever is the more elevated), and 1.5 metres from the side boundary.

(Refer to clause 6.1A (2)(a))

 Clause 6.1A Explanatory Diagram 2:
 Measuring height - top surface of roof

Building height is measured to the top surface of the roofing material.

(Refer to clause 6.1A (3)(a))

 Clause 6.1A Explanatory Diagram 3:
 Measuring height - top of BHL wall

Building height is measured to the top of the tallest external wall, being the BHL wall.

(Refer to clause 6.1A (3)(a))
6.1A Building Height Limits and Method of Measuring Height – Notes on Clause 6.1A - Explanatory Diagrams (cont’d)

Drawings not to scale.
These drawings constitute ‘Notes’ which supplement and illustrate the statutory provisions of clause 6.1A. As such, they do not form a statutory part of the Scheme but are to be read in conjunction with the clause.

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**Clause 6.1A Explanatory Diagram 4:** Measuring height - top of BHL wall
Building height is measured to the top of the BHL wall.
(Refer to clause 6.1A (3)(a))

**Clause 6.1A Explanatory Diagram 5:** Measuring height - 1/3 gable height
Where a gable forms a triangular extension of a BHL wall, building height includes the lower 1/3 of the vertical height of the gable. The upper 2/3 of the gable height is not included in the measurement of building height.
(Refer to clause 6.1A (3)(b))

**Clause 6.1A Explanatory Diagram 6:** Measuring height - steeper plane of mansard roof
In the case of a mansard roof, building height is measured to the top of the more steeply pitched plane of the roof.
(Refer to clause 6.1A (3)(c))

**Clause 6.1A Explanatory Diagram 7:** Permitted projections - dormers
Walls of dormers set into the roof are permitted to project above the Building Height Limit, provided that they comply with dimension and location requirements contained in clause 6.1A.
(Refer to clause 6.1A (5)(d))
Drawings not to scale.

These drawings constitute 'Notes' which supplement and illustrate the statutory provisions of clause 6.1A. As such, they do not form a statutory part of the Scheme but are to be read in conjunction with the clause.

**Typical L-shaped building:**

Notional 25° pitch hip roof shape on, or projected above, each BHL wall at the level of the Building Height Limit.

The tallest external walls (i.e. BHL walls) which might or might not extend to the level of the Building Height Limit.

Portions of the building lower than the BHL walls do not contribute to the design of the notional 25° pitch hip roof shape.

**Clause 6.1A Explanatory Diagram 8:** Permitted projections - notional 25° pitch hip roof shape

Depiction of a notional 25° pitch hip roof shape projected above each BHL wall at the level of the Building Height Limit. Within this notional roof void, walls are permitted to project above the Building Height Limit.

(Refer to clause 6.1A (5)(b))

**Clause 6.1A Explanatory Diagram 9:** Permitted projection contained within notional 25° pitch hip roof shape

(Refer to clause 6.1A (5)(d))

**Clause 6.1A Explanatory Diagram 10:** Permitted projections - notional 25° pitch hip roof shape

Examples of common hip roof shapes, each depicting a notional 25 degree pitch hip roof shape projected above each BHL wall of the building at the level of the Building Height Limit. Within the notional roof voids, walls are permitted to project above the Building Height Limit.

(Refer to clause 6.1A (5)(d))
6.1A Building Height Limits and Method of Measuring Height – Notes on Clause 6.1A - Explanatory Diagrams (cont’d)

Drawings not to scale.

These drawings constitute ‘Notes’ which supplement and illustrate the statutory provisions of clause 6.1A. As such, they do not form a statutory part of the Scheme but are to be read in conjunction with the clause.

Clause 6.1A Explanatory Diagram 11: Separate buildings

Where buildings are detached or connected by another structure less than 3.5 metres in height and containing only a carport, porte-cochère, unenclosed patio, pergola or similar structure of an open nature, they are deemed to be separate buildings. The height of each building is measured separately from separate ground level points.

(Refer to clause 6.1A (5) and clause 6.1A (6))

Clause 6.1A Explanatory Diagram 12: Single building

Where two walled structures are connected by another walled structure with walls taller than 3.5m high, they are deemed to comprise a single building.

(Refer to clause 6.1A (5) and clause 6.1A (6))
Drawings not to scale.

These drawings constitute ‘Notes’ which supplement and illustrate the statutory provisions of clause 6.1A. As such, they do not form a statutory part of the Scheme but are to be read in conjunction with the clause.

Clause 6.1A Explanatory Diagram 13: Buildings on sloping sites
Separate ground level points are used to measure the height of buildings on sloping sites where the ground level falls by more than 3.5 metres.

(Refer to clause 6.1A (7))

6.2 Building Height Limits (Deleted)
**6.2A Special Provisions for Pre-Scheme Developments**

(1) **Total replacement of pre-Scheme developments**

(a) On a site containing a pre-Scheme development, the local government may approve redevelopment of that site as follows:

(i) where the pre-Scheme development exceeds the Building Height Limit prescribed by the Scheme: to the same height as the pre-Scheme development; or

(ii) where the pre-Scheme development exceeds the number of dwellings permitted by the Scheme or by Table 3 of the R-Codes: with the same number of dwellings as the pre-Scheme development; or

(iii) where the pre-Scheme development exceeds:

(A) the prescribed Building Height Limit; or

(B) the maximum permissible number of dwellings; or

(C) the maximum plot ratio prescribed in Tables 3 or 4 or Schedule 2 of the Scheme or in Table 4 of the R-Codes; or

(D) any combination of (A), (B) and (C):

   to the same plot ratio as the pre-Scheme development, or a greater plot ratio;

(b) On a site containing a pre-Scheme development, the local government may permit a replacement development to be used for:

(i) the same use as the pre-Scheme development; or

(ii) any use which is permissible under the Scheme.

(c) An application for development approval submitted under clause 6.2A(1) shall meet all of the following requirements:

(i) The pre-Scheme development is to remain on the site at the time of determination of an application for development approval made under this sub-clause.

(ii) The pre-Scheme development is to be demolished as part of the proposed redevelopment.

(iii) In comparison with the design of the pre-Scheme development, the plot ratio area of the portion of the replacement building located above the Building Height Limit is to be:

(A) no more than 10 square metres greater; and

(B) located in the same position unless otherwise approved by the local government.
**6.2A (1)(c) Special Provisions for Pre-Scheme Developments (cont’d)**

(iv) No external wall of the replacement building is to extend higher than the highest point of the corresponding external wall of the pre-Scheme development.

(d) The replacement development shall comply with all other site requirements and relevant provisions of the Scheme and R-Codes.

(2) **Additions and alterations to pre-Scheme developments**

The local government may approve additions or alterations to a pre-Scheme development, provided that:

(a) any proposed external walls do not extend higher than the highest point of any external wall of the pre-Scheme development; and

(b) where a pre-Scheme development exceeds the maximum permissible number of dwellings, the number of dwellings is not increased; and

(c) the proposed plot ratio area does not exceed the maximum prescribed under the Scheme.

(3) **Measurement of height of a pre-Scheme development**

When measuring the height of a pre-Scheme development, a replacement development, or proposed additions and alterations to a pre-Scheme development, clause 6.1A does not apply, other than:

(a) sub-clause 6.1A (4) relating to roof height control; and

(b) the following paragraphs of sub-clause 6.1A (5) relating to certain permissible projections above the Building Height Limit:

(i) paragraph (a) relating to pre-Scheme development approved under clause 6.2A;

(ii) paragraph (e) relating to minor projections; and

(iii) paragraph (f) relating to lift shafts.

(4) **Amenity considerations**

The power conferred by sub-clauses (1) and (2) may only be exercised if:

(a) the proposed development has been advertised in accordance with the provisions of Deemed Provisions clause 64; and

(b) in the local government’s opinion, the proposed development:

(i) will enhance the streetscape and improve the amenity of the locality; and

(ii) in the case of additions and alterations to pre-Scheme developments, will contribute positively to the visual enhancement of the building; and

**NOTE ON CLAUSE 6.2A (2):**
Refer to clause 6.1A for methods of measuring building height.
[Note added 30.7.2013]

**NOTES ON CLAUSE 6.2A (3):**
1. Refer to sub-clause (4) for amenity considerations.
2. Refer to Deemed Provisions clause 12 for site or development variations for places on the Heritage List. Amendment No. 54 (GG 12.1.2018)
[Note 2 amended 12.1.2018]
3. For non-residential Uses, refer to clause 7.8 for plot ratio variations generally.
[Notes 1, 2, 3 added 30.7.2013]
6.2A (1)(c) Special Provisions for Pre-Scheme Developments (cont'd)

(iii) will not significantly:

(A) overshadow an adjoining property;
(B) adversely affect visual privacy; or
(C) impede significant views;

to a greater extent than was caused by the pre-Scheme development.

(Notes on clause 6.2A continue on next page in the form of explanatory diagrams)
NOTES ON CLAUSE 6.2A - EXPLANATORY DIAGRAMS

Drawings not to scale.

These drawings constitute 'Notes' which supplement and illustrate the statutory provisions of clause 6.2A. As such, they do not form a statutory part of the Scheme but are to be read in conjunction with the clause.

Clause 6.2A Explanatory Diagram 1:
Pre-Scheme development to be replaced
(Refer to clause 6.2A (1)(b).)

Clause 6.2A Explanatory Diagram 2:
Example of non-complying replacement building
(Refer to clause 6.2A (1)(b).)

Clause 6.2A Explanatory Diagram 3:
Example of non-complying replacement building
(Refer to clause 6.2A (1)(b).)

Clause 6.2A Explanatory Diagram 4:
Example of complying replacement building
(Refer to clause 6.2A (1)(b).)

NOTE: The unidentified broken lines in Clause 6.2A Explanatory Diagrams 2, 3 and 4 represent the outline of the pre-Scheme development being replaced.
6.3 Car Parking

(Deleted)

6.3 Car Parking

(1) Uses listed in Table 6 must provide the number of car parking bays prescribed in that Table.

(2) Uses not listed in Table 6 must provide the number of car parking bays determined by the local government, having regard to the likely demand for car parking bays generated by the Uses.

(3) Where a development site is used for multiple Uses, the number of car parking bays to be provided shall be the sum of the numbers calculated for each Use separately.

(4) The local government may grant development approval for non-residential land Uses proposing a lesser number of car parking bays than prescribed in Table 6, provided that the proposed number of car parking bays is sufficient having regard to the peak parking demand generated by the Use or Uses and any opportunities for reciprocal parking arrangements.

(5) Where additions are proposed to an existing building in the Highway Commercial zone or the Local Commercial zone and:
   (a) the building (including the additions) is to be used exclusively for non-residential Uses; and
   (b) the additions do not increase the floor area of the existing building by more than 10% or 50 m², whichever is the greater,
the local government may grant development approval for the additions permitting a lesser number of car parking bays than prescribed by Table 6, provided there are sufficient parking bays available in the vicinity of the building to cater for the parking demand associated with the Use of the additions.

(6) When considering an application for development approval for Uses in respect of which car parking bays are required to be provided under the Scheme, the local government shall have regard to, and may impose conditions which address:
   (a) the location of any existing and proposed public or private footpath or way and any vehicle crossings;
   (b) the effect the location of the bays and accessways is likely to have on pedestrian and vehicular movement both on the development site and in the adjacent street;
6.3(6)  Car Parking (cont’d)

(c) the suitability and adequacy of proposed screening or natural planting in relation to the bays and accessways; and

(d) the number of bays which shall be provided with roof cover and the design and materials to be used for any such roof cover and supporting structures.

(7) No person shall alter the location and layout of car parking bays and accessways provided in accordance with a development approval issued under this Scheme without first having applied for and obtained the further development approval of the local government.

(8) The design and dimensions of car parking bays and associated accessways shall be as prescribed in Australian Standard AS2890.1, as amended.

(9) Where car parking bays are situated under cover and the local government is of the opinion that any column or pier may reduce the manoeuvrability of vehicles using the bays, the local government may require the width of any accessway to be increased by up to 0.6 metres.

(10) Car parking bays and accessways shall be:

   (a) constructed of hard-standing, dust-free surfaces;

   (b) graded and drained in such a way as to prevent water flowing onto adjoining land, or into garages or carports on the site, or onto any street, except in the latter instance, to the extent approved by the local government;

   (c) clearly marked on site in accordance with an approved plan; and

   (d) maintained in good condition at all times.

(11) Where visitor car parking bays are required to be provided for non-residential Uses, such bays shall be provided, marked and permanently retained for the exclusive use of visitors to the site.

(12) In the case of non-residential Uses, any continuous line of unroofed car parking bays shall be provided with reticulated planting areas, including shade trees approved by the local government, at the rate of 1 tree per 8 car parking bays. Where the number of car parking bays is not an exact multiple of 8 bays, the required number of trees is the number for the nearest lower multiple of 8 bays.

NOTE ON CLAUSE 6.3 (8) :
Amended by Amendment No. 48 (GG 4.12.2015)
[Note added 4.12.2015]
6.3 Car Parking (cont'd)

(13) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct and Special Control Area 2 – Civic Site, the provisions of sub-clauses (1) and (2) do not apply. Car parking ratios for such development are prescribed in Table A of Schedule 9A and Element 3 of Schedule 13 respectively.

(14) For development in the Canning Bridge Activity Centre, the provisions of sub-clauses (1) and (2) do not apply. Car parking ratios for such development are prescribed in Schedule 12.

6.3A Cash in Lieu of Car Parking Bays

(1) For the purposes of this clause, the term ‘deficit bays’ means the difference between:

(a) the total number of car parking bays required to be provided on the development site pursuant to clauses 6.3(1), 6.3(2) and 6.3(3) or such lesser number of bays as the local government may require having regard to clauses 6.3(4) or 6.3(5) or a Local Planning Policy; and

(b) the number of bays which an applicant proposes to provide on the development site with respect to a particular Use.

(2) An applicant for development approval for a non-residential development may, if the local government agrees, make a cash payment to the local government in lieu of providing one or more of the deficit bays.

(3) Before the local government agrees to accept a cash payment in lieu of any deficit bays, it must have a reasonable expectation that the payment can be spent by the local government:

(a) to provide additional transport infrastructure in the vicinity of the development site; or

(b) to acquire land for the provision of additional transport infrastructure.

(4) The amount of the cash-in-lieu payment shall be the cost estimated by the local government to provide the deficit bays. The cost may include:

(a) the value of land on which the deficit bays may be constructed, as estimated by a licensed valuer appointed by the local government;

(b) the cost to the local government of constructing the deficit bays; and

(c) the cost to the local government of constructing and installing advertisements, facilities or equipment to regulate the permissible period during which a vehicle may occupy the deficit bays.
6.3A  Cash in Lieu of Car Parking Bays (cont’d)

(5) Any costs incurred by the local government in estimating the amount of a cash-in-lieu payment shall be paid by the applicant seeking development approval.

(6) The cash-in-lieu payment shall be payable in such a manner and at such time as the local government determines.

(7) Cash-in-lieu payments received by the local government under this clause shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development site. The cash-in-lieu payment may be used to reimburse the local government for any related expenses, including loan repayments, which it incurs in providing and maintaining transport infrastructure.

(8) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct and Special Control Area 2 – Civic Site, cash payments in lieu of providing the minimum number of car parking bays on the development site as prescribed in Table A of Schedule 9A and Element 3 of Schedule 13 are not permitted.

6.4  Bicycle Parking

(1) In the case of Uses listed in Table 6, having regard to the likely demand, the local government may require bicycle parking bays to be provided at the ratio specified in that table in addition to the number of car parking bays to be provided.

(2) In the case of uses not listed in Table 6, the number of bicycle parking bays to be provided shall be determined by the local government in each case, having regard to the likely demand.

(3) Where under this Scheme the local government requires bicycle parking bays to be provided, the local government shall determine in each case the number of such bays which are to be designated for staff use.

(4) When considering an application for development approval for development in respect of which bicycle parking bays are required to be provided under the Scheme, the local government shall have regard to, and may impose conditions as to the design and location of such bays.

(5) Where bicycle parking bays are required to be provided for the use of staff, end-of-trip facilities shall be provided, the design and location of such facilities being to the satisfaction of the local government, and the
number of such facilities being at the following ratios:

6.4 Bicycle Parking (cont'd)

(a) number of secure clothes lockers: 1 per bay; and  
(b) number of showers: 1 male and 1 female shower in separate change-rooms per 10 bays.

(6) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct or Special Control Area 2 – Civic Site, requirements relating to bicycle parking are contained in Schedule 9A and Schedule 13 respectively, and the provisions of clause 6.4 do not apply.

(7) For development in the Canning Bridge Activity Centre, requirements relating to bicycle parking and end-of-trip facilities are contained in Schedule 12 and the provisions of clause 6.4 do not apply.

6.5 Multiple Street Boundaries and Irregularly Shaped Lots

For the purpose of determining:  
(a) applicable setbacks from boundaries; and 
(b) the height of a building calculated in accordance with the provisions of clause 6.1A;

in the case of irregularly shaped lots or lots with 2 or more street boundaries, the local government shall determine which is:  
(i) the primary street boundary;  
(ii) the side boundaries; and  
(iii) the rear boundary, if any.

6.6 Canning Highway and Manning Road

(1) In the case of lots abutting Canning Highway, where proposed development is required to be referred to Main Roads Western Australia or determined by the Western Australian Planning Commission, the local government shall not support such development unless vehicular access to and from those lots is:  
(a) confined to the minimum necessary in the opinion of the local government for orderly traffic movement; and  
(b) designed in such a manner as to facilitate entry onto the Highway in a forward gear.
6.6 Canning Highway and Manning Road (cont’d)

(2) Vehicular access to and from lots which abut Manning Road shall be:
   (a) confined to the minimum necessary in the opinion of the local
government for orderly traffic movement; and
   (b) designed in such a manner as to facilitate entry onto the road in a
forward gear.

(3) In respect of a lot having a boundary to Canning Highway or Manning
Road, the portion of that lot required for road widening purposes shall
be deemed to be excluded from the area of the lot for the purposes of
determining:
   (a) minimum land area per dwelling;
   (b) maximum plot ratio;
   (c) minimum required open space or landscaped area; and
   (d) the siting of any building and car parking bay.

6.7 Fences

(1) (Deleted)

(NOTE: Refer to Deemed Provisions, Part 7 ‘Requirement for development approval’,
and to Schedule A Supplemental Provisions clause 61 (1)(k).)

(2) (a) Any proposed fence which does not require development
approval under the Deemed Provisions clause 61 or the
Supplemental Provisions, but exceeds 1.8 metres in height,
requires the prior written consent of the local government.

   (b) The fence height at any point shall be measured from the level of
the ground immediately adjacent to the fence. Where the level of
the ground at any point along the length of the fence is higher on
one side of the fence than the level on the other side, the fence
height at that point shall be measured from the higher side.

(3) A request for the written consent of the local government required by sub-
clause (2) shall be made in the form of a letter to the local government
signed by the owner of the lot on which it is proposed to erect the fence.
The request must be accompanied by a scaled site plan and elevation
drawings and any other information or drawings required by a Local
Planning Policy.

(4) Having considered a request made under sub-clause (3), the local
government may refuse its written consent or give its written consent
with or without conditions. The local government’s written consent
shall be issued in the form of a letter addressed to the owner of the lot on
which it is proposed to erect the fence.
6.8 Sewerage and Drainage

(1) A building having a bathroom, laundry, toilet, shower, sink, hand wash basin or the like shall not be erected in any zone unless:
   (a) it is connected; or
   (b) the local government is satisfied that adequate provision has been made for it to be connected,
       to the main sewer of the Water Corporation of Western Australia for the disposal of sewage and waste water.

(2) A building shall not be erected in any zone unless adequate provision is made for the disposal of all storm water for the building and its site into soak wells or sumps located on the site or, by agreement with the local government, into the street drainage system.

6.9 Minimum Ground and Floor Levels

(1) Subject to sub-clause (3), a lot shall not be developed unless the ground level is, or is raised to, a level of at least 1.7 metres above Australian Height Datum.

(2) Subject to sub-clause (3), the following minimum levels for floors in buildings or additions to buildings erected in the Scheme area are prescribed:
   (a) the floors of habitable rooms shall be not less than 2.3 metres above Australian Height Datum;
   (b) the floors of non-habitable rooms shall be not less than 1.75 metres above Australian Height Datum;
   (c) the floors of any part of a building used for car parking shall be not less than 1.75 metres above Australian Height Datum.

(3) The local government may permit land to be developed with lower levels than prescribed in sub-clauses (1) and (2), if:
   (a) provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;
   (b) the applicant provides the local government with certification from a consulting engineer that adequate water-proofing has been achieved; and
   (c) the applicant satisfies the local government in such manner as the local government may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.
6.10 Maximum Ground and Floor Levels

(1) The floor level of a building other than a parking structure shall be calculated to generally achieve equal cutting below and filling above the ground level at the perimeter of the building, subject to the following:

(a) Such level may be raised by up to 100 millimetres;

(b) The local government may permit or require the floor level to be varied to the extent necessary to comply with the following:

(i) In no case shall the floor level be lower than required by clause 6.9.

(ii) The floor shall not be at a level which, in the local government’s opinion, would cause the building to unreasonably adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.

(iii) The local government may require the floor level to be varied where necessary in the local government’s opinion to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots.

(2) The floor level of any parking structure and the pavement level of any unroofed parking bay shall be calculated to achieve a driveway gradient generally not exceeding 1 : 12 within 3.6 metres of the street alignment and 1 : 8 for the remainder of the driveway.

(3) The finished ground level beyond the external walls of the building shall be calculated to generally achieve equal cutting below and filling above the natural ground level at the perimeter of the site, provided that the local government may permit or require the finished level to be varied to the extent necessary to comply with the following:

(a) The site shall not be filled to a level which, in the local government's opinion, would unreasonably adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.

(b) Portions of the site beyond the external walls of the building shall be filled to a level which, in the local government’s opinion, is necessary to maintain visual privacy for the occupiers of any adjoining lot, consistent with the provisions of any Local Planning Policy.
6.11 **Heritage Places** *(Deleted)*

*(NOTE: Refer to:*
- Deemed Provisions Part 3 ‘Heritage Protection’;
- Deemed Provisions Part 7 ‘Requirement for development approval’ clause 61;
- Deemed Provisions Part 8 ‘Applications for development approval’ clause 63(1)(c); and
- Schedule A ‘Supplemental Provisions to Deemed Provisions’, clause 71 (1), (2), (3) and clause 12 (4).)*

6.12 **Advertisements**

(1) For the purpose of this Scheme, the erection, placement or display of advertisements for the use of land or buildings for any such purpose is development requiring, except as otherwise provided in sub-clause (2) and Deemed Provisions clause 61(1)(g), development approval in addition to any building permit required pursuant to the Western Australian *Building Regulations 2012*.

(2) *(Deleted)*

*(NOTE: Refer to Deemed Provisions, Part 7 ‘Requirement for development approval’, and to Schedule A Supplemental Provisions clause 61 (1)(n).)*

(3) Roof-mounted advertisements are prohibited.

(4) Applications for development approval for any advertisement shall be accompanied by such details as may be specified in a Local Planning Policy.

(5) Advertisements which:

(a) were lawfully erected, placed or displayed prior to the gazettal of this Scheme; or

(b) are permitted to be erected, placed or displayed pursuant to a licence or other approval granted by the local government prior to the gazettal of this Scheme,

may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval.

(6) When determining an application for development approval for an advertisement, the local government shall examine the application in the light of the objectives of the Scheme and the precinct, and with particular regard to the character, amenity, historic or landscape significance and traffic safety, within the locality.
6.12 Advertisements (cont’d)

(7) For the purpose of this clause, the term ‘the advertiser’ means the landowner, occupier, licensee or other person or body having an interest in or drawing benefit from the display of the advertisement concerned.

(8) (Deleted)

(9) (Deleted)

(10) (Deleted)

(11) The offences and penalties prescribed in clause 9.2 and in Deemed Provisions clause 80 shall apply to the advertiser under this clause.

6.13 Tree Preservation

(1) In this clause, unless the context otherwise requires:
   ‘cut’ includes prune, lop, damage, injure or, interfere with; and
   ‘tree’ includes a group of trees or other vegetation.

(2) In addition to any trees which are required to be preserved pursuant to a condition of development approval:
   (a) the local government may order the preservation and maintenance of a tree pursuant to this clause, having regard to the tree’s:
      (i) aesthetic quality;
      (ii) historical association;
      (iii) rarity; or
      (iv) other characteristic which in the opinion of the local government makes the tree worthy of preservation; and
   (b) the local government may, from time to time, amend or repeal an order made under this sub-clause.

(3) (a) The local government shall record, in a Register of Tree Preservation Orders, a list of the trees subject to orders under this clause.
   (b) A copy of the Register shall be:
      (i) kept at the offices of the local government; and
      (ii) made available for public inspection during office hours.

NOTE ON CLAUSE
6.13:
Modified throughout to align with Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]
6.13 Tree Preservation (cont’d)

(4) Where, under this clause:

(a) subject to paragraph (b) the local government proposes to order, or to amend or repeal an order, that a tree is to be preserved and maintained, the local government shall:

(i) give notice of the proposed order, or the proposed amendment or repeal of the order, to the owner and occupier of the land on which the tree is located; and

(ii) invite the owner and occupier of that land to make written submissions to the local government about the proposed order, or the proposed amendment or repeal of the order, within 14 days or such further period as the local government may determine;

(b) in the opinion of the local government, there is a risk of imminent damage to a tree requiring an order to be made or amended as a matter of urgency, the local government may make or amend the order without notice to the owner or occupier of the land on which the tree is located;

(c) the local government makes or amends an order under paragraph (b), the local government, as soon as practicable, shall:

(i) give notice of the order or amended order to the owner and occupier of the land on which the tree is located; and

(ii) invite the owner and occupier to make written submissions to the local government about whether the order or amended order should be retained, amended or repealed.

(5) Except with the prior written consent of the local government, given under sub-clause (6), a person shall not:

(a) cut, remove or otherwise destroy; or

(b) cause or permit to be cut, removed or otherwise destroyed;

any tree which is the subject of an order, or an amended order, under this clause.

(6) (a) An application for the local government’s consent for the purposes of sub-clause (5), shall:

(i) be in writing;

(ii) be signed by the owner or occupier of the land upon which the tree is situated;

(iii) where the local government considers it necessary and so requires, be accompanied by a report regarding the condition of the tree prepared by a tree surgeon or expert holding qualifications or having experience acceptable to the local government; and

(iv) specify the work proposed to be done to the tree.
6.13 (6)  
Tree Preservation  (cont’d)

(b) In respect of an application under paragraph (a), the local government, subject to paragraph (c) may:
   (i) grant consent with or without conditions; or
   (ii) refuse to grant consent.

(c) The local government shall not grant consent for work of the kind specified in sub-clause (5) which, if carried out, might result in the destruction of, or permanent harm to, a tree which is the subject of an order, or amended order, under this clause unless:
   (i) the local government certifies in writing that the tree is dangerous; or
   (ii) the local government or a public authority considers that it is necessary to cut, remove or destroy the tree to provide a public utility or service.

(d) A consent given by the local government under this clause shall:
   (i) be in writing;
   (ii) specify the tree to which the consent relates;
   (iii) specify the work authorised by the consent; and
   (iv) specify the conditions, if any, to which the consent is subject.

(e) A copy of a consent by the local government under this clause shall be sent to the owner and occupier of the land on which the tree is located.

6.14  Landscaping Requirements

(1) Where outstanding landscaping is required under this Scheme or pursuant to a condition imposed by the local government on a development approval:
   (a) such landscaping shall be designed, developed and completed to a standard considered by the local government to be outstanding;
   (b) such landscaping shall comprise planting and at least one of the following decorative features:
      (i) rockeries;
      (ii) water features;
      (iii) sculpture or other urban artwork; or
      (iv) other decorative features considered by the local government to enhance the visual quality of the streetscape.

NOTES ON CLAUSE 6.14:
1. For Residential uses, refer also to the R-Codes for relevant open space and landscaping requirements not otherwise specified in the Scheme.
   [Note 1 added 29.4.2003; updated April 2008]
2. Refer also to clause 5.1(5) for possible landscaping concession for non-residential uses in non-residential zones.
   [Note 2 added 29.4.2003]
   [Note 3 added 12.1.2018]
6.14 (1)(b) Landscaping Requirements (cont’d)

(c) such landscaping shall not:
   (i) be paved other than for vehicular or pedestrian access; or
   (ii) form part of a private courtyard;

(d) such landscaping shall occupy the portion of the site between the primary street boundary and the principal building on that site;

(e) no fencing of any kind shall be erected between such landscaping and the primary street boundary. However, the local government may permit appropriate fencing forward of the proposed building along the side boundaries of the site.

(2) Subject to sub-clause (3), where development approval has been granted and a minimum area of open space or landscaped area is required, a landscaping plan shall be submitted to the local government showing:

(a) the location of every building on the site;

(b) the layout and location of pedestrian spaces, pavements, grassed areas, areas covered with ground cover planting, organic or inorganic materials, shrubs and garden beds and the location of existing and proposed trees;

(c) the quantity of shrubs to be planted in each landscaped area and the types of existing and proposed trees, specifically identifying those trees recorded in the Register of Tree Preservation Orders;

(d) compliance with any prerequisite performance criteria relating to vegetation or landscaping referred to in clause 4.2 and Schedule 3, or any requirement relating to landscaping prescribed in clause 5.4;

(e) details of any alterations or proposed alterations to the natural contours of the landscaped areas; and

(f) retention of any existing trees or other vegetation or any new planting or other site improvements required pursuant to a condition of development approval.

(3) Notwithstanding the provisions of sub-clause (2), in the case of a Single House or minor additions to existing commercial development a landscaping plan is not required unless:

(a) a development approval contains a condition relating to the landscaping of the site;

(b) compliance with a performance criterion relating to a dual density coding relies upon provision or retention of landscaping of exceptional quality including trees or other nominated features;

(c) the development site contains a tree which is registered in accordance with clause 6.13; or
6.14 (3) *Landscaping Requirements (cont’d)*

(d) the local government wishes to approve the landscaping of the site for any other reason.

(4) When making a determination on a landscaping plan, the local government may:
   (a) grant approval with or without conditions; or
   (b) refuse to grant approval.

(5) Where a landscaping plan is required to be submitted, a person shall not occupy or use any land or building for the approved purpose until:
   (a) the local government has approved the landscaping plan; and
   (b) the landscaping of the open space or landscaped areas has been completed in accordance with the approved plan.

(6) Every open space area or landscaped area shall be maintained in good order and condition and in accordance with the landscaping plan approved by the local government. No person shall alter the landscaping depicted on the approved plan without first having applied for and obtained written approval from the local government.

6.15 *Telecommunications Infrastructure*

On any land:

(a) Mobile telephone towers and associated equipment buildings shall be sited not less than 300 metres from the nearest residential buildings.

(b) Mobile telephone towers and associated equipment buildings shall not be sited in undeveloped areas in their natural state unless the applicant is able to satisfy the local government, by way of a management plan, that procedures to be implemented during construction, maintenance and operation of the proposed facility will result in minimal environmental impact.

(c) Any Telecommunications Infrastructure which does not constitute a low impact facility for the purposes of the *Telecommunications Act, 1997 (Commonwealth)*, as amended, shall be installed on or within other existing Telecommunications Infrastructure that is currently used, or intended to be used, for connection to a telecommunications network unless the local government is satisfied that such installation would result in inadequate radio frequency coverage having regard to the carrier’s existing network.
6.15  Telecommunications Infrastructure (cont'd)

(d) Above ground telecommunications cabling shall not be permitted due to its adverse visual impact. Any telecommunications cabling shall be located underground.
Part VII
Applications for Development Approval and Procedure for Dealing with Applications

7.1 Requirements for Planning Approval (Deleted)

(Note: Refer to Deemed Provisions, Part 7 ‘Requirement for development approval’, and to Schedule A Supplemental Provisions clause 61 (l) and (m).)

7.2 Application for Planning Approval (Deleted)

(Note: Refer to Deemed Provisions, Part 8 ‘Applications for Development Approval’.)

7.3 Advertising of Applications (Deleted)

(Note: Refer to Deemed Provisions’, Part 8 ‘Applications for Development Approval’, clause 64.)

7.4 Consultation with Other Authorities and with Committees (Deleted)

(Note: Refer to Deemed Provisions, Part 9 ‘Procedure for dealing with applications for development approval’, clause 66.)

7.5 Matters to be Considered by Council (Deleted)

(Note: Refer to Deemed Provisions, Part 9 ‘Procedure for dealing with applications for development approval’, clause 67.)

7.6 Impact Assessment Report (Deleted)

(Note: Refer to Deemed Provisions, Part 8 ‘Applications for Development Approval’ and to Supplemental Provisions clause 63(4).)

7.7 Redesign and Additional Information (Deleted)

(Note: Refer to Deemed Provisions, Part 8 ‘Applications for Development Approval’ clause 63(1)(d).)
7.8 Discretion to Permit Variations from Scheme Provisions

(1) (a) Subject to sub-clause (2), if a development the subject of an application for development approval does not comply with site requirements prescribed by the Scheme with respect to:
   (i) minimum lot area;
   (ii) plot ratio;
   (iii) setbacks;
   (iv) open space;
   (v) car parking;
   (vi) landscaping; and
   (vii) related matters;
   the local government may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

(b) The power conferred by this sub-clause may only be exercised if the local government is satisfied that:
   (i) approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;
   (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and
   (iii) the proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct Plan for that precinct.

(2) The power conferred by sub-clause (1) of this clause shall not be exercised by the local government with respect to:
   (a) Building Height Limits referred to in clause 6.1A;
   (b) development requirements for certain sites referred to in clause 5.4;
   (c) the requirements prescribed under the R-Codes;
   (d) the provisions contained in Schedule 9A or Schedule 13 applicable to comprehensive new development within Special Control Area SCA1 South Perth Station Precinct and Special Control Area 2 – Civic Site respectively; and
   (e) the number of deficit car parking bays calculated in the manner prescribed in clause 6.3A(1)(a).
7.9 **Determination of Applications for Planning Approval** *(Deleted)*

*(NOTE: Refer to Deemed Provisions, Part 9 ‘Procedure for dealing with applications for development approval’, and to Schedule A Supplemental Provisions, clause 77 (5).)*

7.10 **Informal Preliminary Support for Proposed Development**

(1) If an applicant requests informal preliminary support for a proposed development, that request shall be regarded as such and shall not constitute an application for development approval for the purposes of Deemed Provisions clause 62 or any other provision of the Scheme.

(2) A request for informal preliminary support for a proposed development:
   (a) shall be submitted in the form of a letter addressed to a delegated officer together with any plans and supporting information; and
   (b) shall not be submitted in the form of the ‘Application for development approval’ set out in Deemed Provisions clause 86 (1).

(3) The local government may consider and respond to a request for informal preliminary support for a proposed development and such response:
   (a) shall be issued in the form of a letter addressed to the applicant; and
   (b) shall not be issued in the form of the ‘Notice of Determination on Application for Development Approval’ set out in Deemed Provisions clause 86(4).

(4) In a response issued pursuant to sub-clause (3), the local government may indicate:
   (a) its informal preliminary support for the proposed development;
   (b) matters which the applicant should consider prior to the submission of an application for development approval pursuant to Deemed Provisions clauses 62 and 63; or
   (c) its opposition to the proposed development.

(5) Any response by the local government in relation to a request for informal preliminary support for a proposed development:
   (a) shall not constitute a development approval for the purposes of Deemed Provisions clause 68 or any other provision of the Scheme;
7.10 Informal Preliminary Support for Proposed Development  (cont’d)

(b) shall not constitute a consent, permission, approval or other authorisation for the purposes of Part 14 or any other provision of the Act; and

(c) shall not be subject to appeal pursuant to Deemed Provisions clause 76 or Part 14 or any other provision of the Act.

(6) Any response by the local government in relation to a request for informal preliminary support for a proposed development shall not in any way bind the local government or fetter its discretion when dealing substantively with an application for development approval concerning the same development as proposed in the request for informal preliminary support for that proposed development.

7.11 Deemed Refusal  (Deleted)

( NOTE: Refer to Deemed Provisions, Part 9 ‘Procedure for dealing with applications for development approval’, clause 75.)

7.12 Approval of Existing Development  (Deleted)

( NOTE: Refer to Deemed Provisions, Part 9 ‘Procedure for dealing with applications for development approval’, clause 65.)

7.13 Temporary Use  (Deleted)

( NOTE: Refer to Schedule A Supplemental Provisions, Deemed Provisions Part 9 ‘Procedure for dealing with applications for development applications’, clause 72 (1).)
8.1 Non-Conforming Use Rights

(1) Except as otherwise provided in this Part, no provision of the Scheme shall prevent:
   
   (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
   
   (b) the carrying out of any development thereon for which, immediately prior to that time, a permit lawfully required to authorise the development to be carried out, was duly obtained and is current.

(2) A person shall not alter or extend a Non-Conforming Use or erect, alter or extend a building used in conjunction with a Non-Conforming Use without first having applied for and obtained the development approval of the local government under the Scheme and unless in conformity with any other provisions, objectives and requirements contained in the Scheme.

(3) Notwithstanding any other provisions of the Scheme, the local government may grant development approval for the change of use of any land from a Non-Conforming Use to another use not otherwise permitted by this Scheme if the proposed use, in the opinion of the local government, does not detract from the amenity of the locality.

(4) Any proposal under sub-clause (3) shall be advertised in accordance with Deemed Provisions clause 64.

(5) When a Non-Conforming Use of any land or building has been discontinued for a period of six months or more, such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme, unless the local government determines that an alternative use not otherwise permitted by this Scheme may be approved which meets the objectives of the precinct in which the land is situated. Development approval for any such alternative use shall not be granted until the proposed use has been advertised in accordance with Deemed Provisions clause 64.
8.1 *Non-Conforming Use Rights (cont’d)*

(6) The local government may effect the discontinuance of a Non-Conforming Use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

(7) Except where provided for by the Scheme including within a Precinct Plan, if any building is, at the gazettal date, being used for a Non-Conforming Use, and is subsequently destroyed or damaged to an extent of 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the building 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 or position not permitted by the Scheme, except with the development approval of the local government.

(8) Notwithstanding the provisions of sub-clause (7), where the destruction of a building previously being used for a Non-Conforming Use occurs on a site where the lawful uses are substantially different from the Non-Conforming Use, the local government may, at its discretion, consider the redevelopment of the site as if it were a change of use under sub-clause (3) if the local government has been provided with sufficient information to be satisfied that:

(a) there would be substantial financial hardship associated with redevelopment of the site from the Non-Conforming Use to a use which may otherwise be permitted by this Scheme; and

(b) the proposed development is not justifiably opposed by affected residents; and

(c) the unique nature, location or circumstances of the site warrant approval; and

(d) the development meets the Scheme objectives.
Part IX
Administration

9.1 Powers of the Council (Deleted)

(NOTE: Refer to Deemed Provisions Part 10 ‘Enforcement and Administration’, clauses 78 and 79.)

9.2 Offences

A person must not:

(a) contravene or fail to comply with the provisions of the Scheme;

(b) use any land or commence or continue to carry out any development within the Scheme area:

   (i) otherwise than in accordance with the Scheme;

   (ii) unless all approvals required by the Scheme have been granted and issued;

   (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and

   (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

9.3 Compensation

(1) The time limit for the making of claims for compensation for injurious affection pursuant to Part 11, Division 2, of the Act resultant from the making of, or the making of an amendment to, the Scheme is six (6) months from the date of publication of the Scheme or the Scheme amendment in the Government Gazette.

(2) Where, in respect of any application for development approval on land reserved under this Scheme, the local government, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision,
claim compensation from the local government for injurious affection.

9.3 Compensation (cont’d)

(3) If the local government pays compensation for injurious affection to land arising out of the making of the Scheme or an amendment, or claimed in the circumstances provided for in sub-clause 9.3 (2) of the Scheme, then as part of the process of assessing compensation, the value of the land at the date of the claim shall be assessed, as if the land was not injuriously affected and the local government upon payment of the compensation shall be entitled to an equitable interest in the land which bears the same proportion to the value of the land at any time as the compensation paid bears to the value of the land at the date of the claim.

(4) As a condition of the payment of any compensation, the claimant shall enter into a covenant with the local government expressed to bind the owner and all subsequent owners and protected by an absolute caveat over the title to the land, with the intent of protecting the local government’s equitable interest by a charge over the land.

(5) Where:

(a) compensation for injurious affection to land (“the original compensation”) has been paid to an owner of the land in the circumstances set out in sub-clause 9.3 (3); and

(b) as a result of the Scheme being amended or revoked the local reservation of that land is revoked or the area of the land subject of the reservation is reduced,

the local government is entitled to recover from the owner of the land at the date of the revocation or reduction of the reservation an amount (“the refund”) which is determined by calculating the relevant proportion (as determined under sub-sections (4) to (7) of section 181 of the Act) of the value of the land as at the date on which the refund would become payable under sub-section (2) of section 181 of the Act.

(6) Subject to anything in the preceding provisions of this clause, sub-sections (2) to (15) of section 181 of the Act shall apply mutatis mutandis to the circumstances of a local reservation and a consequential payment of compensation under this Scheme as if those provisions in section 181 of the Act were set out herein.

9.4 Election to Purchase and Valuation

(1) If, where compensation for injurious affection is claimed under the Act or under the Scheme or otherwise, the local government elects to purchase the land, the local government shall give written notice to that effect to the claimant within 3 months of the claim for compensation being made.
9.4 Election to Purchase and Valuation (cont’d)

(2) The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

(3) If the local government elects to purchase land in respect of which a claim has been made for compensation for injurious affection, the principles and procedures governing the election to purchase and the ascertainment of the price shall be as set out in sections 187 and 188 of the Act.

9.5 Rights of Appeal (Deleted)

(NOTE: Refer to Deemed Provisions Part 9 ‘Procedure for dealing with applications for development approval’, clause 76.)

9.6 Planning Policies (Deleted)

(NOTE: Refer to Deemed Provisions Part 2 Division 2 ‘Local Planning Policies’, and to Schedule A Supplemental Provisions clause 3 (6).)

9.7 Delegation (Deleted)

(NOTE: Refer to Deemed Provisions Part 10 ‘Enforcement and administration’, Division 2 ‘Delegations’, and to Schedule A Supplemental Provisions clause 3 (6).)

9.8 Amendments to the Scheme

(1) The local government shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.

(2) The local government may, from time to time, initiate an amendment to the Scheme in accordance with the Act and the Planning and Development (Local Planning Schemes) Regulations 2015 made pursuant to the Act and shall give consideration to any application to have the Scheme amended.
9.8 **Amendments to the Scheme (cont’d)**

(3) In the case of a proposed amendment to the zoning of land other than an amendment requested by the owner, the local government shall, before initiating any amendment to the Scheme, invite comment from the owner of the land concerned.

(4) The local government shall take into consideration any comments or submissions received in respect of a proposed amendment to the Scheme and shall only proceed with the amendment where it is satisfied the amendment would be consistent with the objectives of the Scheme and of the precinct, and would not be contrary to the public interest.

9.9 **Notice for Removal of Certain Buildings and Unauthorised Uses**

(1) Any notice given by the local government under Section 214 of the Act shall be a sixty (60) days’ written notice sent by registered post to the owner and the occupier (if any) of the land affected by the notice.

(2) The local government may recover expenses under Section 215(2) of the Act in any manner in which the local government is from time to time entitled to recover rates levied by the local government.
Part X
Special Control Areas

10.1 Operation of Special Control Areas

(1) The following special control areas are shown on the Scheme Map –
   (a) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in Schedule 10.
   (b) Special Control Area 1 – South Perth Station Precinct as included in Schedule 9A.
   (c) Special Control Area 2 – Civic Site as included in Schedule 13.

(2) In respect of a special control area shown on a Scheme Map, the provisions applying to these areas apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

10.2 Development Contribution Areas

(1) Interpretation
In clause 10.2, unless the context otherwise requires:

‘administrative costs’ : means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

‘administrative items’ : means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

‘cost apportionment schedule’ : means a schedule prepared and distributed in accordance with clause 10.2 (10).

‘cost contribution’ : means the contribution to the cost of infrastructure and administrative costs.

‘Development Contribution Area’ : means the area shown on the Scheme Map as DCA with a number and included in Schedule 10.
10.2 (1) Development Contribution Areas (cont’d)

‘development contribution plan’ : means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause of the Scheme (as incorporated in Schedule 10 to this Scheme).

‘development contribution plan report’ : means a report prepared and distributed in accordance with clause 10.2 (10).

‘infrastructure’ : means the standard infrastructure items (services and facilities set out in Schedule 10) and community infrastructure, including sporting and recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of the Western Australian Planning Commission State Planning Policy 3.6 Development Contributions for Infrastructure.

‘infrastructure costs’ : means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

‘owner’ : means an owner of land that is located within a development contribution area.

(2) Purpose

The purpose of having development contribution areas is to:

(a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;

(b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and

(c) coordinate the timely provision of Infrastructure.

(3) Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

(4) Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 10 as part of the Scheme.
10.2  Development Contribution Areas (cont’d)

(5) Subdivision, strata subdivision and development
The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner’s contribution towards the provision of community infrastructure.

(6) Guiding principles for development contribution plans
The development contribution plan for any development contribution area is to be prepared in accordance with the following principles:

(a) Need and the nexus
The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

(b) Transparency
Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) Equity
Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

(d) Certainty
All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency
Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency
Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review
Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.
10.2 (6) Development Contribution Areas (cont’d)

(h) Accountable
There must be accountability in the manner in which development contributions are determined and expended.

(7) Recommended content of development contribution plans
The development contribution plan is to specify:
(a) the development contribution area to which the development contribution plan applies;
(b) the infrastructure and administrative items to be funded through the development contribution plan;
(c) the method of determining the cost contribution of each owner; and
(d) the priority and timing for the provision of infrastructure.

(8) Period of development contribution plan
A development contribution plan shall specify the period during which it is to operate.

(9) Land excluded
In calculating both the area of an owner’s land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:
(a) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;
(b) existing public open space;
(c) existing government primary and secondary schools; and
(d) such other land as is set out in the development contribution plan;

is to be excluded.

(10) Development contribution plan report and cost apportionment schedule
(a) Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

(b) The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.
10.2 (10) Development Contribution Areas (cont’d)

(c) The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 10.2 (11).

(11) Cost contributions based on estimates

(a) The determination of infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

(b) Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government:
   (i) in the case of land to be acquired, in accordance with clause 10.2 (12); and
   (ii) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

(c) The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.

(d) Where any cost contribution has been calculated on the basis of an estimated cost, the local government:
   (i) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
   (ii) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

(e) Where an owner’s cost contribution is adjusted under clause 10.2 (11)(d), the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

(f) If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person (‘independent expert’) agreed by the local government and the owner at the owner’s expense, within 28 days after being informed of the cost contribution.

(g) If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined:
10.2 (11) Development Contribution Areas (cont’d)

(i) by any method agreed between the local government and the owner; or

(ii) if the local government and the owner cannot agree on a method pursuant to clause 10.2 (11)(g)(i) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 2012*, with the costs to be shared equally between the local government and the owner.

NOTE ON CLAUSE 10.2(11)(g) :
References to the *Commercial Arbitration Act* updated by Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

(12) Valuation

(a) This clause 10.2 (12) applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

(b) In this clause 10.2 (12):

‘value’ : means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm’s length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model using the working sheet model attached to this Scheme as Schedule 11. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

‘valuer’ : means a licensed valuer agreed by the local government and the owner, or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

(c) If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner’s expense, within 28 days after being informed of the value.

(d) If, following a review, the valuer’s determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined:

(i) by any method agreed between the local government and the owner; or

(ii) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the Act.
10.2 Development Contribution Areas (cont’d)

(13) Liability for cost contributions
(a) An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 10.2.
(b) An owner’s liability to pay the owner’s cost contribution to the local government arises on the earlier of:
   (i) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner’s land within the development contribution area;
   (ii) the commencement of any development on the owner’s land within the development contribution area;
   (iii) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner’s land within the development contribution area; or
   (iv) the approval of a change or extension of use by the local government on the owner’s land within the development contribution area.

The liability arises only once upon the earliest of the listed events.
(c) Notwithstanding clause 10.2 (13)(b), an owner’s liability to pay the owner’s cost contribution does not arise if the owner commences development of the first Single House or outbuildings associated with that first Single House on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.
(d) Where a development contribution plan expires in accordance with clause 10.2 (8), an owner’s liability to pay the owner’s cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner’s land, subject to such liability.

(14) Payment of cost contribution
(a) The owner, with the agreement of the local government, is to pay the owner’s cost contribution by:
   (i) cheque or cash;
   (ii) transferring to the local government or a public authority land in satisfaction of the cost contribution;
   (iii) the provision of physical infrastructure;
   (iv) some other method acceptable to the local government; or
   (v) any combination of these methods.
10.2 (14) Development Contribution Areas (cont'd)

(b) The owner, with the agreement of the local government, may pay the owner’s cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

(c) Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner’s liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

15 Charge on land

(a) The amount of any cost contribution for which an owner is liable under clause 10.2 (13), but has not paid, is a charge on the owner’s land to which the cost contribution relates, and the local government may lodge a caveat, at the owner’s expense, against the owner’s certificate of title to that land.

(b) The local government, at the owner’s expense and subject to other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 10.2 (15)(a) to permit a dealing and may then re-lodge the caveat to prevent further dealings.

(c) If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 10.2 (15).

16 Administration of funds

(a) The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid.

The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

(b) Interest earned on cost contributions credited to a reserve account in accordance with clause 10.2 (16)(a) is to be applied in the development contribution area to which the reserve account relates.

(c) The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.
10.2 Development Contribution Areas (cont’d)

(17) Shortfall or excess in cost contributions

(a) If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may:

(i) make good the shortfall;
(ii) enter into agreements with owners to fund the shortfall; or
(iii) raise loans or borrow from a financial institution.

But nothing in clause 10.2 (17)(a)(i) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

(b) If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

(18) Powers of the local government

The local government in implementing the development contribution plan has the power to:

(a) acquire any land or buildings within the scheme area under the provisions of the Act; and
(b) deal with or dispose of any land which it has acquired under the provisions of the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

(19) Arbitration

Subject to clause 10.2 (12)(c) and (12)(d), any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 2012.

NOTE ON CLAUSE 10.2(19) :
References to the Commercial Arbitration Act updated by Amendment No.54. (GG 12.1.2018) [Note added 12.1.2018]
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Refer to Clause 3.3

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</table>

P = Permitted Use  D = Discretionary Use  DC= Discretionary Use with Consultation  X = Prohibited Use

Land use permissibility subject to an adopted and endorsed Structure Plan, unless otherwise agreed by the local government.

Table 1: Zoning - Land Use

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### Table 1: Zoning - Land Use (cont’d)

<table>
<thead>
<tr>
<th>ZONES</th>
<th>Residential</th>
<th>District Centre Commercial</th>
<th>Mends Street Centre Commercial</th>
<th>Neighbourhood Centre Commercial</th>
<th>Highway Commercial</th>
<th>Mixed Use Commercial</th>
<th>Local Commercial</th>
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<td>- in areas coded R50 or higher</td>
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</tbody>
</table>

**FOOTNOTES:**

1. Refer to clause 5.1(3)(a) for particular requirements relating to Mixed Development in the Mixed Use Commercial Zone.
2. ‘Child Day Care Centre’: Amended by Amendment No. 23 (GG 9.9.2011) [Note added 5.10.2011]
3. ‘Liquor Store (Large),’ ‘Liquor Store (Small),’ and ‘Small Bar’ added by Amendment No. 50 (GG 4.3.2016) [Note added 4.3.2016]
4. ‘Centre’ zone added by Amendment No. 47 (GG 10.2.2017) [Note added 10.2.2017]

*P = Permitted Use  D = Discretionary Use  DC= Discretionary Use with Consultation  X = Prohibited Use*
Table 2
Setbacks from Specified Streets for Residential Uses

Refer to Clauses 4.3(1)(g) and 4.7

<table>
<thead>
<tr>
<th>Street Name and Portion</th>
<th>Setback from Street Boundary (metres)</th>
<th>Objective of Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angelo Street (north side between Rose Avenue and Coode Street)</td>
<td>6.0</td>
<td>To provide for future alfresco use of the pavement or for additional street parking for the Centre.</td>
</tr>
<tr>
<td>Canning Highway (west side)</td>
<td>10.0</td>
<td>To provide for future road widening while retaining a 7.5m setback to development.</td>
</tr>
<tr>
<td>Canning Highway (east side)</td>
<td>25.0</td>
<td>To provide for future road widening while retaining a 7.5m setback to development.</td>
</tr>
<tr>
<td>Manning Road (west of Ley Street)</td>
<td>10.5</td>
<td>To provide for future road widening while retaining a 7.5m setback to development.</td>
</tr>
<tr>
<td>Melville Parade</td>
<td>9.0</td>
<td>To preserve the attractive streetscape and enable retention of views of the river.</td>
</tr>
<tr>
<td>Mill Point Road (north of Judd Street and Harper Terrace)</td>
<td>9.0</td>
<td>To preserve the visual attractiveness of the street and vistas within the peninsula.</td>
</tr>
<tr>
<td>Mill Point Road (west of Douglas Avenue to junctions with Labouchere Road and Harper Terrace)</td>
<td>9.0</td>
<td>To preserve the visual attractiveness of, and vistas along, the street.</td>
</tr>
<tr>
<td>South Perth Esplanade</td>
<td>12.0</td>
<td>To preserve the attractive streetscape and enable retention of views of the river.</td>
</tr>
</tbody>
</table>

**NOTE:**
In addition to the special setbacks from specified streets referred to in Table 2, clause 4.3 prescribes other special setbacks comprising R-Codes variations in respect of Residential Uses. Refer to the following sub-clauses for:

4.3 (1)(c) : A cantilevered balcony or a balcony supported by columns extending forward of the prescribed street setback.
4.3 (1)(d) : A portico or a porte-cochère.
4.3 (1)(e) : An outbuilding, Single House and Grouped Dwelling in Precinct 11 - Karawara.
4.3 (1)(f) : Certain lots in Swanview Terrace adjoining Sir James Mitchell Park foreshore reserve.
4.3 (1)(j) : Unroofed car parking bays within a street setback area.

[Note added 29.4.2003]
Table 3
Development Requirements for Non-Residential Uses in Non-Residential Zones

Refer to Clause 5.1

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Plot Ratio</th>
<th>Minimum Setbacks From Lot Boundaries (^{(1)},(2))</th>
<th>Minimum Landscaped Area (^{(7)}) (% of site)</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Centre Commercial Mixed Development:</td>
<td>1.75</td>
<td>Street - 1.5m</td>
<td>10%</td>
</tr>
<tr>
<td>Residential component of Mixed Development:</td>
<td></td>
<td>Rear - 4.5m (^{(3)})</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Side - Nil</td>
<td></td>
</tr>
<tr>
<td>Other Non-Residential</td>
<td>1.50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mends Street Centre Commercial Mixed Development:</td>
<td>1.75</td>
<td>Street - 1.5m</td>
<td>10%</td>
</tr>
<tr>
<td>Residential component of Mixed Development, other than in the area bounded by Mends Street, Mill Point Road and Labouchere Road:</td>
<td>0.5</td>
<td>Rear - 4.5m (^{(3)})</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Side - Nil</td>
<td></td>
</tr>
<tr>
<td>Other Non-Residential</td>
<td>1.50</td>
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<td></td>
</tr>
<tr>
<td>Neighbourhood Centre Commercial Mixed Development or other Non-Residential:</td>
<td>0.75</td>
<td>Street (^{(4)}) - 1.5m average</td>
<td>15%</td>
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<tr>
<td></td>
<td></td>
<td>Other - Nil</td>
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<tr>
<td>Mixed Use Commercial New office building:</td>
<td>0.30</td>
<td>In R60/80:</td>
<td>20%</td>
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<tr>
<td></td>
<td></td>
<td>Street - 6.0m for a building less than 10.5m in height; or</td>
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<tr>
<td></td>
<td></td>
<td>- 9.0m for a building more than 10.5m in height.</td>
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<tr>
<td></td>
<td></td>
<td>Rear - As per Tables 2a and 2b and Figure 3 of the R-Codes (^{(5)}) but not less than 4.0m.</td>
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</tr>
<tr>
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<td></td>
<td>Side - As per Tables 2a and 2b and Figure 3 of the R-Codes (^{(5)})</td>
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<tr>
<td>Mixed Development (^{(6)}):</td>
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<td>In R80/100:</td>
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<tr>
<td></td>
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<td>Street - 9.0m</td>
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<tr>
<td></td>
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<td>Other - As per Tables 2a and 2b and Figure 3 of the R-Codes (^{(5)})</td>
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<tr>
<td>Highway Commercial Mixed Development or other Non-Residential:</td>
<td>0.50</td>
<td>Street - Refer to Table 5</td>
<td>15%</td>
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<tr>
<td></td>
<td></td>
<td>Rear - 4.5m (^{(3)})</td>
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<tr>
<td></td>
<td></td>
<td>Side - Nil</td>
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</tr>
</tbody>
</table>
### Table 3: Development Requirements for Non-Residential Uses in Non-Residential Zones (cont’d)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Plot Ratio</th>
<th>Minimum Setbacks from Lot Boundaries (1), (2)</th>
<th>Minimum Landscaped Area (7) (% of site)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Commercial</td>
<td>Mixed Development or other Non-Residential:</td>
<td>0.50 Street - 1.5m Other - Nil</td>
<td>10%</td>
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<tr>
<td>Public Assembly</td>
<td>Mixed Development or other Non-Residential:</td>
<td>0.50 Street - 7.5m Other - 4.5m</td>
<td>25%</td>
</tr>
<tr>
<td>Private Institution</td>
<td>Mixed Development or other Non-Residential:</td>
<td>0.60 Street - 7.5m Other - 4.5m</td>
<td>25%</td>
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<tr>
<td>Technology Park</td>
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<td>0.50 Street - 7.5m Other - 4.5m</td>
<td>25%</td>
</tr>
</tbody>
</table>

**FOOTNOTES:**
1. Refer to Table 5 for setbacks from specified streets for non-residential uses.
2. Refer to clause 5.1(4)(a) relating to setbacks where adjoining land in the Residential zone.
3. Refer to clause 5.1(4)(b) relating to possible setback reduction.
4. Refer to clause 5.1(4)(c) relating to possible street setback reduction.
5. Refer to the definition of ‘habitable room’ in Schedule 1.
6. Refer to clause 5.1(3) relating to possible plot ratio bonus.
7. Refer to clause 5.1(5) relating to possible reduction of landscaped area. [Footnotes 1-7 added 29.4.2003]
## Table 4
Development Requirements for Non-Residential Uses in the Residential Zone

Refer to Clause 5.2

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Plot Ratio</th>
<th>Minimum Setbacks from Lot Boundaries</th>
<th>Minimum Landscaped Area (1) (% of site)</th>
<th>Other Development Requirements</th>
</tr>
</thead>
</table>
| **Café/Restaurant**                | 0.5                | Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the R-Codes for residential Uses | 25%                                  | 1. Maximum permissible patrons' seating in areas coded R40 or lower : 30 seats.  
2. Car parking : Refer to clause 6.3 and Table 6. |
| **Child Day Care Centre**          | Not applicable     | Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the R-Codes for residential Uses | 40%                                  | 1. Minimum lot area : 900 square metres and of regular shape.  
3. Maximum number of children : 30 unless otherwise approved by the local government.  
4. Image and external appearance : To be in keeping with existing residential character of the street.  
5. Car parking : Refer to clause 6.3 and Table 6.  
6. Location : Sites adjoining schools, public open space or other non-residential uses are preferred. Sites with sole access from a cul-de-sac street, right-of-way, laneway or battle-axe access leg will not be approved by the local government. In all other instances the suitability of a proposed site will be considered having regard to any Local Planning Policy on Child Day Care Centres.  
7. Corner sites : The Child Day Care Centre shall be designed to address the primary street. When considering any application involving a corner site, the local government's assessment will place strong emphasis on the effect of the increased traffic and parking. |
### Table 4: Development Requirements for Non-Residential Uses in the Residential Zone (cont’d)

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Plot Ratio</th>
<th>Minimum Setbacks from Lot Boundaries</th>
<th>Other Development Requirements</th>
</tr>
</thead>
</table>
| Child Day Care Centre                   |                    |                                      | 8. Canning Highway : Child Day Care Centres will generally not be permitted on sites having frontage to Canning Highway unless:  
(a) the proposed development is situated on a corner site;  
(b) vehicular access is confined to a street other than Canning Highway; and  
(c) the intersection is not controlled by traffic lights.  
10. Minimum indoor and outdoor playing space: as per the Regulations made under the **Child Care Services Act 2007**.  
11. Advertisements : No advertisement for a Child Day Care Centre is permitted other than one advertisement not more than 700mm wide and 500mm high attached to the front screen wall of the centre may be permitted. Advertisements for a Child Day Care Centre located on a corner site will only be permitted on the frontage which faces the designated road. |
| (…continued)                            |                    |                                      |                                                                                                 |
| Civic Use                                | Not applicable     | Street - 6.0m                         | The local government shall determine in each case.                                                |
|                                          |                    | Rear - 6.0m                          |                                                                                                 |
|                                          |                    | Side - 6.0m                          |                                                                                                 |
|                                          |                    | As prescribed in Tables 2a and 2b and Figure 3 of the R-Codes for residential Uses |                                                                                                 |
|                                          |                    | 25%                                  |                                                                                                 |
| Consulting Rooms²                        | Not applicable     | Street - 6.0m                         | 1. Minimum lot area : 900m².  
2. Minimum lot frontage : 20m.  
3. Car parking : Refer to clause 6.3 and Table 6.  
4. Maximum number of practitioners in areas coded R15 or R20 : 1.  
5. Maximum number of practitioners in areas coded R25 and above : 2.  
6. Consulting Rooms will not be approved on land abutting a cul-de-sac road unless the proposed development site is situated on a corner of the cul-de-sac and a ‘through’ road.  
7. Corner sites : The Consulting Rooms shall be designed to address the primary street. When considering any application involving a corner site, the local government’s assessment will place strong emphasis on the effect of the increased traffic and parking. |
| (continued…)                             |                    | Rear - 6.0m                          |                                                                                                 |
|                                          |                    | Side - 6.0m                          |                                                                                                 |
|                                          |                    | As prescribed in Tables 2a and 2b and Figure 3 of the R-Codes for residential Uses |                                                                                                 |
|                                          |                    | 25%                                  |                                                                                                 |
### Table 4: Development Requirements for Non-Residential Uses in the Residential Zone (cont’d)

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Plot Ratio</th>
<th>Minimum Setbacks from Lot Boundaries</th>
<th>Minimum Landscaped Area (^{(1)}) (% of site)</th>
<th>Other Development Requirements</th>
</tr>
</thead>
</table>
| Consulting Rooms (…continued)           |                    |                                      |                                               | 8. Consulting Rooms will not be permitted on sites having frontage to Canning Highway, unless:   
|                                          |                    |                                      |                                               | (a) the proposed development is situated on a corner site;  
|                                          |                    |                                      |                                               | (b) vehicular access is confined to a street other than Canning Highway; and  
|                                          |                    |                                      |                                               | (c) in the case of sites located at traffic light controlled intersections, the local government is satisfied that Consulting Room use will not give rise to vehicular conflict or disruption to existing traffic movements. |
| Educational Establishment                | Not applicable     | Street - 6.0m                        | 25%                                           | Car parking: Refer to clause 6.3 and Table 6.                                                                                                                   |
|                                          |                    | Rear - 6.0m                          |                                               |                                                                                                                                                                  |
|                                          |                    | Side - As prescribed in Tables 2a    |                                               |                                                                                                                                                                  |
|                                          |                    |                                     | 2b and Figure 3 of the R-Codes for residential Uses |                                                                                                                                                                  |
| Family Day Care                          | Not applicable     | Street - 6.0m                        | 40%                                           | 1. Suitable dwellings: Single House or Grouped Dwelling.  
|                                          |                    | Rear - 6.0m                          |                                               | 2. Maximum number of facilities per development: 1.  
<p>|                                          |                    | Side - As prescribed in Tables 2a    |                                               | 3. Minimum external playing space: 40m² with a minimum dimension of 6m.                                                                                       |
|                                          |                    |                                     | 2b and Figure 3 of the R-Codes for residential Uses |                                                                                                                                                                  |
| High Level Residential Aged Care Facility| R15 or R20: 0.5    | Street - 6.0m                        | 40%                                           | Must be situated adjacent to a public park or recreation reserve or contain adequate recreational facilities on site as determined by the local government. |
|                                          | R25 or more: 0.75  | Rear - 6.0m                          |                                               |                                                                                                                                                                  |
|                                          |                    | Side - As prescribed in Tables 2a    |                                               |                                                                                                                                                                  |
|                                          |                    |                                     | 2b and Figure 3 of the R-Codes for residential Uses |                                                                                                                                                                  |
| Hospital                                 | 0.75               | Street - 6.0m                        | 40%                                           | Car Parking: Refer to clause 6.3 and Table 6.                                                                                                                   |
|                                          |                    | Rear - 6.0m                          |                                               |                                                                                                                                                                  |
|                                          |                    | Side - As prescribed in Tables 2a    |                                               |                                                                                                                                                                  |
|                                          |                    |                                     | 2b and Figure 3 of the R-Codes for residential Uses |                                                                                                                                                                  |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Plot Ratio</th>
<th>Minimum Setbacks from Lot Boundaries</th>
<th>Minimum Landscaped Area (1) (% of site)</th>
<th>Other Development Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Shop</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Car Parking : Refer to clause 6.3 and Table 6.</td>
<td></td>
</tr>
<tr>
<td>Religious Activities</td>
<td>0.50</td>
<td>Street - 6.0m Rear - 6.0m Side - 4.5m</td>
<td>25% Place of public worship or other places of public assembly : Noise attenuation may be required.</td>
<td></td>
</tr>
</tbody>
</table>
| Tennis Court (Private)           | Not applicable     | Not applicable                        | Not applicable 1. Lighting :  
(a) shall not be illuminated between the hours of 10.30pm and 7.00am on any day unless with the prior written permission of the local government; 
(b) shall be installed, operated and maintained to the satisfaction of the local government so as to avoid detrimentally affecting adjoining premises by reason of light glare or spillage. No alternative or replacement lighting system shall be installed or operated unless it can be demonstrated to the satisfaction of the local government that such system will have no greater impact than the system originally permitted; 
(c) resulting from direct, reflected and other incidental light emanating from the site shall not exceed 10 lux measured in the horizontal plane 1.5m outside the boundary of the site.  
2. Prior to the commencement of use, the applicant shall provide written certification from a suitably qualified lighting engineer that the lights have been installed, baffled, focused and tested so as to ensure that they will perform as required.  
3. Use shall be confined strictly to private use by family members and invited guests.  
| Tourist Accommodation (2)        | R50 : 0.50 R60 : 0.55 R80 : 0.75 R100 : 1.00 | Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the R-Codes for residential Uses | 25% Car parking : Refer to clause 6.3 and Table 6. |
Table 4: Development Requirements for Non-Residential Uses in the Residential Zone (cont’d)

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Plot Ratio</th>
<th>Minimum Setbacks from Lot Boundaries</th>
<th>Minimum Landscaped Area (1) (% of site)</th>
<th>Other Development Requirements</th>
</tr>
</thead>
</table>
| Veterinary Clinic    | Not applicable     | Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the R-Codes for residential Uses | 25%                                    | 1. Car parking : Refer to clause 6.3 and Table 6.  
2. Maximum number of practitioners in areas coded R15 or R20 : 1.  
3. Maximum number of practitioners in areas coded R25 and above : 2. |

FOOTNOTES TO TABLE 4:
1. Refer to clause 5.1 (5) relating to possible reduction of landscaped area.  [Footnote (1) added 29.4.2003]
2. Refer to clause 5.2 (3) relating to prohibition of Tourist Accommodation in areas coded R40 or below.  [Footnote (2) added 29.4.2003] [Note deleted 12.1.2018]
3. ‘Child Day Care Centre’ : Column 5 amended by Amendment No. 23 (GG 9.9.2011)  [Footnote added 5.10.2011]
4. ‘Consulting Rooms’: Column 5 amended by Amendment No. 23 (GG 9.9.2011)  [Footnote added 5.10.2011]
# Table 5
Setbacks from Specified Streets for Non-Residential Uses

Refer to Clause 5.3

<table>
<thead>
<tr>
<th>Street Name and Portion</th>
<th>Setback from Street Boundary (metres)</th>
<th>Objective of Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angelo Street (north side between Rose Avenue and Coode Street)</td>
<td>6.0</td>
<td>To provide for future alfresco use of the pavement or for additional street parking for the centre.</td>
</tr>
<tr>
<td>Canning Highway (west side)</td>
<td>4.0</td>
<td>To provide for future road widening while retaining a 1.5m setback to development.</td>
</tr>
<tr>
<td>Canning Highway (east side)</td>
<td>19.0</td>
<td>To provide for future road widening while retaining a 1.5m setback to development.</td>
</tr>
<tr>
<td>Manning Road (west of Ley Street)</td>
<td>4.5</td>
<td>To provide for future road widening while retaining a 1.5m setback to development.</td>
</tr>
<tr>
<td>Melville Parade</td>
<td>9.0</td>
<td>To preserve the attractive streetscape and enable retention of views of the river.</td>
</tr>
<tr>
<td>Mill Point Road (north of Judd Street and Harper Terrace)</td>
<td>9.0</td>
<td>To preserve the visual attractiveness of the street and vistas within the peninsula.</td>
</tr>
<tr>
<td>Mill Point Road (west of Douglas Avenue to junctions with Labouchere Road and Harper Terrace)</td>
<td>9.0</td>
<td>To preserve the visual attractiveness of, and vistas along, the street.</td>
</tr>
<tr>
<td>South Perth Esplanade</td>
<td>12.0</td>
<td>To preserve the attractive streetscape and enable retention of views of the river.</td>
</tr>
</tbody>
</table>
Table 6  
Car and Bicycle Parking

Refer to Clauses 6.3 and 6.4

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Required Parking Bays</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cars</td>
<td>Bicycles</td>
</tr>
<tr>
<td>District Commercial Centre *</td>
<td>1 per 20m² gross floor area</td>
<td>1 per 200m² gross floor area for staff and / or visitors</td>
</tr>
<tr>
<td>Industry - Service, Office, Shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mends Street Commercial Centre *</td>
<td>1 per 17m² gross floor area</td>
<td>1 per 200m² gross floor area for staff and / or visitors</td>
</tr>
<tr>
<td>Industry - Service, Office, Shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighbourhood Commercial Centre *</td>
<td>1 per 20m² gross floor area</td>
<td>1 per 200m² gross floor area for staff and / or visitors</td>
</tr>
<tr>
<td>Industry - Service, Office, Shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Commercial Centre *</td>
<td>1 per 20m² gross floor area</td>
<td>1 per 200m² gross floor area for staff and / or visitors</td>
</tr>
<tr>
<td>Industry - Service, Office, Shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Commercial Centre *</td>
<td>1 per 25m² gross floor area</td>
<td>1 per 100m² gross floor area for staff and / or visitors</td>
</tr>
<tr>
<td>Industry-Service, Office, Shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Uses listed above within the specified Commercial Centres are subject to the respective parking requirement nominated for those Centres. Car parking for all other uses in those Centres shall be provided in accordance with the requirements listed below.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Café/Restaurant</td>
<td>1 per 5m² of dining area</td>
<td>1 per 40m² of dining area for visitors</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Day Care Centre</td>
<td>1 per required employee; plus</td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
<td>1 per 10 children permitted to receive care</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cinema/Theatre</td>
<td>1 per 5m² of auditorium area</td>
<td>1 per 50m² of auditorium area</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consulting Rooms</td>
<td>1 for every 19m² of gross floor area with a minimum of 6; plus 1 for every person employed on the premises</td>
<td>1 per practitioner</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Establishment - Primary School</td>
<td>1.5 per classroom</td>
<td>1 per 4 students</td>
</tr>
<tr>
<td>Secondary School</td>
<td></td>
<td>1 per 2 students</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Day Care</td>
<td>Nil beyond normal residential parking provision</td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Level Residential Aged Care Facility</td>
<td>1 per 3 beds</td>
<td>1 per 10 beds for staff and / or visitors</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed</td>
<td>1 per 10 beds, for staff and / or visitors</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>1 per bedroom; plus 1 per 3m² of public floor space used as bars, lounges, dining and function areas, beer gardens, and areas used predominantly for games</td>
<td>1 per 25m² bar floor area; and 1 per 100m² of lounge, dining and function areas, beer gardens, and areas used predominantly for games</td>
</tr>
</tbody>
</table>

TABLE 6: CAR AND BICYCLE PARKING

Page 97
### Table 6: Car and Bicycle Parking (cont’d)

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Required Parking Bays</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Cars</strong></td>
</tr>
<tr>
<td>Liquor Store (Large)</td>
<td>1 per 20m² gross floor area</td>
</tr>
<tr>
<td>Liquor Store (Small)</td>
<td>1 per 20m² gross floor area</td>
</tr>
<tr>
<td>Local Shop</td>
<td>1 per 25m² gross floor area</td>
</tr>
<tr>
<td>Mixed Development:</td>
<td></td>
</tr>
<tr>
<td>Residential Uses –</td>
<td>As prescribed by the R-Codes; plus</td>
</tr>
<tr>
<td>Non-residential uses -</td>
<td>As prescribed elsewhere in this Table</td>
</tr>
<tr>
<td>Motor Vehicles and Marine Sales Premises</td>
<td>1 per 100m² of outdoor vehicle display area; plus 1 per 100m² gross floor area</td>
</tr>
<tr>
<td>Night Club</td>
<td>1 per 5m² gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 25m² gross floor area of which not less than 10% with a minimum of 2 bays shall be reserved for visitors</td>
</tr>
<tr>
<td>Reception Centre</td>
<td>1 per 5m² gross floor area</td>
</tr>
<tr>
<td>Religious Activities</td>
<td>1 per 5m² gross floor area</td>
</tr>
<tr>
<td>Residential:</td>
<td></td>
</tr>
<tr>
<td>Single House; Grouped Dwelling; Multiple Dwelling;</td>
<td>As prescribed by the R-Codes.</td>
</tr>
<tr>
<td>Aged or Dependent Persons’ Dwelling; Single</td>
<td></td>
</tr>
<tr>
<td>Bedroom Dwelling</td>
<td></td>
</tr>
<tr>
<td>Small Bar</td>
<td>1 per 3m² of public floor space used as bars, lounges, dining and function areas, beer gardens and areas used</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Housing</td>
<td><strong>Residents:</strong> As determined by the local government. <strong>Visitors:</strong></td>
</tr>
<tr>
<td></td>
<td>Up to 2 dwellings: 2</td>
</tr>
<tr>
<td></td>
<td>3 to 5 dwellings: 3</td>
</tr>
<tr>
<td></td>
<td>6 to 8 dwellings: 4</td>
</tr>
<tr>
<td></td>
<td>9 to 13 dwellings: 5</td>
</tr>
<tr>
<td></td>
<td>14 dwellings and above: 1 per 4 dwellings</td>
</tr>
<tr>
<td>Tavern</td>
<td>1 per 3m² of public floor space used as bars, lounges, dining and function areas, beer gardens, and areas used</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td>1 per unit or bedroom; plus 1 per 5m² of dining area</td>
</tr>
<tr>
<td>Veterinary Clinic</td>
<td>1 per 19m² gross floor area with a minimum of 6; plus 1 per person employed on the premises</td>
</tr>
</tbody>
</table>

**NOTES:**

1. ‘Mixed Development’ modified by Amendment No. 30 (GG 12.9.2014) [Note 1 added 12.9.2014]
2. ‘Mixed Development’ modified by Amendment No. 50 (GG 4.3.2016) [Note 2 added 4.3.2016]
SCHEDULES

Schedule 1  Definitions
Schedule 2  Additional Uses
Schedule 3  Dual Density Codings: Performance Criteria for Determination of Applicable Coding –
  3.1  Application of Performance Criteria
  3.2  Objectives and Interpretations of Performance Criteria
Schedule 4  Karawara Redevelopment Area
Schedule 5  (Deleted)
Schedule 6  (Deleted)
Schedule 7  (Deleted)
Schedule 8  (Deleted)
Schedule 9  (Deleted)
Schedule 9A  Special Control Area SCA1 – South Perth Station Precinct
Schedule 10  Development Contribution Plans
Schedule 11  Statutory Static Feasibility Assessment Model
Schedule 12  Centre Zone
Schedule 1
Definitions

Refer to Clause 1.10 and Deemed Provisions

In this Scheme:

‘absolute majority’ (Deleted)

‘Act’ (Deleted)

‘Additional Use’ : means a use permitted under clause 3.4.

‘A-frame roof’ : means a steeply pitched roof enclosing a framed construction in the shape of the letter ‘A’.

‘Aged or Dependent Persons’ Amenities’ : means any land or building provided and designed in conjunction with and appurtenant to Aged or Dependent Persons’ Dwellings and used for the purpose of providing meals or social, cultural, recreational or shopping amenities.

‘Aged or Dependent Persons’ Dwelling’ : means a dwelling, which, by incorporating appropriate provisions for the special needs of aged or dependent persons or both, is designed, and is used, for the permanent accommodation of a person who:

(a) is aged 55 years or more; or
(b) has a recognised form of handicap requiring special accommodation;

and may also accommodate the spouse of that person and no more than one other person.

‘Ancillary Accommodation’ : has the same meaning as ‘ancillary accommodation’ in the R-Codes.

‘auditorium’ : means the space for seating the audience in a cinema, theatre, concert hall or the like.

‘Australian Height Datum’ : means a level datum, derived from mean sea level observations along the Australian coastline, used uniformly throughout Australia as a base reference for ‘derived’ datum levels.

‘balcony’ : means a platform outside and protruding from or recessed into the main structure of a building with access from an upper floor.

‘Bed and Breakfast Accommodation’ : means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.
Schedule 1 - Definitions (cont’d)

‘BHL wall’:
(a) means an external wall used for measuring the height of a building to
determine compliance with clause 6.1A, which:
   (i) may comprise the whole or part of an elevation of a building or
   continuous wall face;
   (ii) commences from each ground level point used in measuring
   building height; and
   (iii) rises to, or is nearest below, the Building Height Limit.
(b) The term includes:
   (i) support columns or external enclosure of a balcony or stairs;
   (ii) where a gable forms a triangular extension of the wall, the lower
   one-third but not the upper two-thirds of the gable; and
   (iii) the more steeply pitched plane of a mansard roof.
(c) The term does not include a wall which is permitted to project above the
Building Height Limit under clause 6.1A(5) or clause 6.2A.

‘boundary wall’:
means a wall of a building or of an attached or detached outbuilding
appurtenant to the building, located on a side or rear lot boundary.

‘Building Height Limit’:
means a horizontal plane or planes at the maximum
permissible height of a building as prescribed by the Scheme Maps - Building
Height Limits and clause 6.1A.

‘Café/Restaurant’:
means any land or building used primarily for the preparation and
serving of meals or refreshments for consumption on the premises.

‘carrier’:
has the same meaning as in the Telecommunications Act 1997
(Commonwealth), as amended.

‘cash-in-lieu payment’:
means, in relation to car parking bays required to be provided
on a development site, a sum of money calculated in accordance with clause
6.3A(4), which an owner is required to pay to the local government in lieu of
deficit bays.

‘Child Day Care Centre’:
means premises used for the daily or occasional care of
children in accordance with the regulations for child care under the Child Care
Services Act 2007, as amended, but does not include a Family Day Care.

‘Cinema/Theatre’:
means any land or building where the public may view a motion
picture or theatrical production.

‘City’:
means the locality of the City of South Perth.
‘Civic Use’ : means any land or building used by a Government Department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purpose.

‘Club Premises’ : means any land or building used by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Control Act 1988, as amended, or not and which building or premises are not otherwise classified under the provisions of the Scheme.

‘coding’ or ‘density coding’ : means the residential density applicable to land as indicated on the Scheme Maps.

‘Commission’ : means the Western Australian Planning Commission constituted under the Planning and Development Act 2005, as amended.

‘comprehensive new development’ : means a development which is determined by the local government not to be a minor alteration, addition or extension to an existing development.

‘conservation’ : shall have the same meaning as that given to it from time to time in the Heritage of Western Australia Act, 1990, as amended.

‘Consulting Rooms’ : means premises used by a health consultant for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

‘Convenience Store’ : means any land or building used for the sale by retail of both petrol and goods commonly sold in supermarkets, delicatessens and newsagencies.

‘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.

‘Council’ (Deleted)

‘cultural heritage significance’ (Deleted)


‘delegated officer’ : means a local government officer to whom the local government has delegated all or some of its powers under this Scheme by way of a resolution passed pursuant to the Part 10 Division 2 of the Deemed Provisions.

NOTE ON ‘COMPREHENSIVE NEW DEVELOPMENT’: Definition added by Amendment No. 30 (GG 12.9.2014) [Note added 12.9.2014]

NOTE ON ‘DEEMED PROVISIONS’: Added by Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

NOTE ON ‘DELEGATED OFFICER’: Modified by Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]
‘development’ : shall have the same meaning as that given to it from time to time in the Act but shall also include advertisements and, in relation to any place entered on the Heritage List, any act or thing that:

(a) is likely to change the character of the place or the external appearance of any building; or

(b) would constitute an irreversible alteration to the fabric of any building.

‘development site’ : means a lot which is the subject of:

(a) a request for informal preliminary support for a proposed development; or

(b) an application for development approval.

‘Discretionary Use’ : means a Use in respect of which the symbol ‘D’ appears in the cross-reference in Table 1.

‘Discretionary Use with Consultation’ : means a Use in respect of which the symbol ‘DC’ appears in the cross-reference in Table 1.

‘dispose’ : means to sell, lease, or otherwise dispose of, whether absolutely or not.

‘dual coding’ or ‘dual density coding’ : means two R-Codes density coding numbers shown on the Scheme Maps for the same land, identifying the range of densities to which that land may be developed, the applicable density coding being determined by the satisfaction of the required minimum number of performance criteria relevant to that particular dual density coding, as set out in clause 4.2 and Schedule 3.

‘Educational Establishment’ : means premises developed for the purpose of education and includes a school, college, university, technical centre or institute, lecture hall or kindergarten and includes playing fields and such other ancillary uses as the local government may permit, but does not include a corrective institution.

‘external wall’ : means an outer wall of a building that separates the building’s internal space from the external environment.

‘Family Day Care’ : means a child care service provided to children in a private dwelling in a family or domestic environment but does not include a Child Day Care Centre.

‘fence’ : means a structure or hedge situated on the common boundary between adjoining lands in different occupancies or within 3.0 metres of that common boundary, forming a barrier between those lands. The term ‘fence’ includes:

(a) subsequent extensions which increase the effective height of the original barrier, whether attached to or detached from the structure or hedge; and

NOTES ON ‘EXTERNAL WALL’:
1. Definition added by Amendment No. 17.
2. Refer to clause 6.1A.
(GG 30.7.2013)
[Note added 30.7.2013]
Schedule 1 - Definitions (cont'd)

(b) a structure or hedge forming a barrier between a lot and a thoroughfare or reserve;

but does not include any structural part of a building.

‘finished ground level’ : means the ground level at the completion of construction of a building and landscaping of the site.

‘floor level’ : means the top surface of the finished structural floor of a building, and where the floor is covered by permanent finishes such as terrazzo, ceramic tiles, slates or parquetry or the like, the top surface of those finishes.

‘focus area’ : means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting onto both sides of that section of the street.

‘gable’ : means that portion of an external wall that encloses the end of the space under a roof of any shape other than a flat roof. The term does not include an A-frame roof which extends to ground level.

NOTES ON ‘GABLE’:
1. Definition added by Amendment No. 17.
2. Refer to clause 6.1A.
(GG 30.7.2013)
[Note added 30.7.2013]

‘gazettal date’ : means the date on which notice of the Minister's approval of this Scheme is published in the Government Gazette.

‘gross floor area’ : means the area of all floors of a building measured from the outer faces of external walls, but the term does not include any balcony and any area within the building used for parking of vehicles, for vehicular access or for end-of-trip facilities for cyclists.

NOTE ON ‘GROSS FLOOR AREA’:
Definition modified by Amendment No. 43.
(GG 13.6.2014)
[Note added 13.6.2014]

‘ground level’ : means natural ground level where this can be determined, or failing this, any of the following:

(a) the natural ground level as identified on drawings pertaining to the most recently approved development on the subject land; or

(b) where natural ground level cannot be identified, the level determined by the local government to be the ground level; or

(c) a level of 1.7 metres above Australian Height Datum where the ground has been filled or is required by the Scheme to be filled, to such level.

NOTES ON ‘GROUND LEVEL’

‘Grouped Dwelling’ : has the same meaning as ‘grouped dwelling’ in the R-Codes.

‘habitable room’ :

(a) in relation to residential dwellings, has the same meaning as given to it in and for the purpose of the R-Codes; or

(b) in relation to any non-residential building or part of a building, means a room or space occupied frequently or for extended periods by staff or visitors, and excludes the areas of any lobbies, lift shaft, stair, toilet, bathroom, kitchen, lunch room, store area, storage room, plant room, passage and any rooms not having a major opening or any area within the building used for parking of vehicles or for vehicular access.
'height' :
(a) for the purpose of determining boundary setbacks for residential development, has the same meaning as given to it in and for the purpose of the R-Codes; or
(b) for the purpose of determining compliance of a building with the prescribed Building Height Limit, means the vertical distance from a point at ground level to the level of the uppermost part of the building situated vertically above the outer face of the BHL walls, determined in accordance with clause 6.1A.

NOTE ON 'HEIGHT':
Paragraph (b) amended by Amendment No.17.
(GG 30.7.2013)
[Note added 30.7.2013]

'Heritage Council of Western Australia' : means the Heritage Council of Western Australia established by section 5 of the Heritage of Western Australia Act 1990, as amended.

'Heritage List' : means the Heritage List established under clause 8(1) of the Deemed Provisions.

'High Level Residential Aged Care Facility' : means a care facility which involves 24 hour nursing care, delivered by registered nursing staff to aged or dependent persons, and includes accommodation, support services (such as cleaning, laundry and meals), personal care services (such as help with dressing, eating, toileting, bathing and moving around) and may also include allied health services (such as physiotherapy, occupational therapy, recreational therapy and podiatry).

'Home Business' : means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -
(a) does not employ more than 2 people not members of the occupier's household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 50 square metres;
(d) does not involve the retail sale, display or hire of goods of any nature;
(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(f) does not involve the use of an essential service of greater capacity than normally required in the zone.

'Home Occupation' : means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –
(a) does not employ more than one person not a member of the occupier's household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 30 square metres;
(d) does not display an advertisement exceeding 0.2 square metres;
(e) does not involve the retail sale, display or hire of goods of any nature on the development site other than infrequently;
(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a Single House or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
(g) does not involve the use of an essential service of greater capacity than normally required in the zone.

'Home Office' : means a Home Occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not –

- entail clients or customers travelling to and from the dwelling;
- involve any advertisements on the premises;
- require any external change to the appearance of the dwelling;
- involve the storage, preparation or sale of foodstuffs; or
- involve the breeding, keeping or selling of any animal.

'Hospital' : means a building in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital.

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


'Indoor Sporting Activities' : means physical exercise, recreation and sporting activities undertaken within a building designed and equipped for such activities.

'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 premises on the same land used for:

- the storage of goods;
- the work of administration or accounting;
- the selling of goods by wholesale or retail; or
- the provision of amenities for employees, incidental to any of those industrial operations.

'Industry - Light' or 'Light Industry' : means an industry in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to or prejudicially affect the amenity of...
Schedule 1 - Definitions (cont’d)

the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

‘Industry - Service’ or ‘Service Industry’ : means a light industry conducted on land or in a building which may have a shop front and which involves any or all of the following activities:
(a) the manufacture of goods for sale only on the premises;
(b) the laundering, dry cleaning, servicing or repair of goods; and
(c) the receiving of goods to be laundered, dry cleaned, serviced or repaired elsewhere.

‘informal preliminary support’ : means written informal preliminary support for a proposed development issued pursuant to clause 7.10.

‘Karawara Redevelopment Area’ : means that portion of the Scheme area designated Karawara Redevelopment Area in Schedule 4.

‘land’ : includes air stratum titles, messuages, tenements and hereditaments and any estate in the land, and houses, buildings, works and structures, in or upon the land.

‘Liquor Store (Large)’ : means premises:
(a) the subject of a liquor licence granted under the Liquor Control Act 1988; and
(b) in which the whole of, or a portion of, the premises with a net lettable area of more than 300 square metres is used to display and sell packaged liquor for consumption off the premises.

‘Liquor Store (Small)’ : means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable licensed area of not more than 300 sq. metres.


‘Local Housing Strategy’ : means the Local Planning Policy entitled ‘Local Housing Strategy’ made pursuant to Deemed Provisions Part 2 Division 2.

‘Local Planning Policy’ : means a formally structured set of provisions adopted by resolution of the local government pursuant to the Scheme or deemed to have been made under the Scheme enabling the local government to implement town planning processes, respond to particular kinds of development proposals, and address a wide range of design issues, in a consistent manner.

‘Local Road’ : means a road reserved as a Local Road pursuant to clause 2.2(1)(a) of the Scheme.
Schedule 1 - Definitions (cont’d)

‘Local Scheme Reserve’ : means any land reserved for a public purpose under this Scheme.

‘Local Shop’ : means a shop with a gross floor area not exceeding 100 square metres, used primarily for the sale of daily grocery needs and may include the sale of take-away food.

‘lot’ : shall have the same meaning given to the term in and for the purposes of the Act.

‘Main Roads Western Australia’ : means the Commissioner of Main Roads together with his officers and employees appointed under the Main Roads Act (WA) 1930, as amended.

‘mansard roof’ : means a roof with two slopes on all four sides, the lower slope being more steeply pitched, and the upper slope rising to a central ridge. For the purposes of this Scheme, the lower portion of a mansard roof is deemed to form part of the BHL wall.

‘Market’ : means any land or building used for the display and sale of goods from stalls by independent vendors.

‘Metropolitan Region Scheme’ : means the Metropolitan Region Scheme continued under section 33(1) of the Planning and Development Act 2005, as amended, or any region planning scheme made in substitution for that scheme.

‘Minister’ : means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning.

‘minor projection’ : has the same meaning as given to it in the R-Codes in relation to building height. The term applies to residential and non-residential buildings.

‘Mixed Development’ : means any land or building used for the purpose of both:
(a) one or more dwellings; and
(b) one or more non-residential uses;
which are permissible within the applicable zone, but the term does not include a Home Business, a Home Occupation or a Home Office.

‘motel’ : means any land or building used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Control Act 1988, as amended.

‘Motor Vehicle and Equipment Hire’ : means any land or building used for the hiring out of equipment or motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

‘Motor Vehicle and Marine Sales Premises’ : means any land or building used for the
display and sale of new or second hand motor-cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of vehicles sold from the site.

'Motor Vehicle Wash' : means any land or building where vehicles are washed and cleaned by or primarily by mechanical means.

'Multiple Dwelling' : has the same meaning as 'multiple dwelling' in the R-Codes.

'net lettable area' or 'NLA' : means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas:
(a) all stairs, toilets, cleaners 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; and
(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

'Night Club' : means any land or building used for entertainment with or without eating facilities and to which a licence under the provisions of the Liquor Control Act 1988, as amended, has been granted.

'No. 5 Scheme' : means the City of South Perth Town Planning Scheme No. 5.

'Non-Conforming Use' : means any use of land or building which was lawful immediately prior to the coming into operation of this Scheme, but which is not in conformity with any provision of this Scheme which deals with a matter specified in Schedule 7 of the Act.

'Non-residential' or 'non-residential Use' : means a Use or combination of Uses listed in Table 1 within the category entitled 'Non-Residential Uses'.

'Office' : means any land or building used for administration, clerical, technical, professional or other like business activities and the term includes business services such as printing, photocopying, facsimile services, and computing services excluding hardware sales and repairs.

'outbuilding' : means a store shed, detached laundry, private workshop, carport or garage, machinery room, or the like, appurtenant to and used in conjunction with the principal use of associated buildings.

'outstanding landscaping' : means landscaping conforming to the requirements of clause 6.14(1).

'owner' (Deleted)
Schedule 1 - Definitions (cont’d)

‘patio’ : means a water-impermeable roofed open-sided area which may or may not be attached to a dwelling, and may:

(a) be in the form of a shade sail with a sail area of 20 square metres or more and where any part of the structure is 3.5 metres or more in height;

(b) incorporate fixed or adjustable louvres as roofing; and

(c) incorporate retractable awnings or retractable blinds attached to the sides of the structure.

‘performance criterion’ : means a criterion listed in Schedule 3 relating to certain geographic / historic or design quality attributes applicable to development on land having a dual density coding.

‘pergola’ (Deleted)

‘Permitted Use’ : means a Use in respect of which the symbol ‘P’ appears in the cross-reference in Table 1.

‘place’ (Deleted)

‘planning approval’ (Deleted)

‘plot ratio’ : means the ratio of the gross total of the areas of all floors of a building, to the area of land within the lot boundaries excluding the area of any land proposed to be excised for road widening purposes, and in calculating the gross total of the areas of all floors:

(a) in relation to any residential dwelling, the floor area is measured in the manner defined in the R-Codes; and

(b) in relation to any non-residential building or part of a building, the floor area is measured from the inner faces of external walls, and does not include the area of any lift shaft, toilet, stairs, plant room, kitchen, lunch room, store area, storage room, passage and any area within the building used for parking of vehicles or for vehicular access.

‘plot ratio area’ : means the floor area of a building as calculated in accordance with the definition of ‘plot ratio’.

‘plumbing fittings’ : means all pipes, meters and other apparatus used for or in connection with the supply of gas and water and all pipes, cisterns, traps, syphons, vent pipes and all other apparatus connected with the working of any sewerage drain.

‘policy’, or ‘planning policy’ (Deleted)

‘porte cochère’ : means a roofed structure providing shelter and extending out from an entrance to a building, designed to give weather protection for people travelling by vehicle to or from that entrance.
Schedule 1 - Definitions (cont’d)

‘portico’ : means a roofed structure providing shelter to an entrance to a building and the term includes a shelter detached from but leading to that entrance.

‘precinct’ : means one of the 15 precincts within the local government created pursuant to clause 3.2.

‘Precinct Plan’ : means a Local Planning Policy entitled ‘Precinct Plan’ made pursuant to Deemed Provisions Part 2, Division 2, being one of 15 such plans, containing the objectives, applicable to development within the precinct.

‘pre-Scheme development’ : means an existing development comprising one or more buildings which was approved and lawfully constructed before the date of gazettal of this Scheme, and which exceeds:

(a) the building height limit prescribed by this Scheme; or

(b) the maximum number of dwellings permitted by the Scheme and Table 1 of the R-Codes; or

(c) the maximum plot ratio prescribed in Tables 3 and 4 and Schedule 2 of the Scheme or Table 4 of the R-Codes; or

(d) any combination of (a), (b) and (c).

‘Prohibited Use’ : means a Use in respect of which the symbol ‘X’ appears in the cross-reference in Table 1.

‘Public authority’ : shall have the same meaning as given to it in and for the purposes of the Act.

‘Public Parking Station’ : means any land or building used primarily for public car parking but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.

‘Public Utility’ : means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

‘Radio and Television Installation’ : means any land or building used for the transmission, relay and reception of signals and pictures for commercial purposes.

‘Reception Centre’ : means any land or building used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

‘Religious Activities’ : means services or activities provided or conducted by a religious body or institution in connection with public worship, the State Emergency Services, children’s crafts, the promotion of health, geriatric supportive care, youth training and welfare and similar community services undertaken within a
Schedule 1 - Definitions (cont’d)

building designed and equipped for such activities.

‘Research and Development’ : means scientific and industrial research and the development, production and assembly of products associated with such research undertaken on any land or within a building designed and equipped for such activities.

‘Residential Building’ : has the same meaning as ‘residential building’ in the R-Codes.

‘Residential Design Codes’ or ‘Codes’ (Deleted)

‘residential development’ : means development of land for a residential Use.

‘residential Use’ or ‘residential’ : means a Use or combination of Uses listed in Table 1 within the category entitled ‘Residential Uses’.

‘Restricted Premises’ : means any land or building, part or parts thereof, used or designed to be used primarily 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 publications pursuant to the Censorship Act 1996, as amended; 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.

‘Schedule’ : means a schedule to the Scheme.

‘Scheme’ or ‘the Scheme’ or ‘this Scheme’ : means the City of South Perth Town Planning Scheme No. 6.

‘Scheme Act’ (Deleted)

‘Scheme Maps’ : means the two sets of maps respectively identified as:

(a) the Zoning Maps (Sheets 1 to 14) depicting the reservation of certain land for public purposes and the zoning and density coding of the remaining land within the Scheme area; and

(b) the Building Height Limit Maps (Sheets 1 to 14) depicting the maximum permissible heights of buildings.

‘sensitive area’ : means any enclosed private courtyard, swimming pool area, barbecue, outdoor eating or entertaining area, or a window of a kitchen or other habitable room. The term does not include extensive back gardens other than the portions used in the manner described above, nor does it include front gardens, windows, balconies or the like, which are visible from the street.

‘serviced apartment’ : means an apartment which is one of a group of two or more apartments on the same lot, used, furnished and equipped to be used on a temporary basis in a manner similar to a Grouped Dwelling or Multiple
Dwelling, for which laundry and cleaning services are provided, with or without
other ancillary amenities.

‘Service Station’ : means any land or building used for the retail sale of petroleum
products and motor vehicle accessories and for carrying out greasing, tyre
repairs, and minor mechanical and electronic repairs to motor vehicles but
does not include any land or building used for panel beating, spray painting,
major repairs or wrecking.

‘shade sail’ : means a flexible membrane usually stretched horizontally and attached
only by the corners to vertical or near-vertical poles or other structure, without
supporting framework, and used for providing shade, other weather protection
or visual screening.

‘Shop’ : means premises other than a bulky goods showroom, a ‘Liquor Store (Large)’
or a ‘Liquor Store (Small)’ used to sell goods by retail, to hire goods, or to
provide services of a personal nature, including hairdressing or beauty therapy
services.

‘Showroom’ : means any land or building used for the display, sale by wholesale or
retail, or for the hire of goods of a bulky nature including automotive spare
parts, carpets, large electrical appliances, furniture, or hardware, but does not
include the sale by retail of goods commonly sold in supermarkets,
delicatessens or newsagencies, china, glassware or small kitchenware items,
items of apparel, or items of personal adornment.

‘Single Bedroom Dwelling’ : has the same meaning as ‘single bedroom dwelling’ in
the R-Codes.

‘Single House’ : has the same meaning as ‘single house’ in the R-Codes.

‘Small Bar’ : means premises the subject of a small bar licence granted under the

‘Student Housing’ : means a building provided and maintained by an Educational
Establishment, religious or charitable body for and used exclusively as a place
of residence by the students or by the students and staff of an educational
establishment and their immediate families.

‘Table’ : means a table to the Scheme.

‘Take-Away Food Outlet’ : means any land or building used primarily for the
preparation and sale of meals for consumption off the premises.

‘Tavern’ : means premises subject of a tavern licence granted under the provisions of
the Liquor Control Act 1988.

‘Telecommunications Infrastructure’ : means land used to accommodate any part of
the infrastructure of a telecommunications network and includes any line,
equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.

‘telecommunications network’ : has the same meaning as in the Telecommunications Act, 1997 (Commonwealth), as amended.

‘Tennis Court (Private)’ : means land used by the occupiers of a dwelling on the same lot or an adjoining lot, for tennis games and practice. The term includes any ancillary fencing, lighting and other improvements.

‘Tourist Accommodation’ : means any land or building used for human habitation on a temporary basis, with ancillary amenities such as Café / Restaurant, laundry and cleaning services. The term includes motel and serviced apartment and the like, but does not include Hotel, Residential Building or Bed and Breakfast Accommodation.

‘transport infrastructure’ : means the works and undertakings relating to the provision of public transport infrastructure, pedestrian and cycling infrastructure and parking infrastructure. The term includes:

(a) public transport stops, shelters and stations, advertisements, public transport lanes, vehicles, railway track and catenary, priority signals and any associated works/designs;
(b) paths, advertisements, bicycles, pedestrian and cycling crossings and any associated works/designs;
(c) on-street and off-street car parking bays, parking meters, ticket machines, parking signs, shelters and any associated works/designs and technologies.

‘Twenty-three Hour Recovery Care Unit’ : means a portion of the building known as the Perth Surgicentre situated at Lot 101 (No 38) Ranelagh Crescent, South Perth, where patients may remain for recovery and care for a maximum period of twenty-three hours following surgical or other treatment performed on the premises.

‘Veterinary Clinic’ : means any land or building used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

‘Western Australian Planning Commission’ : means the Western Australian Planning Commission established by Planning and Development Act 2005 Part 2 Division 1 Section 7.

‘zone’ (Deleted)
## Schedule 2
### Additional Uses

Refer to Clause 3.4

**NOTE ON ITEM 2:**
Deleted by Amendment No. 38  
(GG 25.10.2013)  
[Note added 25.10.2013]

**NOTE ON ITEM 4:**
Modified to align with Deemed Provisions.  
Amendment No. 54  
(GG 12.1.2018)  
[Note added 12.1.2018]

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Street Name</th>
<th>Street No.</th>
<th>Lot No.</th>
<th>Location No.</th>
<th>Precinct Additional Use</th>
<th>Permitted Additional Use</th>
<th>Development Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Brandon Street</td>
<td>53</td>
<td>45</td>
<td>Swan 38 a</td>
<td>Precinct 6 : Kensington</td>
<td>Shop</td>
<td>Maximum Plot Ratio 0.09</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>Requirements other than Plot Ratio: Minimum number of car parking bays: Refer to Table 6.</td>
</tr>
<tr>
<td>2.</td>
<td>(Deleted)</td>
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</tr>
<tr>
<td>3.</td>
<td>Edgecumbe Street</td>
<td>3</td>
<td>327</td>
<td></td>
<td>Precinct 10 : McDougall Park</td>
<td>Car parking incidental to the car sales and servicing use on Lot 220 (No. 464) Canning Highway, Como</td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Extent of Use: The additional use is applicable only to the portion of the lot extending 8.0 metres eastwards from the western (rear) boundary of the site.</td>
</tr>
<tr>
<td>4.</td>
<td>Fortune Street</td>
<td>27</td>
<td>44</td>
<td>P389</td>
<td>Precinct 3 : South Perth Civic</td>
<td>Hospital car park</td>
<td>Not applicable</td>
</tr>
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<td></td>
<td>As determined by the local government having regard to the matters listed in Deemed Provisions Clause 67.</td>
</tr>
<tr>
<td>5.</td>
<td>Lockhart Street</td>
<td>96</td>
<td>221</td>
<td>Canning 37</td>
<td>Precinct 10 : McDougall Park</td>
<td>Car parking incidental to the car sales and servicing use on Lot 220 (No. 464) Canning Highway, Como</td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Extent of Use: The additional use is applicable only to the portion of the lot extended eastwards from a point 30.0m from the western (street) boundary of the site.</td>
</tr>
</tbody>
</table>
### Schedule 2 - Additional Uses (cont’d)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Street Name</th>
<th>Street No.</th>
<th>Lot No.</th>
<th>Location No.</th>
<th>Precinct Location</th>
<th>Permitted Additional Use</th>
<th>Development Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>Ranelagh Crescent</td>
<td>38</td>
<td>101</td>
<td>Swan 39</td>
<td>Precinct 4 : Hurlingham</td>
<td>Twenty-Three Hour Recovery Care Unit</td>
<td>1. Duration of stay: Patients are not permitted to remain on the premises following treatment for longer than 23 hours.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>2. Minimum number of car parking bays: 27.</td>
</tr>
<tr>
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<td></td>
<td>3. Hours of operation: Adamptions - 7.00am to 6.00pm Monday to Friday; Operating Theatre Use - 8.00am to 5.00pm Monday to Friday; Visiting Times - 6.00pm to 8.00pm Monday to Friday; Discharge Times - up to 8.30pm Monday to Friday; and up to 4.00pm Saturday.</td>
</tr>
<tr>
<td>7.</td>
<td>Third Avenue</td>
<td>3</td>
<td>1</td>
<td>Swan 38b</td>
<td>Precinct 6 : Kensington</td>
<td>Squash Courts</td>
<td>1. Minimum landscaped area: Refer to Table 3 for Local Commercial zone.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td>2. Minimum setbacks: Refer to Table 3 for Local Commercial zone.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3. Minimum number of car parking bays: Refer to clause 6.3 (2).</td>
</tr>
<tr>
<td>8.</td>
<td>Manning Road</td>
<td>52</td>
<td>5</td>
<td>Canning 37</td>
<td>Precinct 10 : McDougall Park</td>
<td>Office</td>
<td>Any proposed office development must maintain the residential character of the property.</td>
</tr>
</tbody>
</table>

NOTE ON ITEM 8: Added by Amendment No. 24 (GG 10.5.2011) [Note added 4.10.2011]
### Schedule 2 - Additional Uses (cont’d)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Street Name</th>
<th>Street No.</th>
<th>Lot No.</th>
<th>Location No.</th>
<th>Precinct</th>
<th>Permitted Additional Use</th>
<th>Development Requirements</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>Bickley Crescent</td>
<td>49, 51, 51A and 53</td>
<td>Lot 1 on Survey-Strata Plan 2946 and Lots 12, 11, and 342</td>
<td>Canning 37</td>
<td>Precinct 10: McDougall Park</td>
<td>Shop; Office</td>
<td>0.2 (for both uses combined)</td>
<td>Additional Uses are to be incidental to aged or dependent persons' care, Aged or Dependent Persons' Amenities, or community welfare activities or services. Additional Uses are to be oriented towards either Bickley Crescent or Manning Road.</td>
</tr>
<tr>
<td></td>
<td>Pether Road</td>
<td>17 and 19</td>
<td>Lot 2 on Survey-Strata Plan 2946 and Lot 10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE ON ITEM 9:**
Added by Amendment No. 45 (GG 11.12.2015)
[Note added 11.12.2015]
3.1 Application of Performance Criteria

Precinct 1 - Mill Point

(1) Dual Density Coding R60/80

The local government may permit a site to be developed at a density exceeding R60 to a maximum of R80 where any 4 or more of the following 8 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>The site was coded R80 under the No. 5 Scheme. [NOTE: Refer to Objective (a) below.]</td>
</tr>
<tr>
<td>(ii)</td>
<td>The site is adjoined on at least two boundaries by a lot or lots which:</td>
</tr>
<tr>
<td></td>
<td>(A) have been re-subdivided or redeveloped with; or</td>
</tr>
<tr>
<td></td>
<td>(B) are the subject of a current development approval for;</td>
</tr>
<tr>
<td></td>
<td>a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]</td>
</tr>
<tr>
<td>(iii)</td>
<td>The site accommodates or is adjoined on at least two boundaries by lots containing a purpose-built office development. [NOTE: Refer to Objective (c) below.]</td>
</tr>
<tr>
<td>(iv)</td>
<td>The site has a boundary to Judd Street. [NOTE: Refer to Objective (d) below.]</td>
</tr>
<tr>
<td>(v)</td>
<td>At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:</td>
</tr>
<tr>
<td></td>
<td>(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or</td>
</tr>
<tr>
<td></td>
<td>(B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]</td>
</tr>
<tr>
<td>(vi)</td>
<td>All occupiers’ car parking is provided under cover, is situated no closer to any street than any wall of the main building, and is concealed from view from any street. [NOTE: Refer to Objective (h) below.]</td>
</tr>
<tr>
<td>(vii)</td>
<td>Visitors’ car parking is provided in excess of the number of bays required by the R-Codes. [NOTE: Refer to Objective (i) below.]</td>
</tr>
<tr>
<td>(viii)</td>
<td>Outstanding landscaping is provided in accordance with the provisions of clause 6.14(1). [NOTE: Refer to Objective (j) below.]</td>
</tr>
</tbody>
</table>

NOTE: Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
## Schedule 3 - Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont'd)

### Precinct 1 (cont'd)

**Dual Density Coding R80/100**

The local government may permit a site to be developed at a density exceeding R80 to a maximum of R100 where any 4 or more of the following 8 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Geographic / Historic Criteria</th>
<th>Design Quality Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The site was coded R100 under the No. 5 Scheme.</td>
<td>(vi) All occupiers’ car parking is provided under cover, is situated no closer to any street than any wall of the main building, and is concealed from view from any street.</td>
</tr>
<tr>
<td><strong>[NOTE: Refer to Objective (a) below.]</strong></td>
<td><strong>[NOTE: Refer to Objective (h) below.]</strong></td>
</tr>
<tr>
<td>(ii) The site is adjoined on at least two boundaries by a lot or lots which:</td>
<td>(vii) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
</tr>
<tr>
<td>(A) have been re-subdivided or redeveloped with; or</td>
<td><strong>[NOTE: Refer to Objective (i) below.]</strong></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for;</td>
<td></td>
</tr>
<tr>
<td>a greater number of dwellings than previously existed or currently exist on such lots.</td>
<td><strong>[NOTE: Refer to Objective (j) below.]</strong></td>
</tr>
<tr>
<td><strong>[NOTE: Refer to Objective and Interpretation (b) below.]</strong></td>
<td></td>
</tr>
<tr>
<td>(iii) The site accommodates or is adjoined on at least two boundaries by lots containing a purpose-built office development.</td>
<td></td>
</tr>
<tr>
<td><strong>[NOTE: Refer to Objective (c) below.]</strong></td>
<td></td>
</tr>
<tr>
<td>(iv) The site has a boundary to the Mends Street Centre Zone or is between Harper Terrace and Fraser Lane, east of Mill Point Road.</td>
<td></td>
</tr>
<tr>
<td><strong>[NOTE: Refer to Objective (d) below.]</strong></td>
<td></td>
</tr>
<tr>
<td>(v) At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.</td>
<td><strong>[NOTE: Refer to Objective and Interpretation (e) below.]</strong></td>
</tr>
<tr>
<td><strong>[NOTE: Refer to Objective and Interpretation (b) below.]</strong></td>
<td></td>
</tr>
<tr>
<td>(vii) The site was coded R100 under the No. 5 Scheme.</td>
<td></td>
</tr>
<tr>
<td><strong>[NOTE: Refer to Objective (a) below.]</strong></td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:**

Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Precinct 2 - South Perth Central

(1) Dual Density Coding R15/30

The local government may permit a site to be developed at a density exceeding R15 to a maximum of:

(a) R30, where any 7; or
(b) R25, where any 6;

or more of the following 10 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>The site is adjoined on at least two boundaries by a lot or lots which:</td>
</tr>
<tr>
<td>(A)</td>
<td>have been re-subdivided or redeveloped with; or</td>
</tr>
<tr>
<td>(B)</td>
<td>are the subject of a current development approval for;</td>
</tr>
<tr>
<td></td>
<td>a greater number of dwellings than previously existed or currently exist on such lots.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective and Interpretation (b) below.]</td>
</tr>
<tr>
<td>(ii)</td>
<td>The site is adjoined on at least one boundary by a non-residential use.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective (c) below.]</td>
</tr>
<tr>
<td>(iii)</td>
<td>The site has a boundary to Coode Street.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective (d) below.]</td>
</tr>
<tr>
<td>(iv)</td>
<td>The site has boundaries to two or more public streets.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective (f) below.]</td>
</tr>
<tr>
<td>(v)</td>
<td>At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:</td>
</tr>
<tr>
<td>(A)</td>
<td>have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or</td>
</tr>
<tr>
<td>(B)</td>
<td>are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective and Interpretation (e) below.]</td>
</tr>
<tr>
<td>(vi)</td>
<td>Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective (i) below.]</td>
</tr>
<tr>
<td>(vii)</td>
<td>Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective (k) below.]</td>
</tr>
<tr>
<td>(viii)</td>
<td>The proposal involves the amalgamation of two or more lots.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective and Interpretation (l) below.]</td>
</tr>
<tr>
<td>(ix)</td>
<td>The proposal incorporates retention of at least one appropriate tree.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective and Interpretation (m) below.]</td>
</tr>
<tr>
<td>(x)</td>
<td>The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</td>
</tr>
<tr>
<td></td>
<td>[NOTE: Refer to Objective and Interpretation (n) below.]</td>
</tr>
</tbody>
</table>

NOTE: Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Precinct 2 (cont’d)

(2) Dual Density Coding R15/50

The local government may permit a site to be developed at a density exceeding R15 to a maximum of:

(a) R50, where any 6; or
(b) R40, where any 5; or
(c) R30, where any 4;

or more of the following 10 Performance Criteria are met to the local government’s satisfaction:

**NOTES:**

<table>
<thead>
<tr>
<th>Geographic / Historic Criteria</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The site is adjoined on at least two boundaries by a lot or lots which:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided or redeveloped with; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for;</td>
<td></td>
</tr>
</tbody>
</table>
| a greater number of dwellings than previously existed or currently exist on such lots. | [NOTE: Refer to Objective and Interpretation (b) below.]
| (ii) The site is adjoined on at least one boundary by a non-residential use. | [NOTE: Refer to Objective (c) below.]
| (iii) The site has a boundary to Coode Street. | [NOTE: Refer to Objective (d) below.]
| (iv) The site has boundaries to two or more public streets. | [NOTE: Refer to Objective (f) below.]
| (v) At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area: |    |
| (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or |    |
| (B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots. | [NOTE: Refer to Objective and Interpretation (e) below.]
| (vi) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes. | [NOTE: Refer to Objective (l) below.]
| (vii) Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. | [NOTE: Refer to Objective (k) below.]
| (viii) The proposal involves the amalgamation of two or more lots. | [NOTE: Refer to Objective and Interpretation (l) below.]
| (ix) The proposal incorporates retention of at least one appropriate tree. | [NOTE: Refer to Objective and Interpretation (m) below.]
| (x) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. | [NOTE: Refer to Objective and Interpretation (n) below.]

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
(3) **Dual Density Coding R25/40**

The local government may permit a site to be developed at a density exceeding R25 to a maximum of:

(a) R40, where any 8; or
(b) R30, where any 7;

or more of the following 12 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
</tr>
</thead>
</table>
| (i) | The site was coded R40 or higher under the No. 5 Scheme.  
[NOTE: Refer to Objective (a) below.] |
| (ii) | The site is adjoined on at least two boundaries by a lot or lots which:  
(A) have been re-subdivided or redeveloped with; or  
(B) are the subject of a current development approval for;  
a greater number of dwellings than previously existed or currently exist on such lots.  
[NOTE: Refer to Objective and Interpretation (b) below.] |
| (iii) | The site is adjoined on at least one boundary by a non-residential use.  
[NOTE: Refer to Objective (c) below.] |
| (iv) | The site has a boundary to Angelo Street or Labouchere Road.  
[NOTE: Refer to Objective (d) below.] |
| (v) | The site has boundaries to two or more public streets.  
[NOTE: Refer to Objective (f) below.] |
| (vi) | At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:  
(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or  
(B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.  
[NOTE: Refer to Objective and Interpretation (e) below.] |
| (vii) | Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.  
[NOTE: Refer to Objective (j) below.] |
| (viii) | Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.  
[NOTE: Refer to Objective (k) below.] |
| (ix) | The proposal involves the amalgamation of two or more lots.  
[NOTE: Refer to Objective and Interpretation (l) below.] |
| (x) | The proposal incorporates retention of at least one appropriate tree.  
[NOTE: Refer to Objective and Interpretation (m) below.] |
| (xi) | The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.  
[NOTE: Refer to Objective and Interpretation (n) below.] |
| (xii) | The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.  
[NOTE: Refer to Objective and Interpretation (o) below.] |

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
### Dual Density Coding R15/40

The local government may permit a site to be developed at a density exceeding R15 to a maximum of:

- (a) R40, where any 7;
- (b) R30, where any 6;

or more of the following 12 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The site was coded R40 or higher under the No. 5 Scheme.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (a) below.]</td>
<td></td>
</tr>
<tr>
<td>(ii) The site is adjoined on at least two boundaries by a lot or lots which:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided or redeveloped with; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for;</td>
<td></td>
</tr>
<tr>
<td>a greater number of dwellings than previously existed or currently exist on such lots.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (b) below.]</td>
<td></td>
</tr>
<tr>
<td>(iii) The site is adjoined on at least one boundary by a non-residential use.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (c) below.]</td>
<td></td>
</tr>
<tr>
<td>(iv) The site has a boundary to Mill Point Road.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (d) below.]</td>
<td></td>
</tr>
<tr>
<td>(v) The site has a boundary to a Park and Recreation Reserve.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (d) below.]</td>
<td></td>
</tr>
<tr>
<td>(vi) The site has boundaries to two or more public streets.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (f) below.]</td>
<td></td>
</tr>
<tr>
<td>(vii) At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (e) below.]</td>
<td></td>
</tr>
<tr>
<td>(viii) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (i) below.]</td>
<td></td>
</tr>
<tr>
<td>(ix) Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (k) below.]</td>
<td></td>
</tr>
<tr>
<td>(x) The proposal involves the amalgamation of two or more lots.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (l) below.]</td>
<td></td>
</tr>
<tr>
<td>(xi) The proposal incorporates retention of at least one appropriate tree.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (m) below.]</td>
<td></td>
</tr>
<tr>
<td>(xii) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (n) below.]</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Schedule 3 - Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont’d)

Precinct 4 (cont’d)

(2) Dual Density Coding R20/40

The local government may permit a site to be developed at a density exceeding R20 to a maximum of R40, where both of the following Performance Criteria are met to the local government’s satisfaction:

| Design Quality Criteria | (i) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes. [NOTE: Refer to Objective (i) below.] | (ii) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.] |

NOTE: Modified to align with R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Precinct 4 (cont’d)

(3) Dual Density Coding R40/60

The local government may permit the site to be developed at a density exceeding R40 to a maximum of R60, where all of the following 9 Performance Criteria are met to the local government's satisfaction:

<table>
<thead>
<tr>
<th>Design Quality Criteria</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Car parking bays, for the exclusive use of occupiers are provided in undercroft garaging and concealed from view from any street and from the Sir James Mitchell Park foreshore reserve.</td>
<td></td>
</tr>
</tbody>
</table>
*(NOTE: Refer to Objective and Interpretation (p) below.)* |
| (ii) The development incorporates two unobstructed viewing corridors, providing a view for pedestrians on Jubilee Street and Weston Avenue across the development site to the Sir James Mitchell Park foreshore reserve. The viewing corridors are to meet the following requirements:  
(A) One corridor is to be located alongside the south-western boundary of the site and is to be not less than 6.0 metres in width at any point.  
(B) The other corridor is to provide a view through the central communal open space and is to be not less than 6.0 metres wide at any point other than at a single location towards the southern end of the site where the width may be reduced to not less than 5.0 metres. |  
*(NOTE: Refer to Objective and Interpretation (q) below.)* |
| (iii) Buildings on the development site are set back an average distance of 10.0 metres with a minimum setback of 7.0 metres from the boundary with the Sir James Mitchell Park foreshore reserve, other than balconies which may extend not more than 2.0 metres into the setback area. |  
*(NOTE: Refer to Objective and Interpretation (r) below.)* |
| (iv) The development incorporates landscaping which meets the following requirements:  
(A) a minimum of 60 percent of the site is to comprise open space;  
(B) a minimum of 1,500 square metres of communal open space is to be located towards the centre of the site and is to be visible from the Sir James Mitchell Park foreshore reserve;  
(C) the setback area extending along the foreshore reserve boundary is to contain predominantly local native trees and other significant local native planting compatible with the treatment and purpose of the reserve, to act as an environmental buffer and an attractive visual interface between the development site and the reserve;  
(D) any sculpture located within the setback area extending along the foreshore reserve boundary is to be designed to complement the nature of the landscaping within that setback area and also to be compatible with the adjacent reserve. |  
*(NOTE: Refer to Objective (s) below.)* |
| (v) Each dwelling incorporates at least one balcony with a minimum area of 15 sq. metres and a minimum dimension of 3.0 metres. |  
*(NOTE: Refer to Objective (t) below.)* |
| (vi) Building façades facing both the street and the Sir James Mitchell Park foreshore reserve incorporating a sufficient level of articulation and detail, with minimum lengths of blank walls, to ensure that the architectural design is of high quality. Balconies should not excessively dominate the elevation facing the reserve. |  
*(NOTE: Refer to Objective and Interpretation (u) below.)* |
**NOTES:**

2. For full Amendment text, refer also to Correction Notice in Government Gazette 10.8.2010. [Note added 14.7.2010]
3. Modified to align with R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Precinct 7 - Collier

(1) Dual Density Coding R15/20

The local government may permit a site to be developed at a density exceeding R15 to a maximum of R20, where any 7 or more of the following 10 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="" alt="Table" /></td>
</tr>
</tbody>
</table>

**NOTES:**

Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
## Schedule 3 - Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont'd)

### Precinct 8 - Como Beach

#### (1) Dual Density Coding R15/25

The local government may permit a site to be developed at a density exceeding R15 to a maximum of:

(a) $R_{25}$, where any 7; or 
(b) $R_{20}$, where any 6; 

or more of the following 11 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Geographic / Historic Criteria</th>
<th>NOTES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The site was coded R25 or higher under the No. 5 Scheme.</td>
<td>[NOTE: Refer to Objective (a) below.]</td>
</tr>
<tr>
<td>(ii) The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current development approval for; a greater number of dwellings than previously existed or currently exist on such lots.</td>
<td>[NOTE: Refer to Objective and Interpretation (b) below.]</td>
</tr>
<tr>
<td>(iii) The site is adjoined on at least one boundary by a non-residential use.</td>
<td>[NOTE: Refer to Objective (c) below.]</td>
</tr>
<tr>
<td>(iv) The site has a boundary to South Terrace.</td>
<td>[NOTE: Refer to Objective (d) below.]</td>
</tr>
<tr>
<td>(v) The site has boundaries to two or more public streets.</td>
<td>[NOTE: Refer to Objective (f) below.]</td>
</tr>
<tr>
<td>(vi) At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area: (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.</td>
<td>[NOTE: Refer to Objective and Interpretation (e) below.]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Quality Criteria</th>
<th>NOTES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(vii) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
<td>[NOTE: Refer to Objective (i) below.]</td>
</tr>
<tr>
<td>(viii) Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.</td>
<td>[NOTE: Refer to Objective (k) below.]</td>
</tr>
<tr>
<td>(ix) The proposal involves the amalgamation of two or more lots.</td>
<td>[NOTE: Refer to Objective and Interpretation (l) below.]</td>
</tr>
<tr>
<td>(x) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</td>
<td>[NOTE: Refer to Objective and Interpretation (m) below.]</td>
</tr>
<tr>
<td>(xi) The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.</td>
<td>[NOTE: Refer to Objective and Interpretation (o) below.]</td>
</tr>
</tbody>
</table>

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
## PRECINCT 8 (cont'd)

### (2) Dual Density Coding R20/30

The local government may permit a site to be developed at a density exceeding R20 to a maximum of R30, where any 7 or more of the following 14 Performance Criteria are met to the local government’s satisfaction:

#### NOTES:

<table>
<thead>
<tr>
<th>Geographic / Historic Criteria</th>
<th>Design Quality Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The site was coded R30 or higher under the No. 5 Scheme.</td>
<td>(ix) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
</tr>
<tr>
<td>(ii) The site is adjoined on at least two boundaries by a lot or lots which:</td>
<td>(x) Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.</td>
</tr>
<tr>
<td>(A) have been re-subdivided or redeveloped with; or</td>
<td>(xi) The proposal involves the amalgamation of two or more lots.</td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for;</td>
<td>(xii) The proposal incorporates retention of at least one appropriate tree.</td>
</tr>
<tr>
<td>a greater number of dwellings than previously existed or currently exist on such lots.</td>
<td>(xiii) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</td>
</tr>
<tr>
<td>(iii) The site is adjoined on at least one boundary by a non-residential use.</td>
<td>(xiv) The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.</td>
</tr>
<tr>
<td>(iv) The site is situated within the area bounded by Preston Street, Coode Street, Thelma Street, the western boundary of the R20/30 coding, Ednah Street and Labouchere Road.</td>
<td></td>
</tr>
<tr>
<td>(v) The site has a boundary to Canning Highway or South Terrace.</td>
<td></td>
</tr>
<tr>
<td>(vi) The site has boundaries to two or more public streets.</td>
<td></td>
</tr>
<tr>
<td>(vii) The site is situated north of Cale Street.</td>
<td></td>
</tr>
<tr>
<td>(viii) At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.</td>
<td></td>
</tr>
<tr>
<td>(ix) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
<td></td>
</tr>
<tr>
<td>(x) Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.</td>
<td></td>
</tr>
<tr>
<td>(xi) The proposal involves the amalgamation of two or more lots.</td>
<td></td>
</tr>
<tr>
<td>(xii) The proposal incorporates retention of at least one appropriate tree.</td>
<td></td>
</tr>
<tr>
<td>(xiii) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</td>
<td></td>
</tr>
<tr>
<td>(xiv) The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
### Precinct 8 (cont’d)

#### (3) Dual Density Coding R30/40

The local government may permit a site to be developed at a density exceeding R30 to a maximum of R40, where any 8 or more of the following 12 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
</tr>
</thead>
</table>
| (i)      | The site is adjoined on at least two boundaries by a lot or lots which:  
(A) have been re-subdivided or redeveloped with; or  
(B) are the subject of a current development approval for;  

- a greater number of dwellings than previously existed or currently exist on such lots.  

[NOTE: Refer to Objective and Interpretation (b) below.] |
| (ii)     | The site is adjoined on at least one boundary by a non-residential use.  

[NOTE: Refer to Objective (c) below.] |
| (iii)    | The site is situated within the area bounded by Melville Parade, Ednah Street, Mary Street, the southern boundary of the Neighbourhood Commercial Centre zone, Labouchere Road, Ednah Street, the eastern boundary of the R30/40 coding, Robert Street and Alston Avenue.  

[NOTE: Refer to Objective and Interpretation (d) below.] |
| (iv)     | The site has a boundary to Melville Parade or Canning Highway.  

[NOTE: Refer to Objective (d) below.] |
| (v)      | The site has boundaries to two or more public streets.  

[NOTE: Refer to Objective (f) below.] |
| (vi)     | At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:  
(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or  
(B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.  

[NOTE: Refer to Objective and Interpretation (e) below.] |
| (vii)    | Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.  

[NOTE: Refer to Objective (i) below.] |
| (viii)   | Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.  

[NOTE: Refer to Objective (k) below.] |
| (ix)     | The proposal involves the amalgamation of two or more lots.  

[NOTE: Refer to Objective and Interpretation (l) below.] |
| (x)      | The proposal incorporates retention of at least one appropriate tree.  

[NOTE: Refer to Objective and Interpretation (m) below.] |
| (xi)     | The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.  

[NOTE: Refer to Objective and Interpretation (n) below.] |
| (xii)    | The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.  

[NOTE: Refer to Objective and Interpretation (o) below.] |

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
**Schedule 3 - Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont’d)**

**Precinct 8 (cont’d)**

**(4) Dual Density Coding R30/50**

The local government may permit a site to be developed at a density exceeding R30 to a maximum of:

(a) R50, where any 8; or
(b) R40, where any 7;

or more of the following 13 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Criteria Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site was coded R50 under the No. 5 Scheme.</td>
<td>(i)</td>
</tr>
<tr>
<td>The site is adjoined on at least two boundaries by a lot or lots which:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided or redeveloped with; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for;</td>
<td></td>
</tr>
<tr>
<td>a greater number of dwellings than previously existed or currently exist on such lots.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (b) below.]</td>
<td></td>
</tr>
<tr>
<td>The site is adjoined on at least one boundary by a non-residential use.</td>
<td>(iii)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (c) below.]</td>
<td></td>
</tr>
<tr>
<td>The site has a boundary to Melville Parade, or Eric Street west of Labouchere Road.</td>
<td>(iv)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (d) below.]</td>
<td></td>
</tr>
<tr>
<td>The site is situated within the area bounded by Melville Parade, Gardner Street,</td>
<td>(v)</td>
</tr>
<tr>
<td>Labouchere Road, Comer Street, Coode Street, Preston Street, Labouchere Road, Eric</td>
<td></td>
</tr>
<tr>
<td>Street, eastern boundary of Comer Reserve and Comer Street.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (d) below.]</td>
<td></td>
</tr>
<tr>
<td>The site has boundaries to two or more public streets.</td>
<td>(vi)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (f) below.]</td>
<td></td>
</tr>
<tr>
<td>At least 80% of the originally subdivided lots on the same side of the street as the</td>
<td>(vii)</td>
</tr>
<tr>
<td>development site and within the same focus area:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings</td>
<td></td>
</tr>
<tr>
<td>than were originally constructed on those lots; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for a greater number of dwellings</td>
<td></td>
</tr>
<tr>
<td>than were originally constructed or currently exist on those lots.</td>
<td></td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (e) below.]</td>
<td></td>
</tr>
<tr>
<td>Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
<td>(viii)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (i) below.]</td>
<td></td>
</tr>
<tr>
<td>Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.</td>
<td>(ix)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective (k) below.]</td>
<td></td>
</tr>
<tr>
<td>The proposal involves the amalgamation of two or more lots.</td>
<td>(x)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (l) below.]</td>
<td></td>
</tr>
<tr>
<td>The proposal incorporates retention of at least one appropriate tree.</td>
<td>(xi)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (m) below.]</td>
<td></td>
</tr>
<tr>
<td>The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</td>
<td>(xii)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (n) below.]</td>
<td></td>
</tr>
<tr>
<td>The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.</td>
<td>(xiii)</td>
</tr>
<tr>
<td>[NOTE: Refer to Objective and Interpretation (o) below.]</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Scheduled 3 - Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont’d)

Precinct 9 - Como

(1) Dual Density Coding R20/30

The local government may permit a site to be developed at a density exceeding R20 to a maximum of:
(a) R30, where any 7; or
(b) R25, where any 6;

or more of the following 11 Performance Criteria are met to the local government’s satisfaction:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| (i) | The site was coded R30 under the No. 5 Scheme.  
[NOTE: Refer to Objective (a) below.] |
| (ii) | The site is adjoined on at least two boundaries by a lot or lots which:  
(A) have been re-subdivided or redeveloped with; or  
(B) are the subject of a current development approval for;  
a greater number of dwellings than previously existed or currently exist on such lots.  
[NOTE: Refer to Objective and Interpretation (b) below.] |
| (iii) | The site is adjoined on at least one boundary by a non-residential use.  
[NOTE: Refer to Objective (c) below.] |
| (iv) | The site has boundaries to two or more public streets.  
[NOTE: Refer to Objective (f) below.] |
| (v) | At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:  
(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or  
(B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.  
[NOTE: Refer to Objective and Interpretation (e) below.] |
| (vi) | Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.  
[NOTE: Refer to Objective (i) below.] |
| (vii) | Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupants.  
[NOTE: Refer to Objective (k) below.] |
| (viii) | The proposal involves the amalgamation of two or more lots.  
[NOTE: Refer to Objective and Interpretation (l) below.] |
| (ix) | The proposal incorporates retention of at least one appropriate tree.  
[NOTE: Refer to Objective and Interpretation (m) below.] |
| (x) | The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.  
[NOTE: Refer to Objective and Interpretation (n) below.] |
| (xi) | The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.  
[NOTE: Refer to Objective and Interpretation (o) below.] |

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Precinct 10 - McDougall Park

(1) Dual Density Coding R20/30

The local government may permit a site to be developed at a density exceeding R20 to a maximum of:
(a) R30, where any 8; or
(b) R25, where any 7;
or more of the following 12 Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The site was coded R40 under the No. 5 Scheme.</td>
<td></td>
</tr>
<tr>
<td>(ii) The site is adjoined on at least two boundaries by a lot or lots which:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided or redeveloped with; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for;</td>
<td></td>
</tr>
<tr>
<td>a greater number of dwellings than previously existed or currently exist on such lots.</td>
<td></td>
</tr>
<tr>
<td>(iii) The site is adjoined on at least one boundary by a non-residential use.</td>
<td></td>
</tr>
<tr>
<td>(iv) The site has a boundary to Canning Highway, the western side of Robert Street, Manning Road or Clydesdale Street (north of McDougall Street), or the Kwinana Freeway.</td>
<td></td>
</tr>
<tr>
<td>(v) The site has boundaries to two or more public streets.</td>
<td></td>
</tr>
<tr>
<td>(vi) At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area:</td>
<td></td>
</tr>
<tr>
<td>(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or</td>
<td></td>
</tr>
<tr>
<td>(B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.</td>
<td></td>
</tr>
<tr>
<td>(vii) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
<td></td>
</tr>
<tr>
<td>(viii) Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.</td>
<td></td>
</tr>
<tr>
<td>(ix) The proposal involves the amalgamation of two or more lots.</td>
<td></td>
</tr>
<tr>
<td>(x) The proposal incorporates retention of at least one appropriate tree.</td>
<td></td>
</tr>
<tr>
<td>(xi) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</td>
<td></td>
</tr>
<tr>
<td>(xii) The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.</td>
<td></td>
</tr>
</tbody>
</table>

NOTE: Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Precinct 13 - Salter Point

(1) Dual Density Coding R15/20

The local government may permit a site to be developed at a density exceeding R15 to a maximum of R20, where both of the following Performance Criteria are met to the local government’s satisfaction:

<table>
<thead>
<tr>
<th>Design Quality Criteria</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes. [NOTE: Refer to Objective (i) below.]</td>
<td></td>
</tr>
<tr>
<td>(ii) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.]</td>
<td></td>
</tr>
</tbody>
</table>

NOTE: Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
### 3.2 Objectives and Interpretations of Performance Criteria

Objectives and interpretations where required, of the Performance Criteria referred to within this Schedule, are listed as follows:

#### Geographic / Historic Criteria

<table>
<thead>
<tr>
<th>Performance Criterion</th>
<th>Objective</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The site was coded (a nominated density) under the No. 5 Scheme.</td>
<td>To give recognition to, and partially support, landowners' expectations to be able to develop to the higher density which was permissible under the previous Scheme.</td>
<td>N/A</td>
</tr>
<tr>
<td>(b) The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or re-developed with; or (B) are the subject of a current development approval for; a greater number of dwellings than previously existed or currently exist on such lots.</td>
<td>To give recognition to the perception that, to some extent, development to the lower density could be inconsistent with the established character of adjoining properties, and therefore partially supports higher density development on the subject site.</td>
<td>(i) The term ‘adjoined’ does not include a diagonal or ‘corner’ relationship between a proposed development site and a neighbouring property - the two sites must be adjoined by a length of boundary, although not necessarily the whole length of the boundary. (ii) For the purpose of this criterion, a neighbouring lot which has been redeveloped to a higher density but is separated from the proposed development site by a right-of-way, shall be deemed to be directly adjoining the development site provided that the portion of the right-of-way adjacent to the development site has been identified by the local government in the relevant Local Planning Policy for possible future closure or is the subject of a current closure action. (iii) The term ‘previously existed’ means a development which has been demolished within a period of six months prior to the date of lodgement, of the relevant application for development approval.</td>
</tr>
<tr>
<td>(c) The site accommodates or is adjoined on at least two boundaries by lots containing a purpose-built office development. OR The site is adjoined on at least one boundary by a non-residential use.</td>
<td>To give recognition to the perception that, to some extent, development to the lower density could be inconsistent with the established character of adjoining properties brought about by the building form or non-residential use of adjoining sites, and therefore partially supports higher density development on the subject site.</td>
<td>(i) The term ‘adjoined’ does not include a diagonal or ‘corner’ relationship between a proposed development site and a neighbouring property - the two sites must be adjoined by a length of boundary, although not necessarily the whole length of the boundary. (ii) For the purposes of these criteria, a neighbouring lot which contains a non-residential use or purpose-built...</td>
</tr>
<tr>
<td>Performance Criterion</td>
<td>Objective</td>
<td>Interpretation</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>(c) [... continued]</td>
<td></td>
<td>office development, but is separated from the proposed development site by a right-of-way, shall be deemed to be directly adjoining the development site provided that the portion of the right-of-way adjacent to the development site is identified by the local government in the relevant Local Planning Policy for possible future closure or is the subject of a current closure action.</td>
</tr>
<tr>
<td>(d) The site has a boundary to (the nominated street, streets, area or zone specified in the Performance Criterion). OR The site is situated within the area bounded by (the streets nominated in the Performance Criterion).</td>
<td>To promote slightly higher density development in the vicinity of certain shopping centres, regional recreation reserves, major roads and other streets selected according to their higher order function.</td>
<td>In Precinct 8 - Como Beach, the areas identified in: (i) Performance Criterion (iv) of dual coding R20/30; (ii) Performance Criterion (iii) of dual coding R30/40; and (iii) Performance Criterion (v) of dual coding R30/50; are respectively shown on the following locality plan:</td>
</tr>
</tbody>
</table>
### Schedule 3 - Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont’d)

<table>
<thead>
<tr>
<th>Performance Criterion</th>
<th>Objective</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area: (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current development approval for a greater number of dwellings than were originally constructed or currently exist on those lots.</td>
<td>To assist towards higher density redevelopment of remnant sites, where surrounding redevelopment has significantly changed the former Single House character of the relevant part of the focus area. In offering such assistance, this criterion acknowledges both the compatibility and equity of higher density development on the remnant sites.</td>
<td>(i) The local government deems that the former Single House character of the relevant area has sufficiently changed when 80% of the lots in question have been redeveloped to a higher density. (ii) The term ‘focus area’ means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting onto both sides of that section of the street. (iii) In the case of existing re-subdivisions in the focus area, no distinction is made between recent re-subdivisions and earlier re-subdivisions. The criterion only recognises approved subdivisions. (iv) In assessing whether or not 80% of the relevant lots have been redeveloped, corner lots shall be included irrespective of the orientation of dwellings situated thereon. Where an original corner lot has been subdivided, only the lot or lots with a boundary to the subject street, shall be included within the relevant area. (v) The term ‘redeveloped’ shall be deemed to include any lots for which a building licence has been issued and remains current, relating to proposed Grouped Dwellings or Multiple Dwellings.</td>
</tr>
<tr>
<td>(f) The site has boundaries to two or more public streets.</td>
<td>To give recognition to the advantage of such sites in terms of the ability to disperse vehicular access points, and to address each streetscape in a visually attractive manner.</td>
<td>N/A</td>
</tr>
<tr>
<td>(g) The site is situated north of Cale Street.</td>
<td>To assist towards protection of the predominantly low density character of the area south of Cale Street.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**NOTE:** Modified to align with Deemed Provisions and R-Codes. Amendment No. 54. [GG 12.1.2018] [Note added 12.1.2018]
### Design Quality Criteria

<table>
<thead>
<tr>
<th>Performance Criterion</th>
<th>Objective</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(h) All occupiers’ car parking is provided under cover, is situated no closer to any street than any wall of the main building, and is concealed from view from any street.</td>
<td>To achieve: (i) a higher standard of car parking facilities than normally required in terms of: (A) screening cars from view from streets or upper storeys of buildings; and (B) security and weather protection; and (ii) landscaped frontages on development sites.</td>
<td>N/A</td>
</tr>
<tr>
<td>(i) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes.</td>
<td>To reduce reliance upon streets for visitors’ parking in order to minimize congestion, safety hazards, and visual intrusion of vehicles on the streetscape.</td>
<td>N/A</td>
</tr>
<tr>
<td>(j) Outstanding landscaping is provided in accordance with the provisions of clause 6.14(1).</td>
<td>To ensure that higher density development within the Mill Point Precinct will be complemented by landscaping features of outstanding aesthetic appeal, the visual quality of which is substantially superior to the normal standard of landscaping in other precincts.</td>
<td>Refer to clause 6.14 (1).</td>
</tr>
<tr>
<td>(k) Car parking is provided in excess of the number of bays required by the R-Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.</td>
<td>To reduce reliance upon streets for occupiers’ parking in order to minimize congestion, safety hazards and visual intrusion of vehicles on the streetscape, while facilitating ease of accessing parking bays.</td>
<td>N/A</td>
</tr>
<tr>
<td>(l) The proposal involves the amalgamation of two or more lots.</td>
<td>To promote the consolidation of larger development sites which offer increased flexibility of building design and site planning.</td>
<td>The term ‘amalgamation’ of lots refers to the statutory process of combining two or more freehold titles into one title. Performance criterion (l) does not apply to lots created under the <em>Strata Titles Act, 1985</em>.</td>
</tr>
<tr>
<td>(m) The proposal incorporates retention of at least one appropriate tree.</td>
<td>While most trees offer environmental benefits in relation to solar screening, bird life habitat and air quality, this criterion particularly encourages the preservation of: (i) those trees which contribute significantly to the greening of the environment due to their prominence when viewed from either neighbouring streets or dwellings; and (continued…)</td>
<td>(i) The term ‘appropriate tree’ refers to a tree which, in the opinion of the local government having due regard to the findings of an Arboriculturalist as referred to in paragraph (iii) of this Interpretation, has all of the following attributes: (A) Contribution to streetscape or neighbouring area - a tree located in prominent view from neighbouring streets or dwellings.</td>
</tr>
</tbody>
</table>
### Performance Criterion

<table>
<thead>
<tr>
<th>Performance Criterion</th>
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<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(m) (continued…)</td>
<td>(ii) the more visually attractive trees; recognising that large and visually attractive trees give the City a character which is highly valued by its residents, and one which, in the short term, cannot easily be replaced if destroyed.</td>
<td>(B) Attractiveness - a tree which is visually pleasing and has not been insensitively pruned.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(C) Size - a tree at least 4 metres in height at the time the current application for development approval is submitted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(D) Appropriateness of species and location - a tree which will flourish to maturity without detriment to the tree or structural damage to any adjacent building, fence or paving, having regard to space available for roots and foliage canopy.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(E) Health and life expectancy - a tree in good health and which has more than 20 years to the end of its natural life expectancy.</td>
</tr>
<tr>
<td></td>
<td>(ii) A tree listed in the local government’s Significant Tree Register is deemed to be an ‘appropriate tree’ whether or not such listed tree has all of the attributes identified in paragraph (i) of this Interpretation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) To enable the local government to properly consider whether or not a tree has the necessary attributes referred to in paragraph (i), the applicant for development approval shall provide the local government with an Arboriculturalist’s report containing his findings as to whether or not the tree has all of the required attributes. Such report shall be based upon an assessment of proposed development plans which shall be made available to the Arboriculturalist by the applicant. That report shall also specify a minimum tolerable separation between the trunk of the tree under consideration and any building, fence or paving.</td>
<td></td>
</tr>
</tbody>
</table>
### Schedule 3 - Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont’d)

<table>
<thead>
<tr>
<th>Performance Criterion</th>
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</tr>
</thead>
<tbody>
<tr>
<td>(n) The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</td>
<td>To encourage exceptional quality and visually accessible landscaping of development sites thereby enhancing the attractiveness of the streetscape.</td>
<td>(i) The term ‘portion of the site forward of the proposed building and extending to the primary street boundary,’ means an area of land used exclusively for landscaping, having a minimum area of 50 square metres and a minimum dimension of 5.0 metres measured in any direction. (ii) The term ‘exceptional quality’ means landscaping of a standard which the local government considers to be exceptional, comprising the following: (A) reticulated planting including at least one tree with a minimum height of 3.0 metres when planted which, in the opinion of the local government, is likely to grow to a minimum height of 4.0 metres within 12 months; and (B) other decorative landscaping features. (iii) The area referred to in paragraph (i) of this interpretation, shall not: (A) be paved other than for the creation of a pedestrian access path; (B) be fenced above a height of 1.0 metre other than by way of open grille type material, extending to a maximum height of 1.8 metres, with the solid components between any supporting piers comprising no more than 20%. The remaining 80% of the space between piers shall be open so as to preserve a clear view of the landscaping and of the building façade; or (C) form part of a private courtyard of a dwelling.</td>
</tr>
</tbody>
</table>

| (o) The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. (continued…) | To preserve and enhance: (i) older houses which are visually attractive in their own right, recognising that such houses are valued by the community for the contribution that they make in terms of historical associations and preferred architectural character; and | (i) The term ‘retention’ means that the whole of the existing house or such major portion thereof as the local government may require, shall be retained. In some cases, the local government may require the demolition of portions of an existing house which detract from its otherwise aesthetically pleasing character. |
### Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont’d)

<table>
<thead>
<tr>
<th>Performance Criterion</th>
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<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(o) (…continued)</td>
<td>(ii) existing streetscapes which have retained their highly regarded original character.</td>
<td>(ii) The term ‘restoration’ means the carrying out of such improvements as the local government deems necessary to restore the exterior of the existing house to a standard equivalent to, or superior to, its standard at the time of original construction. (iii) The term ‘desired streetscape character’ means a streetscape, the character of which meets the stated objective of this criterion. (iv) The conclusion as to whether or not an existing Single House: (A) displays aesthetically pleasing individual character; or (B) makes a significant contribution to streetscape character; shall be determined according to the local government’s opinion, having regard to the stated objectives of this criterion.</td>
</tr>
</tbody>
</table>

(p) Car parking bays, for the exclusive use of occupiers, are provided in undercroft garaging and concealed from view from any street and from the Sir James Mitchell Park foreshore reserve. To achieve a higher standard of car parking facilities than normally required, in order to: (i) ensure minimal overspill into the streets; (ii) minimise the total amount of the site that is used for buildings and car parking, thus maximising the provision of open space; and (iii) enhance the visual amenity of the site from the street, from the reserve and for occupiers of the site. The minimum number of car bays is to be provided in addition to any bays provided for bicycles, motor bikes, caravans or other vehicles or objects.

(q) The development incorporates two unobstructed viewing corridors, providing a view for pedestrians on Jubilee Street and Weston Avenue across the development site to the Sir James Mitchell Park foreshore reserve. The viewing corridors are to meet the following requirements: (A) One corridor is to be located alongside the south-western boundary of the site and is to be not less than 6.0 metres in width at any point. (continued…) To encourage an enhanced streetscape and amenity by providing a visual link from the street to the Sir James Mitchell Park foreshore reserve, enhancing both the attractiveness of the streetscape and visual access to the reserve. The term ‘unobstructed’ means that the viewing corridors shall not contain any visual obstruction greater than 1.0 metre in height. A ‘visual obstruction’ includes a fence, bush, building, play equipment, or any other structure or thing which would impede the view, but does not include any part of the Port Jackson Fig tree (*Ficus rubiginosa*) which existed on the site on the date of publication of Amendment No. 19.
### Schedule 3 - Dual Density Codings: Performance Criteria for Determination of Applicable Coding (cont’d)

<table>
<thead>
<tr>
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</tr>
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<tbody>
<tr>
<td>(q) (…continued)</td>
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<td></td>
</tr>
<tr>
<td>(B) The other corridor is to provide a view through the central communal open space and is to be not less than 6.0 metres wide at any point other than at a single location towards the southern end of the site where the width may be reduced to not less than 5.0 metres.</td>
<td>To comply with the requirements of Swan River Trust policy and provide an opportunity for an appropriate landscape and visual buffer between the development and the foreshore.</td>
<td>A balcony extending into the setback area may be either cantilevered or supported by columns, provided that the ground beneath the balcony includes planting and landscaping that forms part of the required environmental and visual buffer.</td>
</tr>
<tr>
<td>(r) Buildings on the development site are set back an average distance of 10.0m with a minimum setback of 7.0 metres from the boundary with the Sir James Mitchell Park foreshore reserve, other than balconies which may extend not more than 2.0 metres into the setback area.</td>
<td>To achieve a higher standard of open space than normally required, in order to: (i) enhance the visual quality of the foreshore reserve, while also complementing the environmental objectives reflected in the treatment of the reserve, by means of compatible planting and ornamentation of the interface buffer strip on the development site; and (ii) protect the foreshore reserve from run-off from the development site by means of appropriate planting within a visually attractive buffer strip on the development site.</td>
<td>N/A</td>
</tr>
<tr>
<td>(s) The development incorporates landscaping which meets the following requirements: (A) a minimum of 60 percent of the site is to comprise open space; (B) a minimum of 1,500 square metres of communal open space is to be located towards the centre of the site and is to be visible from the Sir James Mitchell Park foreshore reserve; (C) the setback area extending along the foreshore reserve boundary is to contain predominantly local native trees and other significant local native planting compatible with the treatment and purpose of the reserve, to act as an environmental buffer and an attractive visual interface between the development site and the reserve;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Performance Criteria for Determination of Applicable Coding (cont’d)

<table>
<thead>
<tr>
<th>Performance Criterion</th>
<th>Objective</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(s) any sculpture located within the setback area extending along the foreshore reserve boundary is designed to complement the nature of the landscaping within that setback area and also to be compatible with the adjacent reserve.</td>
<td>(…continued)</td>
<td></td>
</tr>
<tr>
<td>(t) Each dwelling incorporates at least one balcony with a minimum area of 15.0 square metres and a minimum dimension of 3.0 metres. To encourage an exceptional quality of development and private open space for each dwelling, and to add to the attractiveness of the development when viewed from the foreshore reserve and the public street.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>(u) Building façades facing both the street and the Sir James Mitchell Park foreshore reserve incorporating a sufficient level of articulation and detail, with minimum lengths of blank walls, to ensure that the architectural design is of high quality. Balconies should not excessively dominate the elevation facing the reserve. To encourage an exceptional quality of architecture within the development, enhance the attractiveness of the streetscape, and ensure that any redevelopment of the site enhances and is compatible with the foreshore reserve.</td>
<td>The achievement of high quality architectural design is not limited to the measures referred to in the criterion. The applicant should also explore other appropriate design features, such as appropriate fenestration detailing and a variety of building materials (eg. glass, steel and rendered masonry).</td>
<td></td>
</tr>
<tr>
<td>(v) The proposal incorporates sustainable design measures in excess of those required by the Building Code of Australia. To encourage an exceptional quality of sustainable development.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>(w) The proposal comprises: (A) Multiple Dwellings; and (B) no more than 35 dwellings. To ensure that an appropriate form of development occurs and that the site is not overdeveloped.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>(x) The proposal is supported by an Impact Assessment Report prepared under clause 7.6, containing, in addition to an assessment of any other relevant matter listed in Deemed Provisions clause 67, the following: (A) an Urban Management Plan demonstrating: (continued…)</td>
<td>To ensure that a wide range of major issues are fully addressed in relation to urban water management, landscaping, soil contamination and access to the sewer.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont’d)

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>(x)</strong> (…continued)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) retention of all stormwater on site if possible, with any excess being discharged into the local government’s drainage system; and (2) use of water-sensitive urban design principles and best practice standards in the design of the development;</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>(B)</strong> a Landscape Management Plan adequately addressing the landscaping of the site, including, among other matters, all of the related performance criteria;</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>(C)</strong> an Acid Sulphate Soils Assessment and Management Plan and a Dewatering Management Plan demonstrating: (1) methods of disposal of dewatering waste on site and prevention of any discharge into the adjoining reserve or river; (2) protection against, or removal or replacement of, any acid sulphate soils encountered during excavation of the site; and (D) in the case of any realignment of the sewer to the foreshore reserve boundary, nominated alternative access routes for servicing the sewer, other than from the foreshore reserve so as to minimise any adverse impact upon the reserve.</td>
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</tr>
</tbody>
</table>
Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont’d)

NOTES:

1. Schedule 3.2 ‘Objectives and Interpretations of Performance Criteria’ - Criteria (p), (q), (r), (s), (t), (u), (v), (w) and (x) added by Amendment No. 18. (GG 9.7.2010) [Note added 14.7.2010]

Schedule 4
Karawara Redevelopment Area

Refer to Clause 4.3 (1)(e) and Schedule 1
Schedule 5
Minimum Dimensions of Car Parking Bays and Accessway

(Deleted)

NOTE ON SCHEDULE 5:
Deleted by Amendment No. 48 (GG 4.12.2015)  [Note added 4.12.2015]
Schedule 6
Form of Application for Planning Approval

(Deleted)

NOTE: Deleted to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Schedule 7
Notice of Public Advertisement of Application for Planning Approval

(Deleted)

NOTE: Deleted to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Schedule 8
Notice of Determination of Application for Planning Approval

(Deleted)

NOTE: Deleted to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
Schedule 9
Special Control Area SCA1 – South Perth Station Precinct

(Deleted)

NOTE: Deleted by Amendment No. 46  (GG 21.2.2017)  [Note added 21.2.2017]
Schedule 9A
Special Control Area SCA1 – South Perth Station Precinct

Provision 1  Objectives of Special Control Area 1

The objectives of the development controls for Special Control Area 1 – South Perth Station Precinct are to:

(a) promote:
   (i) a diverse range of land uses within the precinct to provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;
   (ii) more intensive non-residential land use in developments to ensure the precinct consolidates its role as an employment destination; and
   (iii) increased residential population;
(b) create a precinct that offers commercial office space, cafés, restaurants, hotels and tourist accommodation;
(c) preserve portions of the precinct for predominantly residential, retail and office uses, as appropriate, by the creation of sub-precincts;
(d) create a high quality inner-city urban character;
(e) promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents;
(f) allow buildings designed to maximise river and city views while maintaining view corridors;
(g) permit additional building height within the Special Design Area in return for meeting all relevant requirements of Table A and all Performance Criteria in Table B; and
(h) preserve and protect the integrity of heritage places within the precinct.

Provision 2  Land comprising Special Control Area 1

Special Control Area 1 – South Perth Station Precinct as delineated on the Scheme Map as SCA1, includes land adjacent to portions, or all, of the following streets: Bowman Street, Charles Street, Darley Street, Ferry Street, Frasers Lane, Hardy Street, Harper Terrace, Judd Street, Labouchere Road, Lyall Street, Melville Parade, Mends Street, Mill Point Road, Ray Street, Richardson Street, Scott Street, South Perth Esplanade, and Stone Street, but excludes the land bound by Mill Point Road, Labouchere Road and Mends Street.

NOTES ON SCHEDULE 9A :
1. Schedule 9A added by Amendment No. 46. (GG 21.2.2017)
   [Note 1 added 21.2.2017]
   [Note 2 added 12.1.2018]
Provision 3  Operation of Schedule 9A

(1) Comprehensive new development within Special Control Area 1 – South Perth Station Precinct shall comply with the development requirements in the first column of Table A of this Schedule, and all of the Performance Criteria in Design Consideration 1 'Design Quality' of Table B. No variation from those requirements is permissible unless the provisions of a particular development requirement provide the local government with a discretionary power to approve a variation from that requirement.

(2) The Guidance Statements in the second column of Table A explain the rationale for the development requirements in the first column; and guide the local government in the exercise of discretion, where applicable, when considering applications for development approval for comprehensive new development.

(3) In cases where the local government has discretionary power to approve a proposed variation from a particular development requirement in Table A, approval shall not be granted unless the proposed comprehensive new development satisfies the related Guidance statements.

(4) On sites within the Special Design Area where approval is sought for variations from Development Requirement 5.1, approval shall not be granted unless the proposed comprehensive new development satisfies the related Guidance Statements in Table A, and also complies with all Performance Criteria in Table B.

(5) Within Special Control Area 1 – South Perth Station Precinct:
   (a) the provisions of this Schedule do not apply to development in the form of alterations or additions of the following kinds:
      (i) additional habitable floor area which does not add new dwellings or provide space capable of accommodating additional people working in the non-residential portion of a building;
      (ii) renovations or repairs which do not increase the plot ratio area of the building;
      (iii) a non-habitable outbuilding;
      (iv) an open-sided addition;
      (v) any other non-habitable addition;
      (vi) modifications to the façade; or
      (vii) change of use.
   (b) For alterations or additions of the kinds referred to in paragraph (a) there is no maximum plot ratio within Special Control Area 1 – South Perth Station Precinct, but such alterations or additions are subject to all other relevant provisions of this Scheme.
Provision 4  Definitions

In this Schedule:

‘active street frontage’ means a street frontage on the ground floor of a building that enables direct visual and physical contact between the street and the interior of the building to ensure casual surveillance of the public domain. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

‘discretionary land use’ means a use which the local government may approve in the Sub-Precinct in which the use is proposed if it is satisfied that the use would not detract from the amenity of the Sub-Precinct and would satisfy the Sub-Precinct Guidance Statements for Elements 1 and 2 in Table A.

‘heritage place’ has the same meaning as the term ‘place’ in the Heritage of Western Australia Act 1990.

‘podium’ means the lower levels of a building, which are to have lesser setbacks than the upper levels as detailed in Element 7 and Element 8 of Table A of this Schedule.

‘preferred land use’ means a Use that is permitted in a Sub-Precinct where the Use is indicated in Elements 1 and 2 in Table A as being a preferred land use.

‘significant view’ means a panorama or a narrower vista seen from a given vantage point, not obtainable from the majority of residential properties within the City. Examples of a ‘significant view’ include views of the Perth City skyline, the Swan River, suburban townscape, parkland or treescape.

‘Small Shop’ means a shop with a gross floor area not exceeding 250 square metres. The term does not include a supermarket or department store.

‘Special Design Area’ means the area identified as a special design area on Plan 2 - Special Design Area forming part of this Schedule.
Table A: Development Requirements for Comprehensive New Development

<table>
<thead>
<tr>
<th>Development Requirements</th>
<th>Guidance Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Element 1: Land Uses – Preferred and Discretionary</strong></td>
<td></td>
</tr>
<tr>
<td><strong>1.1</strong> Mends Sub-Precinct</td>
<td></td>
</tr>
<tr>
<td>1.1.1 <strong>Preferred land uses:</strong> Cafe/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Mixed Development, Office, Service Industry, Shop, Small Shop, Tourist Accommodation; Aged or Dependent Persons' Dwelling, Grouped Dwelling, Multiple Dwelling, Residential Building and Single Bedroom Dwelling.</td>
<td>(a) It is intended that the South Perth Station Precinct is to consolidate its role as an employment destination.</td>
</tr>
<tr>
<td>1.1.2 <strong>Discretionary land uses:</strong> Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishments and Public Parking Station.</td>
<td>(b) In the Mends and Scott-Richardson Sub-Precincts, non-residential uses should predominantly comprise offices, shops and other commercial land uses, Educational Establishments and tourist-oriented development. Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees.</td>
</tr>
<tr>
<td><strong>1.2</strong> Scott-Richardson Sub-Precinct</td>
<td></td>
</tr>
<tr>
<td>1.2.1 <strong>Preferred land uses:</strong> Café/Restaurant, Mixed Development, Office, Service Industry, Take-Away Food Outlet, Tourist Accommodation, Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons’ Dwelling and Residential Building.</td>
<td></td>
</tr>
<tr>
<td>1.2.2 <strong>Discretionary land uses:</strong> Child Day Care Centre, Civic Use, community exhibition gallery, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre and Small Shop.</td>
<td></td>
</tr>
<tr>
<td><strong>1.3</strong> South Perth Esplanade Sub-Precinct</td>
<td></td>
</tr>
<tr>
<td><strong>Preferred land uses:</strong> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons’ Dwelling, Residential Building and Tourist Accommodation.</td>
<td>(c) <strong>Mends Sub-Precinct</strong> For the Mends Sub-Precinct, shops and other commercial uses are encouraged to retain Mends Street's traditional function as the main retail area in South Perth. Land uses with higher intensity visitation should be located on the ground floor, with non-residential land uses encouraged on the lower floors and residential on the upper floors.</td>
</tr>
<tr>
<td><strong>1.4</strong> Stone-Melville Sub-Precinct</td>
<td></td>
</tr>
<tr>
<td>1.4.1 <strong>Preferred land uses:</strong> Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons’ Dwelling, Residential Building.</td>
<td>(d) <strong>Scott-Richardson Sub-Precinct</strong> For the Scott-Richardson Sub-Precinct the traditional Office and small scale shops and other commercial uses are encouraged on the ground and lower floors with residential on the upper floors.</td>
</tr>
<tr>
<td>1.4.2 <strong>Discretionary land uses:</strong> Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development and Tourist Accommodation.</td>
<td>(e) <strong>South Perth Esplanade Sub-Precinct</strong> For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged.</td>
</tr>
<tr>
<td></td>
<td>(f) <strong>Stone-Melville Sub-Precinct</strong> For the Stone-Melville Sub-Precinct, land uses which preserve a residential character are encouraged, with limited commercial development.</td>
</tr>
</tbody>
</table>
### Development Requirements

<table>
<thead>
<tr>
<th>Development Requirements</th>
<th>Guidance Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.5 Uses not listed</strong></td>
<td>Any use not listed in Development Requirements 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use satisfies Element 1 Guidance Statements (a) and (b) and the related Guidance Statements for the relevant sub-precincts.</td>
</tr>
<tr>
<td><strong>1.6 Interaction of Elements 1 and 2</strong></td>
<td>With respect to ground floor uses, the provisions of ‘Element 2 Ground Floor Uses’ will prevail over the provisions of ‘Element 1 Land Use’ in the event of any inconsistency.</td>
</tr>
</tbody>
</table>

### Element 2: Ground Floor Land Uses – Preferred and Discretionary

<table>
<thead>
<tr>
<th>Sub-Precinct</th>
<th>Preferred ground floor land uses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mends Sub-Precinct</td>
<td>Cafe/Restaurant, Convenience Store, Hotel, Office, Service Industry, Shop, Small Shop, and Tourist Accommodation.</td>
</tr>
<tr>
<td>Scott-Richardson Sub-Precinct</td>
<td>Cafe/Restaurant, Office, Service Industry, Small Shop and Take-Away Food Outlet.</td>
</tr>
<tr>
<td>South Perth Esplanade Sub-Precinct</td>
<td>Grouped Dwelling, Multiple Dwelling, Aged or Dependent Persons’ Dwelling, Single Bedroom Dwelling, Residential Building and Tourist Accommodation.</td>
</tr>
<tr>
<td>Stone-Melville Sub-Precinct</td>
<td>Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons’ Dwelling, Residential Building, Cafe/Restaurant, Consulting Rooms, Local Shop, Mixed Development, and Tourist Accommodation.</td>
</tr>
</tbody>
</table>

(a) The ground floors of buildings are the most important in engendering interaction between the public and private realms. As such, for the Mends and Scott-Richardson Sub-Precincts, non-residential uses are expected at the ground floor level to enhance the public/private interface.

(b) Within Element 2 ‘Ground Floor Land Uses’, the sole purpose of designating uses as either ‘preferred’ or ‘discretionary’ is to indicate their appropriateness for location on the ground floor of a building. This does not indicate their appropriateness within a particular Sub-Precinct.

(To determine whether a land use is ‘preferred’ or ‘discretionary’ within a particular Sub-Precinct, refer to Element 1 of Table A.)
### Development Requirements

<table>
<thead>
<tr>
<th>Element 3: Plot Ratio and Land Use Proportions</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 There is no maximum plot ratio for any comprehensive new development within Special Control Area 1 – South Perth Station Precinct.</td>
</tr>
<tr>
<td>3.2 Within the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, all comprehensive new development shall have a non-residential component with a minimum plot ratio of 1.0.</td>
</tr>
<tr>
<td>3.3 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, where the total plot ratio of a Mixed Development is 3.0 or less, the plot ratio of the residential component shall not exceed 1.5.</td>
</tr>
<tr>
<td>3.4 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, on sites which are not in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, there is no maximum plot ratio for the residential component.</td>
</tr>
<tr>
<td>3.5 On sites in the Special Design Area where the total plot ratio of a Mixed Development is more than 3.0, the plot ratio of the non-residential component shall be not less than 1.0</td>
</tr>
<tr>
<td>3.6 The provisions of the R-Codes relating to dwelling size in activity centres shall apply.</td>
</tr>
<tr>
<td>3.7 For comprehensive new development that includes residential dwellings, the provisions of the R-Codes relating to ‘Utilities and Facilities’ in activity centres shall apply.</td>
</tr>
<tr>
<td>3.8 South Perth Esplanade and Stone-Melville Sub-Precincts</td>
</tr>
<tr>
<td>Development Requirements 3.2, 3.3 and 3.4 do not apply to the South Perth Esplanade Sub-Precinct and the Stone-Melville Sub-Precinct.</td>
</tr>
</tbody>
</table>

### Guidance Statements

(a) To meet potential occupiers’ diverse needs, all comprehensive new developments that include a residential component should provide a diversity of dwelling sizes and number of bedrooms, including Single Bedroom Dwellings.

(b) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.

<table>
<thead>
<tr>
<th>Element 4: Podium Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 The podium height shall be 9 metres minimum and 13.5 metres maximum.</td>
</tr>
<tr>
<td>4.2 For properties that contain or abut a heritage place, the podium height shall be a minimum of 7 metres and a maximum of 10.5 metres unless otherwise approved by the local government after giving due consideration to Element 13 of Table A of this Schedule.</td>
</tr>
</tbody>
</table>

(a) The scale of the podium is an important contributory factor to the character and perceived integrity of the street.

(b) Corner podium with architectural design features is encouraged.
Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A – Development Requirements for Comprehensive New Developments  (continued)

<table>
<thead>
<tr>
<th>Development Requirements</th>
<th>Guidance Statements</th>
</tr>
</thead>
</table>
| 4.3 On a corner site, in order to accommodate an architectural design feature, the local government may permit a variation from the maximum podium height prescribed in Development Requirement 4.1 where the podium satisfies Element 4 Guidance Statements (a) and (b). | (a) In general, the building height limits shown on Plan 3 ‘Building Heights’, coupled with unlimited total plot ratio, will facilitate achievement of the desired character of the South Perth Station Precinct as an urban place with a dynamic and vibrant inner-city atmosphere.  
(b) Within the Special Design Area comprising sites fronting the more prominent streets, it is appropriate to allow higher buildings provided the Performance Criteria in Table B are met. |

Element 5: Building Height

5.1 With the exception of any variations that the local government may approve under Element 6 ‘Special Design Area’, comprehensive new development shall comply with the building height limits shown on Plan 3 ‘Building Heights’.  

(a) In general, the building height limits shown on Plan 3 ‘Building Heights’, coupled with unlimited total plot ratio, will facilitate achievement of the desired character of the South Perth Station Precinct as an urban place with a dynamic and vibrant inner-city atmosphere.  
(b) Within the Special Design Area comprising sites fronting the more prominent streets, it is appropriate to allow higher buildings provided the Performance Criteria in Table B are met.

Element 6: Special Design Area

6.1 In the case of a comprehensive new development in the Special Design Area with a plot ratio of more than 3.0, the local government may, subject to all of the provisions of Element 6, approve a variation from the Building Height Limits shown on Plan 3, provided that the development site has an area of not less than 1,700 sq. metres and a frontage of not less than 25 metres, unless otherwise approved by the local government.  

(a) For a site to be eligible for approval of a building height variation, a minimum lot area and frontage is prescribed. However, where under-sized lots cannot be amalgamated with adjoining lots, the local government may support the under-sized lot area and frontage if the local government considers the variation to be minor.  
(b) The lots comprising the Special Design Area have been included in this area because they front onto streets which have a high degree of visibility, either by virtue of their open aspect or proximity to high volumes of vehicle or pedestrian traffic. These streets offer the potential for higher buildings with a stronger visual presence than buildings in other streets. In return for this greater development potential, buildings need to demonstrate exceptional design quality, and meet a range of other Performance Criteria.
Table A – Development Requirements for Comprehensive New Developments (continued)

<table>
<thead>
<tr>
<th>Development Requirements</th>
<th>Guidance Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) Table B contains a range of performance criteria aimed at promoting energy-efficient developments of exceptional, sensitive and sophisticated design quality and offering additional occupier and community benefits, among other design considerations. Subject to satisfying all of the Performance Criteria, on sites of sufficient area and frontage in the Special Design Area building height variations may be allowed to the limits specified in the development requirements.</td>
<td></td>
</tr>
</tbody>
</table>

Element 7: Relationship to the Street

7.1 The street setbacks apply to both residential and non-residential components of buildings.

7.2 Subject to Development Requirement 7.5.1, with the exception of comprehensive new development on sites fronting the streets referred to in Development Requirements 7.3, 7.4 and 7.5, all comprehensive new development shall incorporate a podium with a nil street setback. For comprehensive new development on sites fronting the streets referred to in Development Requirements 7.3, 7.4 and 7.5, inclusion of a podium is optional.

7.3 For properties abutting the following streets, the street setback for any part of the building including the podium, if any, shall be not less than 4 metres:

(a) Darley Street;
(b) Ferry Street;
(c) Frasers Lane;
(d) Judd Street, north side;
(e) Melville Parade, north of Judd Street;
(f) Mill Point Road, west side between Judd Street and Scott Street, and east side between Harper Terrace and Frasers Lane;
(g) Ray Street;
(h) Scott Street; and
(i) Stone Street.

7.4 Subject to Development Requirement 7.6.1(a)(ii), for properties abutting the following streets, the street setback for any part of the building including the podium, if any, shall be not less than 2.0 metres:

(a) Bowman Street, except those lots in the Special Design Area;

(a) With the exception of sites fronting on to the streets listed in Development Requirements 7.3, 7.4 and 7.5, to achieve a high degree of continuity of the street edge, a portion of the width of the street façade of the podium should normally abut the street boundary, with the levels above the podium being set back in accordance with Element 8 ‘Side and Rear Setbacks’. However, the local government may approve a lesser portion of the street frontage having a zero street setback if design techniques are employed which visually maintain the continuity of the street edge.

(b) It is intended that the streets listed in Development Requirements 7.3, 7.4 and 7.5, will retain a different character from other streets in the precinct for various reasons, including being on the perimeter and facing developments with required significant street setbacks, being of narrow width, or containing significant street trees.

(c) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street.

(d) The extent of blank or solid wall at ground level adjacent to the street should be minimised.
### Development Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
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</thead>
<tbody>
<tr>
<td>(b) Charles Street, except those lots in the Special Design Area; and</td>
</tr>
<tr>
<td>(c) Hardy Street, except those lots in the Special Design Area.</td>
</tr>
</tbody>
</table>

### Guidance Statements

<table>
<thead>
<tr>
<th>Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths.</td>
</tr>
<tr>
<td>(f) Where cafés or restaurants are proposed, alfresco dining is encouraged.</td>
</tr>
</tbody>
</table>

### South Perth Esplanade Sub-Precinct

7.5.1 For any part of the building including the podium, if any, the setback from South Perth Esplanade shall be not less than 6 metres.

### Scott-Richardson and Mends Sub-Precincts

7.6.1 The following requirements apply unless otherwise approved where the proposed comprehensive new development satisfies the applicable Guidance Statements:

(a) (i) Where the local government is satisfied that a podium with a zero street setback would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback is required for not less than 50% of the frontage of the development site unless the development satisfies Element 7 Guidance Statement (a). A zero setback is not permitted for more than 60% of the frontage of the development site; and

(ii) where there is no prospect of imminent redevelopment of an adjoining site due to the contemporary nature of the existing building and its high monetary value in relation to the current land value, and the local government is of the opinion that a podium with a street setback of less than 4.0 metres would adversely affect the amenity of the adjoining property, the local government shall specify:

(A) for a lot where a 2.0 metre minimum street setback applies; and

(B) for a lot where a zero street setback applies –

(I) the maximum percentage of the lot frontage that may have a 2.0 metre or zero street setback, as applicable to that lot;

(II) the positioning of the portion of the building with a 2.0 metre or zero street setback, as applicable to that lot; and
<table>
<thead>
<tr>
<th>Development Requirements</th>
<th>Guidance Statements</th>
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</thead>
<tbody>
<tr>
<td>(III) The required greater setback for the balance of the building. A minimum setback of two-thirds of the setback of the adjoining building to a maximum of 4.0 metres shall be required.</td>
<td></td>
</tr>
<tr>
<td>(b) Ground floor street façades shall comprise at least one pedestrian entrance and a minimum of 60% clear glass with a maximum sill height of 450mm above the adjacent footpath level. No obscure screening is permitted higher than 1.2 metres above the adjacent footpath level, unless the development satisfies Element 7 Guidance Statements (c), (d), (e) and (f).</td>
<td></td>
</tr>
<tr>
<td>(c) Portions of ground floor street façades with no openings shall not exceed 5 metres in length, unless the development satisfies Element 7 Guidance Statements (c), (d), (e) and (f).</td>
<td></td>
</tr>
<tr>
<td>7.6.2 For the portion of the building above the podium, the setback from the street to the main external wall of a building shall be a minimum of 4.0 metres.</td>
<td></td>
</tr>
<tr>
<td>7.6.3 The local government may grant approval for cantilevered balconies or decorative elements to be set back a minimum of 3.0 metres from the street boundary of the development site, provided that:</td>
<td></td>
</tr>
<tr>
<td>(a) Strong visual differentiation is maintained between the podium and the portion of the building above it;</td>
<td></td>
</tr>
<tr>
<td>(b) The perceived scale of the building does not dominate public space;</td>
<td></td>
</tr>
<tr>
<td>(c) The projecting elements have sufficient design merit and visual interest; and</td>
<td></td>
</tr>
<tr>
<td>(d) Solar access to the public footpath is not adversely affected.</td>
<td></td>
</tr>
<tr>
<td>7.6.4 The design of the building is to demonstrate that the podium and the portion of the building above it are visually compatible in terms of construction materials and design features.</td>
<td></td>
</tr>
</tbody>
</table>

**Element 8: Side and Rear Setbacks**

| 8.1 (a) Where the local government is satisfied that a podium with a zero setback from a side or rear boundary would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback from the side or rear boundary is required unless the development satisfies Element 8 Guidance Statement (a); and | (a) The podium levels of buildings will normally be required to have zero side setback to ensure a high degree of continuity of the street edge. However, the local government may approve a greater side setback if such setback is: |
Schedule 9A – Special Control Area 1 – South Perth Station Precinct  
Table A – Development Requirements for Comprehensive New Developments  (continued)

<table>
<thead>
<tr>
<th>Development Requirements</th>
<th>Guidance Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) where there is no prospect of imminent redevelopment of an adjoining site due to the contemporary nature of the existing building and its high monetary value in relation to the current land value, and the local government is of the opinion that a setback of less than 3.0 metres from a side or rear boundary would adversely affect the amenity of the adjoining property in any manner including, but not limited to, obstruction of light and solar penetration or prevention of adequate ventilation between buildings, the local government shall specify:</td>
<td></td>
</tr>
</tbody>
</table>

  (i) the portion of the building that is required to have a greater setback from the side or rear boundary; and

  (ii) the required greater setback for that portion of the building, which shall be:

  (A) a minimum of 2.0 metres, when the podium height is not more than 9.0 metres; and

  (B) a minimum of 3.0 metres, when the podium height is greater than 9.0 metres.

No balcony shall protrude into the required minimum setback area.

8.2 Subject to Development Requirement 8.4, for both residential and non-residential components of a building, podium walls may have a zero setback from the rear boundary.

8.3 Subject to Development Requirement 8.4, for the portion of a building above the podium, or where there is no podium on sites fronting streets referred to in Development Requirement 7.3 of Element 7, the setbacks from side and rear boundaries shall be:

  (a) For non-residential components: 3 metres minimum.

  (b) For residential components: Not less than the setbacks prescribed in Table 5 of the R-Codes which shall apply to both side and rear boundaries.

8.4 In the case of comprehensive new development on a site comprising or adjoining a heritage place, the minimum setbacks from the side and rear boundaries shall be as determined by the local government. The local government may require greater setbacks than those specified in Development Requirement 8.2, having regard to the preservation of the visual significance and integrity of the heritage place.
### Development Requirements: Parking

<table>
<thead>
<tr>
<th>Element 9: Parking</th>
<th>Guidance Statements</th>
</tr>
</thead>
</table>
| 9.1 Subject to Development Requirement 9.2, the minimum required on-site parking bays shall be as follows:  
  (a) For residential uses –  
    (i) 0.75 car bays per dwelling for occupiers of Single Bedroom Dwellings;  
    (ii) 1 car bay per dwelling for occupiers of dwellings other than Single Bedroom Dwellings;  
    (iii) 1 additional car bay per 6 dwellings for visitors;  
    (iv) in addition to the required car bays, 1 bicycle bay per 3 dwellings; and 1 bicycle bay per 10 dwellings for visitors, designed in accordance with AS2890.3 (as amended).  
  (b) For non-residential Uses –  
    (i) 0.5 car bays per Tourist Accommodation suite;  
    (ii) 1 car bay per 50 square metres of gross floor area for uses other than Tourist Accommodation;  
    (iii) 10%, or 2, of the total number of required car bays, whichever is the greater, marked for the exclusive use of visitors;  
    (iv) in addition to the required car bays, for staff use, 1 bicycle bay per 200 square metres of gross floor area designed in accordance with AS2890.3 (as amended); together with 1 secure clothes locker per bay; and 1 male and 1 female shower per 10 bays.  | (a) In an urban area with excellent public transport and a highly walkable environment, there is a strong rationale not to apply the high levels of parking provision associated with suburban environments.  
(b) Having regard to the reduced parking requirements within the South Perth Station Precinct, no parking concessions are allowed except where a proposed comprehensive new development includes more than one non-residential use and those uses have different periods of peak parking demand.  
(c) On-site visitor parking bays need to be provided in a conveniently accessible location without obstructing entry to, or egress from, occupiers’ parking bays. |
| 9.2 Notwithstanding Development Requirement 9.1 (b), for comprehensive new development consisting only of 2 or more non-residential uses, the local government may approve a lesser number of car or bicycle bays where it is demonstrated that the proposed number of bays is sufficient, having regard to different periods of peak parking demand for proposed non-residential land uses on the development site.  | |
| 9.3 All visitor parking bays shall be:  
  (a) marked and clearly signposted as dedicated for visitor use only;  
  (b) connected to an accessible path of travel for people with disabilities.  | |
### Development Requirements

<table>
<thead>
<tr>
<th>Development Requirements</th>
<th>Guidance Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.4 Subject to Development Requirement 9.5, all visitor parking bays shall be located close to, or visible from, the point of vehicular entry to the development site and outside any security barrier.</td>
<td></td>
</tr>
<tr>
<td>9.5 Notwithstanding Development Requirement 9.4, visitor parking bays may be placed:</td>
<td></td>
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<tr>
<td>(a) elsewhere on the development site if the proposed location of those bays would be more convenient for visitors; and</td>
<td></td>
</tr>
<tr>
<td>(b) inside a security barrier where:</td>
<td></td>
</tr>
<tr>
<td>(i) two of the visitor bays are provided outside the security barrier unless otherwise approved where Guidance Statement (c) is satisfied; and</td>
<td></td>
</tr>
<tr>
<td>(ii) visitors have convenient access to an electronic communication system linked to each occupier of the building.</td>
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</tr>
<tr>
<td>9.6 Other than parking bays for visitors or commercial deliveries, all car bays are to be provided in a basement, or within the building behind residential or non-residential floor space, or outside the building provided that such bays are concealed from view from the street.</td>
<td></td>
</tr>
</tbody>
</table>

### Element 10: Canopies

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>10.1 Where a building abuts the street boundary, a cantilevered canopy shall be provided over the street footpath. The projection depth of the canopy shall be 2.5 metres, subject to a clearance distance of not less than 2.5 metres being provided from the face of the road kerb to the canopy.</td>
</tr>
</tbody>
</table>

### Element 11: Vehicle Crossovers

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>11.1 Only one vehicle crossover per lot per street is permitted.</td>
</tr>
<tr>
<td>11.2 Two-way crossovers to a maximum width of 6 metres are permitted for parking areas containing 30 car bays and parking areas predominantly providing for short-term parking.</td>
</tr>
<tr>
<td>11.3 For both the residential and non-residential components of a building, the ‘deemed-to-comply’ provisions of the R-Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply.</td>
</tr>
<tr>
<td>11.4 Mends Sub-Precinct</td>
</tr>
</tbody>
</table>
Element 12: Landscaping and Outdoor Living Areas

12.1 Where landscaping is proposed, a landscaping plan satisfying Guidance Statement (a) shall be submitted as part of the application for development approval.

12.2 For comprehensive new development that includes residential dwellings, the provisions of the R-Codes relating to outdoor living areas in activity centres shall apply.

12.3 All residential dwellings shall be provided with a balcony or equivalent outdoor living area with a minimum area of 10 sq. metres and a minimum dimension of 2.4 metres, accessed directly from a habitable room.

(a) Where a street setback is provided, landscaping in the setback area should be based on water-sensitive design principles, minimise water consumption and maximise retention and re-use of water and have due consideration to Element 14 ‘Designing Out Crime’.

Element 13: Heritage

13.1 In the case of a comprehensive new development involving additions or alterations to a heritage place, or on a site containing or adjoining a heritage place, the application for development approval shall be accompanied by a heritage impact statement justifying the appropriateness of the built form of the comprehensive new development, including specific reference to the impact of the proposed podium height and overall building height.

13.2 In the case of a comprehensive new development involving additions or alterations to a heritage place, the proposed development shall retain, re-use and maintain the integrity of the existing heritage place.

13.3 The siting and design of any building on a site adjoining a heritage place shall respect the visual significance and integrity and not overwhelm or adversely affect the heritage place having regard to the design, size, scale, setbacks and proportion of the proposed building, particularly as viewed from the street.

(a) The precinct contains a number of places which are recognised for their heritage value. The streetscape character in the near vicinity is influenced by the scale and form of these heritage places.

(b) Any development on a site containing or adjoining a heritage place should respect the scale of that heritage place, particularly as viewed from the street.

(c) Any new development on or adjoining a site containing a heritage place should be located so as to ensure that the character of the heritage place is not adversely affected.

(d) New development should be complementary to and supportive of the heritage places without copying or mimicking them.
### Element 14: Designing Out Crime

14.1 Primary pedestrian access points shall be visible from buildings and the street.

14.2 Comprehensive new developments shall, when relevant, incorporate illumination in accordance with the following Australian Standards:
- (a) AS 1680 regarding safe movement;
- (b) AS 1158 regarding lighting of roads and public spaces; and
- (c) AS 4282 Control of obtrusive effects of outdoor lighting.

14.3 Storage areas shall be sited in a location that will not facilitate access to upper level windows and balconies.

14.4 Public and Private areas shall be differentiated by the use of differing materials.

14.5 Any fence on the perimeter of the public realm shall be:
- (a) no higher than 0.9 metres; or
- (b) no higher than 1.5 metres provided that the portion above 0.9 metres comprises open grille panels between piers with the solid portions comprising not more than 20% of its face in aggregate.

14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the device satisfies Guidance Statement (a).

### Element 15: Road and Rail Transport Noise

15.1 On sites having a frontage to Melville Parade or other streets as determined by the local government, in the case of an application for development approval for comprehensive new development containing noise sensitive land uses:
- (a) a noise assessment shall be undertaken and the findings shall be submitted to the local government with the application;
- (b) if required by the local government, the application shall include a noise management plan;
- (c) the noise assessment and noise management plan shall be prepared in accordance with Western Australian Planning Commission’s State Planning Policy 5.4 ‘Road and Rail Transport Noise and Freight Consideration in Land Use Planning’;
- (d) where noise limits referred to in State Planning Policy 5.4 are likely to be exceeded, the solution identified in the noise management plan shall be detailed and justified.

(a) Comprehensive new development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.
### Table B: Performance Criteria

Note: Refer to clause (1) of Provision 3 ‘Operation of Schedule 9A’, and to Development Requirements and Guidance Statements for Element 6 ‘Special Design Area’ within Table A ‘Development Requirements for Comprehensive New Development’.

| Performance Criteria                                                                                                                                                                                                 |
|---|---|
| **1. Design Quality** | (a) In the opinion of the local government or other responsible authority, the architectural design of the proposed building is exemplary, sensitive and sophisticated, contributing to the high quality of the inner urban environment being promoted within the Precinct.  
(b) In arriving at an opinion referred to in (a), the local government or other responsible authority, shall:  
(i) have due regard to the advice of its nominated Design Review Panel or any other suitably qualified consultants appointed for the purpose of advising on building design;  
(ii) be satisfied that the proposed building -  
(A) exhibits exemplary levels of architectural design quality, as defined by any policy or guideline of the Western Australian Planning Commission relating to architectural design quality;  
(B) delivers a high level of amenity within the public realm by:  
(I) being of a scale along the street alignment which is conducive to creating a comfortable pedestrian environment;  
(II) allowing for appropriate levels of sunlight penetration into key pedestrian and public spaces;  
(III) minimising adverse wind impacts; and  
(IV) minimising impact on adjoining properties, maximising space between existing and potential future development on adjoining sites and contributing to an attractive skyline and outlook from the public realm within the South Perth Station Precinct and surrounding vantage points; and  
(C) delivers a high level of amenity within buildings by providing for appropriate natural light access, natural ventilation, privacy and outlook; and  
(iii) be satisfied that the Design Review Panel has had due regard to all relevant Development Requirements and Guidance Statements in Table A that apply to the precinct. |
| **2. Overshadowing** | Shadow diagrams at noon on 21 June, are to be submitted demonstrating that the shadow cast by the portion of the proposed building above the Building Height Limit, does not cover more than 80 percent of any adjoining lot. |
### Schedule 9A – Special Control Area 1 – South Perth Station Precinct

#### Table B – Performance Criteria (continued)

<table>
<thead>
<tr>
<th>Design Consideration</th>
<th>Performance Criteria</th>
</tr>
</thead>
</table>
| **3. Vehicle Management** | A traffic engineer is to conduct a study of the additional traffic resulting from a building height variation above the height limit shown on Plan 3 ‘Building Heights’ in Schedule 9A. The study is to assess the impact on traffic flow and safety, taking into account the cumulative effect of additional floor space above the Building Height Limit in:  
(a) the proposed building; and  
(b) all other buildings in SCA1 for which a building height variation has been granted, and a building permit has been issued, whether or not construction has been completed.  
A report on the findings of the traffic study is to be submitted with the development application verifying, to the satisfaction of the local government, that the cumulative increase in traffic resulting from the increased building height relating to buildings referred to in paragraphs (a) and (b) will not have significant adverse impacts on traffic flow and safety. |
| **4. Car Parking** | The maximum permissible number of on-site parking bays for residential uses is as follows:  
(a) 1 car bay per dwelling for occupiers of 1 and 2 bedroom dwellings;  
(b) 2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms. |
| **5. Sustainability** | In order to demonstrate excellence in sustainable development, the building is to achieve a 5-star rating under the relevant Green Star rating tool, or equivalent rating tool. |
| **6. Electric Car Charging Station** | An electric car charging station with capacity to recharge 6 vehicles simultaneously. |
| **7. Landscaped Area** | Landscaped area comprising not less than 40% of the area of the development site. Components of the landscaped area may include ground level landscaping, planting on walls, landscaping on the roof of the podium, rooftop terraces or gardens. |
| **8. Benefits for Occupiers and Local and Wider Communities** | **Occuier Benefits**  
(a) Each dwelling incorporates at least one balcony with a minimum floor area of 15 sq. metres and a minimum dimension of 3.0 metres not including any planter box constructed as part of the balcony, and at least 50% of dwellings having access to at least 2 hours of sunlight on 21 June.  
(b) A minimum of 10% of the residential units, rounded up to the next whole number of dwellings, are to have an internal floor area of 200 sq. metres or more.  
(c) The parking bays allocated to a minimum of 20% of the total number of dwellings, rounded up to the next whole number of dwellings, shall be not less than 6.0 metres in length and 3.8 metres in width. In addition, those dwellings are to incorporate the following core elements, designed to the ‘Silver Level’ of the ‘Liveable Housing Design Guidelines’ produced by Liveable Housing Australia:  
(i) a safe, continuous and step-free path of travel from the street entrance and / or parking area to a dwelling entrance that is level;  
(ii) at least one step-free, level entrance into the dwelling;  
(iii) internal doors and corridors that facilitate unimpeded movement between spaces; |
### Design Consideration

<table>
<thead>
<tr>
<th>Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iv) a universally accessible toilet on the ground or entry level;</td>
</tr>
<tr>
<td>(v) a bathroom which contains a step-free shower recess;</td>
</tr>
<tr>
<td>(vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and</td>
</tr>
<tr>
<td>(vii) a continuous handrail on one side of any stairway where there is a rise of more than 1 metre.</td>
</tr>
<tr>
<td>(d) At least 50% of the dwellings are to be designed to provide:</td>
</tr>
<tr>
<td>(i) effective natural cross-ventilation; and</td>
</tr>
<tr>
<td>(ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building.</td>
</tr>
</tbody>
</table>

#### Local Community Benefits

- Viewing corridors to enable as many as possible of the occupiers of neighbouring buildings to retain significant views.
- One or more facilities such as a meeting room, boardroom, lecture theatre, function room, available for use by external community groups or individuals, or external businesses.
- Public access to the building, terraces or gardens at ground level, or on the roof of the podium or tower, for leisure, recreational or cultural activities such as, among others:
  - Café/Restaurant;
  - Cinema/Theatre;
  - Gymnasium;
  - A dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or
  - an outdoor area designed for public entertainment performances.

#### Wider Community Benefits

- A commercial use with wider community benefits such as Child Day Care Centre, after school care centre, Consulting Rooms, Educational Establishment, or other use having wider community benefits.
- Visiting cyclists’ end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers, for use by visitors to the proposed building.

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**NOTE:**
Title and preamble note corrected. (GG 3.3.2017) [Note added 3.3.2017]
Schedule 9A – Special Control Area 1 – South Perth Station Precinct (continued)

LEGEND

- Special Design Area
- Special Control Area Boundary

Schedule 9A
PLAN 2
SPECIAL DESIGN AREA
Schedule 9A – Special Control Area 1 – South Perth Station Precinct (continued)
## Schedule 10

### Development Contribution Plans

Refer to Clause 10.1

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description of Land</th>
<th>Development Contribution Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCA1</td>
<td>South Perth Station Precinct as delineated on the Scheme Map including portions or all of the following streets: Bowman Street, Charles Street, Darley Street, Ferry Street, Frasers Lane, Hardy Street, Harper Terrace, Judd Street, Labouchere Road, Lyall Street, Melville Parade, Mends Street, Mill Point Road, Ray Street, Richardson Street, Scott Street, South Perth Esplanade, and Stone Street.</td>
<td>A Development Contribution Plan for this area is to be prepared in accordance with clause 10.2.</td>
</tr>
<tr>
<td>DCA2</td>
<td>Canning Bridge Activity Centre as delineated on the Scheme Maps, including portions or all of the following streets: Baldwin Street, Cale Street, Canning Highway, Canning Parade, Cassey Street, Clydesdale Street, Dalmatia Place, Davilak Street, Davilak Crescent, Edgecumbe Street, Gentili Way, Henley Street, Kwinana Freeway, Leonora Street, Ley Street, Lily Lane, Lockhart Street, Manning Road, Mary Street, McDougall Street, Melville Parade, Park Street, Paterson Street, Philp Avenue, Robert Street, Tulip Lane and Wooltana Street.</td>
<td>A development contribution plan for this area is to be prepared in accordance with clause 10.2.</td>
</tr>
</tbody>
</table>

**NOTES ON SCHEDULE 10:**

1. Schedule 10 and DCA1 added by Amendment No. 25 (GG 18.1.2013) [Note 1 added 18.1.2013]
2. DCA2 added by Amendment No. 47 (GG 10.2.2017) [Note 2 added 10.2.2017]
Schedule 11
Statutory Static Feasibility Assessment Model

Refer to Clause 10.2 (12)

<table>
<thead>
<tr>
<th>Description</th>
<th>Formula</th>
<th>Expression</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gross realisation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net lot yield @ average market value per lot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“X” lots @ &quot;$Y&quot; per lot</td>
<td></td>
<td>$ (1)</td>
</tr>
<tr>
<td><strong>Less GST @ standard / normal rates</strong></td>
<td>(1) Multiplied by GST rate / (100 + GST rate)</td>
<td>$ (2)</td>
</tr>
<tr>
<td>((1) – (2))</td>
<td></td>
<td>$ (3)</td>
</tr>
<tr>
<td><strong>Less selling, marketing, advertising and settlement fees</strong></td>
<td>@ market % multiplied by (1)</td>
<td>$ (4)</td>
</tr>
<tr>
<td>Add back Input Tax Credit on selling fees</td>
<td>(4) Multiplied by GST rate / (100 + GST rate)</td>
<td>$ (5)</td>
</tr>
<tr>
<td>((4) – (5))</td>
<td></td>
<td>$ (6)</td>
</tr>
<tr>
<td>Balance after selling costs etc and Input Tax Credit ((3) – (6))</td>
<td></td>
<td>$ (7)</td>
</tr>
<tr>
<td><strong>Less adjusted profit and risk allowance as per SPP 3.6</strong></td>
<td>Market determined profit and risk allowance %</td>
<td></td>
</tr>
<tr>
<td>Less fixed profit allowance as per SPP3.6</td>
<td>10 %</td>
<td></td>
</tr>
<tr>
<td>Risk rate applied ((8) – (9))</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td><strong>EXPLANATION:</strong> (10) to be expressed as a whole number eg 15% = 15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ie Risk = (7) multiplied by (10) / (10) + 100</td>
<td></td>
<td>$ (11)</td>
</tr>
<tr>
<td>Balance after profit and risk factor ((7) – (11))</td>
<td></td>
<td>$ (12)</td>
</tr>
<tr>
<td><strong>Less development costs @ “X” lots multiplied by “$Z” per lot</strong></td>
<td></td>
<td>$ (13)</td>
</tr>
<tr>
<td>Add back Input Tax Credit on (13)</td>
<td>(13) Multiplied by GST rate / (100 + GST rate)</td>
<td>$ (14)</td>
</tr>
<tr>
<td>Development cost after Input Tax Credit ((13) – (14))</td>
<td></td>
<td>$ (15)</td>
</tr>
<tr>
<td><strong>Add interest on net development costs (15)</strong></td>
<td>For 1/2 development and 1/2 selling term</td>
<td></td>
</tr>
<tr>
<td>@ Applicable market rates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(15) Multiplied by % rate</td>
<td></td>
<td>$ (16)</td>
</tr>
<tr>
<td>((15) + (16))</td>
<td></td>
<td>$ (17)</td>
</tr>
<tr>
<td>Balance after deduction of development costs and interest ((12) – (17))</td>
<td></td>
<td>$ (18)</td>
</tr>
<tr>
<td><strong>Less interest on land value, rates and taxes and stamp duty</strong></td>
<td>Assessed over 1/2 development and 1/2 selling term</td>
<td></td>
</tr>
<tr>
<td>@ Applicable market rates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(18) Multiplied by (% rate / 100 + % rate)</td>
<td></td>
<td>$ (19)</td>
</tr>
<tr>
<td>Balance after interest on the land ((18) – (19))</td>
<td></td>
<td>$ (20)</td>
</tr>
<tr>
<td><strong>Less rates and taxes</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance after rates and taxes ((20) – (21))</td>
<td></td>
<td>$ (21)</td>
</tr>
<tr>
<td><strong>Less Stamp Duty @ current statutory rates</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(22) Multiplied by stamp duty rate / (100 + stamp duty rate)</td>
<td></td>
<td>$ (23)</td>
</tr>
<tr>
<td>Residual Land Value prior to GST considerations ((22) – (23))</td>
<td></td>
<td>$ (24)</td>
</tr>
<tr>
<td><strong>Add GST</strong> (24) + GST at prevailing statutory rate</td>
<td></td>
<td>$ (25)</td>
</tr>
<tr>
<td><strong>ASSESSED STATUTORY CONTRIBUTION AS PER SPP 3.6 ((22) + (23))</strong></td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>
Schedule 11 - Statutory Static Feasibility Assessment Model (cont'd)

NOTES ON SCHEDULE 11 - STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL

1. The Static Feasibility Model is based upon:
   (i) The number of lots yielded from the land will have a gross sale price which, when multiplied by the number of lots created, establishes the Gross Realisation (i).
   (ii) GST will be calculated by the standard/normal method.
   (iii) Selling, marketing, advertising and settlement fees expressed as a percentage shall be added and then expressed as a total percentage against the gross realisation.
   (iv) The adjusted risk component applied in the model is the established market profit and risk at the date of valuation less the fixed 10 per cent profit applied in SPP 3.6.
   (v) Development costs will be established as an appropriate servicing cost per lot at the date of valuation, multiplied by the lots realised from the land.
   (vi) Interest against the development costs will be established by the application of bank lending rates for such projects at the date of valuation.
   (vii) Interest against the land in development will be established by the application of bank lending rates for such development acquisitions at the date of valuation.
   (viii) Rates and taxes will be applied for the full term of acquisition, development and sale.
   (ix) Stamp Duty will be applied at the statutory rate as applicable at the date of valuation.
   (x) GST will be applied at the appropriate rate adopted at the date of valuation.

2. The formatting and presentation of Schedule 11 has been enhanced to facilitate its use and understanding. For the formatting of this Schedule approved by the Minister for Planning, refer to Government Gazette No. 6 dated 18 January 2013.

Notes 1 and 2 added by Amendment No. 25 (GG 18.1.2013) [Note added 18.1.2013]
Schedule 12
Centre Zone

Refer to Clauses 6.3 and 6.4

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Land</th>
<th>Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan</th>
</tr>
</thead>
</table>
| 1.  | Canning Bridge Activity Centre Plan area (WAPC ref SPN-0754) | For development in the Canning Bridge Activity Centre:  
(a) the car parking ratio for this development shall be as prescribed by the relevant provisions in the approved structure plan; and  
(b) requirements relating to bicycle parking and end-of-trip facilities shall be as prescribed by the relevant provisions in the approved structure plan. |

**NOTE ON SCHEDULE 12:**
1. Schedule 12 added by Amendment No. 47 (GG 10.2.2017) [Note 1 added 10.2.2017]
Schedule 13
Special Control Area 2 – Civic Site

Provision 1  Objectives of Special Control Area 2

The objectives of the development controls for Special Control Area 2 – Civic Site (SCA2) are to:

(a) promote:
   (i) a diverse range of land uses within SCA2 to provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;
   (ii) an increased residential and temporary visitor population; and
   (iii) a diversity of dwelling sizes in order to provide housing choice and accommodate a range of household types.

(b) create a high quality mixed-use development that contributes towards the creation of an inner-city urban character within the South Perth Station Precinct.

(c) promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents.

(d) allow for the development of the site to maximise river and city views while maintaining view corridors; and

(e) preserve and protect the integrity of heritage places within SCA2.

Provision 2  Land comprising Special Control Area 2

SCA2 is delineated on the Scheme Map. The land comprising SCA2 is bounded by Mill Point Road, Mends Street and Labouchere Road.

Provision 3  Operation of Schedule 13

(1) Comprehensive new development within SCA – Civic Site shall comply with all of the development requirements contained in Provision 5 of this Schedule.
(2) Within SCA2:
   (a) the provisions of this Schedule do not apply to development of the following kinds:
      (i) alterations and/or additions within the approved building envelope;
      (ii) renovations or repairs;
      (iii) an open-sided addition;
      (iv) modifications to any heritage place;
      (v) modifications to the façade; or
      (vi) change of use.
   (b) for the forms of development referred to in paragraph 2(a) there is no maximum plot ratio within SCA2, but such development is subject to all other relevant provisions of the Scheme.

Provision 4   Definitions

In this Schedule:

‘active street frontage’ means a street frontage on the ground floor of a building that enables direct visual or physical contact between the street and the interior of the building to ensure casual surveillance of the public domain. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

‘deemed provisions’ means the deemed provisions contained in schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

‘discretionary land use’ means a use which the local government may approve in SCA 2 if it is satisfied that the use would not detract from the amenity of the overall development and immediate locality, and satisfies the objectives of SCA2.

‘heritage place’ has the same meaning as the term ‘place’ in the Heritage of Western Australia Act 1990.

‘preferred land use’ means a use that is permitted in SCA2.

‘short-term accommodation’ has the same meaning as contained within this Schedule 1, Part 6, Division 1 of the Planning and Development (Local Planning Schemes) Regulations 2015.

‘small shop’ means a shop with a gross floor area not exceeding 250 square metres. The term does not include a supermarket or department store.

‘tourist development’ has the same meaning as contained within Schedule 1, Part 6, Division 1 of the Planning and Development (Local Planning Schemes) Regulations, 2015.
Provision 5 Development Requirements for Comprehensive New Development

Element 1: Built Form Setbacks and Building Height

1.1 The development of SCA2 shall occur in a coordinated manner and shall take the form of a podium with one or two towers built directly above the podium.

1.2 The podium shall be setback as follows:
   - (a) A minimum 3 metre setback from the Mends Street boundary.
   - (b) A minimum 3 metre setback from the Mill Point Road street boundary for a length of 50 metres measured from Mends Street.
   - (c) The remainder of the podium shall have a nil setback to street boundaries, with the exception of the ground level where a setback of up to 3.0 metres from the street boundaries is permitted in order to improve the pedestrian environment.

1.3 All development shall maintain a minimum setback of 4.5 metres from a heritage place and an average setback of 6.0 metres, with the exception of awnings which may project 2 metres into the minimum setback area.

1.4 All towers shall have a minimum setback of 4.0 metres from the street boundaries.

1.5 All towers shall be separated from each other, measured from the closest extremities of each tower, by a minimum of:
   - (a) For the portion of the tower up to 25 metres in height –
     - (i) 9.0 metres between non-habitable rooms.
     - (ii) 12.0 metres between habitable rooms/balconies and non-habitable rooms.
     - (iii) 18.0 metres between habitable rooms/balconies.
   - (b) For the portion of the tower above 25 metres in height –
     - (i) 12.0 metres between non-habitable rooms.
     - (ii) 18.0 metres between habitable rooms/balconies and non-habitable rooms.
     - (iii) 22.0 metres between habitable rooms/balconies.

1.6 Notwithstanding Development Requirements 1.1 and 1.4 one or both towers may be built to the ground and have a 2 metre setback for the entire height of the tower where the local government is satisfied that:
   - (a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and
   - (b) the proposed variation 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.

1.7 Notwithstanding Development Requirement 1.4, cantilevered balconies or decorative elements may be set back a minimum of 3.0 metres from the street.
boundaries where the local government is satisfied that:

(a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and

(b) the proposed variation 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.

1.8 The podium shall have a maximum height of 15.5 metres, excluding feature elements, parapets and balustrades. Additional podium height to a maximum of 19.0 metres, excluding feature elements, parapets and balustrades, is permitted where setback a minimum of 6.0 metres from the facade of the podium below.

1.9 The maximum overall building height, inclusive of both podium and tower, shall be 96 metres, and any additional tower elements shall be 83 metres, excluding plant rooms, lift motor rooms, feature elements, parapets and balustrades.

1.10 Notwithstanding Development Requirement 1.9, development within SCA2 shall not cast a shadow onto more than 5 percent of the site area of 111 Mill Point Road, South Perth at noon on June 21.

1.11 Notwithstanding clause Development Requirement 1.9, development above the maximum prescribed building height may be permitted where the local government is satisfied that:

(a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and

(b) the proposed variation 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.

Element 2: Land Uses

2.1 The following are preferred land uses at the ground level: Shop, Café/Restaurant, Small Bar, Convenience Store, Hotel, Indoor Sporting Activities, Small Shop, Tourist Accommodation, Tourist Development, Service Industry, Office.

2.2 The following are discretionary land uses at the ground level: Child Day Care Centre, Consulting Rooms, Cinema/Theatre, Educational Establishment, Indoor Sporting Activities, Tavern.

2.3 The following are preferred land uses above the ground level: Multiple Dwellings, Single Bedroom Dwellings, Mixed Development, Shop, Café/Restaurant, Small Bar, Convenience Store, Hotel, Indoor Sporting Activities, Small Shop, Tourist Accommodation, Tourist Development, Service Industry, Office, Child Day Care Centre, Consulting Rooms.

2.4 The following are discretionary land uses above the ground level: Cinema/Theatre, Educational Establishment, Tavern, Public Parking Station.

2.5 Any land use not listed in Development Requirements 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use is consistent with the objectives in provision 1 and satisfies other applicable provisions of the Scheme.

Element 3: Car and Bicycle Parking
3.1 The required onsite parking shall be as follows:

(a) for residential uses a minimum of –

(i) 0.75 car bays and a maximum of 1 car bay per dwelling for Single Bedroom Dwellings;

(ii) 1 car bay per dwelling for dwellings other than Single Bedroom Dwellings, to a maximum of 2 car bays per dwelling, and 3 car bays per dwelling for up to five of the dwellings that have three or more bedrooms;

(iii) 1 visitor car bay for every 12 dwellings; and

(iv) 1 bicycle bay for every 3 dwellings which may be located within the dwelling store required by Development Requirement 15.2, and 1 bicycle bay for every 10 dwellings for visitors.

(b) For non-residential uses, a minimum of –

(i) 0.5 car bays per Tourist Accommodation suite;

(ii) 0.1 car bays per Tourist Development suite;

(iii) 1 car bay per 50 square metres of net lettable area, for uses other than Tourist Accommodation and Tourist Development;

(iv) 10% of the total number of required non-residential car bays shall be made available for the use of visitors; and

(v) 1 bicycle bay per 200 square metres of net lettable area, together with 1 secure clothes locker per bay, and 1 male and 1 female shower per 10 bays.

(c) A minimum of 0.5 motorcycle/scooter bays for every 10 car bays required by Development Requirements 3.1(a) and (b).

3.2 Notwithstanding Development Requirement 3.1, the local government may approve a lesser number of car, motorcycle/scooter or bicycle parking bays where it is demonstrated that the proposed number of bays is sufficient, having regard to:

(a) different periods of peak demand; and

(b) the surrounding highly walkable environment; and

(c) the availability of public transport.

3.3 All visitor parking bays shall be:

(a) conveniently located, marked and clearly signposted for visitor use; and

(b) connected to an accessible path of travel for people with disabilities, where the visitor parking bay has been designated for universal access.

3.4 All car and motorcycle/scooter parking bays shall be substantially screened from view from the street.

3.5 Where the application of the minimum requirements for car bays, motorcycle/scooter or bicycle bays in Development Requirement 3.1 produces a total which is not a whole number, then the required number of car bays, motorcycle/scooter or bicycle bays (as the case may be) shall be rounded up to the next whole number.
Element 4: Weather Protection

4.1 Weather protection shall be provided to shade and protect the pedestrian environment through the provision of a colonnade, all-weather visually permeable temporary enclosure or awning to the perimeter of the new buildings of at least 2m width. Only light-weight cantilevered awnings may project into the 4.5 metre setback from any heritage place.

Element 5: Vehicle Crossovers

5.1 No crossovers shall be permitted to Mends Street or Mill Point Road.

5.2 Crossovers shall have a maximum width of 7.5 metres, unless otherwise approved where the local government is satisfied that:

(a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and

(b) the proposed variation 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.

5.3 For all crossovers, the ‘deemed to comply’ provisions of Part 6 of the Residential Design Codes relating to sight lines at vehicle access points and street corners shall apply.

Element 6: Outdoor Living Areas

6.1 All dwellings in a comprehensive new development shall be provided with a balcony or equivalent outdoor living area which can be accessed directly from a habitable room, with a minimum area and depth in accordance with the Objectives and Design Criteria relating to Private open space and balconies under any policy or guidelines of the Commission relating to architectural design quality.

Element 7: Heritage

7.1 In the case of a comprehensive new development on a site containing or adjoining a site containing a heritage place, the application for development approval shall be accompanied by a heritage impact statement prepared by a suitably qualified heritage expert justifying the appropriateness of the built form of the comprehensive new development, including specific reference to the impact of the proposed podium height and overall building height, and proposed materials on the heritage place.

7.2 The Design Review Panel shall consider the appropriateness of the comprehensive new development to the adjacent heritage places.

7.3 Development on the site shall ensure a visual connection between the heritage places/buildings on the site is maintained.

7.4 In the case of a comprehensive new development which includes additions or alterations to a heritage place:

(a) the proposed additions or alterations shall retain, re-use and maintain the integrity of the existing heritage place; and
the application for development approval shall be accompanied by a heritage impact statement prepared by a suitably qualified heritage expert which addresses the impact of the proposed additions or alterations on the cultural heritage significance of the heritage place.

Element 8: Designing Out Crime

8.1 Primary pedestrian access points to comprehensive new development shall be clearly delineated and visible from buildings and the street.

Element 9: Design Quality

9.1 The architectural design of any proposed comprehensive new development must be exemplary, sensitive and sophisticated and contribute to the high quality of the inner urban environment being promoted in the locality, as defined by any policy or guidelines of the Commission relating to architectural design quality.

9.2 In determining whether Development Requirement 9.1 is satisfied, the nominated Design Review Panel must have due regard to any policy or guidelines of the Commission relating to architectural design quality, and is to undertake its assessment in accordance with any policy or guidelines of the Commission relating to design review principles and practices, eg Design WA Design Review Guide (as amended).

9.3 In determining whether Development Requirement 9.1 is satisfied, the local government or other responsible authority must:

(a) have due regard to any policy or guidelines of the Commission relating to architectural design quality.

(b) have due regard to the advice of the relevant nominated Design Review Panel, or other suitably qualified consultant(s) appointed by the local government for the purpose of providing advice on architectural design quality; and

(c) be satisfied that the proposed comprehensive new development provides a high level of amenity within the public realm by:

   (i) being of a scale along the street frontage which is conducive to creating a comfortable pedestrian environment; and

   (ii) minimising adverse wind impacts; and

   (iii) allows for appropriate levels of sunlight penetration into key pedestrian and public spaces; and,

   (iv) contributing to an attractive skyline and outlook from the public realm within the immediate locality and surrounding vantage points; and

(d) be satisfied that the proposed comprehensive new development provides a high level of internal amenity within the development itself by providing for appropriate natural light access, natural ventilation, privacy and outlook.

Element 10: Vehicle Management

10.1 Any proposed comprehensive new development shall not have significant adverse
impacts on traffic flow and safety in the immediate locality.

10.2 To assist the local government to consider the matters referred to in Development Requirement 10.1, an applicant for development approval must submit a report prepared by a suitably qualified expert with the development application which addresses those matters.

Element 11: Sustainability

11.1 In order to demonstrate excellence in sustainable development, the building is to achieve either a 5-star Green Star rating, or an equivalent rating under an alternative sustainability rating methodology. An application for development approval must include advice by a suitably qualified sustainability consultant confirming that the building will achieve the required rating.

11.2 An application for development approval must include information to demonstrate that the proposed building achieves the Objectives and Design Criteria relating to Sustainability under any policy or guidelines of the Commission relating to architectural design quality.

Element 12: Electric Car Charging

12.1 A minimum of 10% of the visitor car parking bays required by Development Requirements 3.1(a)(iii) and 3.1(b)(iv), rounded up to the next whole number, or 6 bays, whichever is the greater number, shall be provided with the capacity to charge electric cars.

Element 13: Landscaped Area

13.1 Landscaping of not less than 40% of the site area shall be provided as part of comprehensive new development. Landscaping shall include in-ground landscaping comprising shade trees and living plants at ground level, planting on walls, landscaping on the roof of the podium and rooftop terraces or gardens. The required landscaped area may include hard landscaping and does not have to comprise of only vegetated area.

13.2 An application for development approval must include information to demonstrate that the proposed building achieves the Objectives and Design Criteria relating to Deep Soil Areas, Landscape Design, and Planting of Structures under any policy or guidelines of the Commission relating to architectural design quality.

Element 14: Public Benefits

14.1 At least one facility available for use by external parties (groups or individuals), such as a meeting room, boardroom, lecture theatre, presentation space or function room, shall be included in all comprehensive new development.

14.2 Associated with any comprehensive new development, the proponent will upgrade or contribute to the upgrade of Mends Street to provide for flush paving and verge treatments to the western side of Mends Street where it abuts the Civic Site, based on a mutually agreed specification and, where applicable, a cost estimate prepared by a suitably qualified quantity surveyor mutually agreed between the City and the
proponent.

14.3 Any comprehensive new development must include on-site public art to a value of 1% of the estimated construction cost of the development. This public art is in addition to any development contribution required under Part 10 and Schedule 10 of the Scheme.

14.4 End-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers, shall be included in any comprehensive new development for use by cyclists visiting the development.

14.5 Public access to the development shall be provided in the form of at least two tenancies with the following land uses being provided within the podium:

(a) Café/Restaurant.
(b) Cinema/Theatre.
(c) Indoor Sporting Activities.
(d) Child Day Care Centre.
(e) Consulting Rooms.
(f) Educational Establishment.
(g) Other land uses or facilities as determined by the City to provide a community benefit.

Element 15: Occupant Benefits

15.1 A minimum of 10% of the residential dwellings within comprehensive new development, rounded up to the next whole number, shall have three or more bedrooms.

15.2 The provisions of Part 6 of the Residential Design Codes (as amended) relating to dwelling size and utilities and facilities shall apply.

15.3 An application for development approval must include information to demonstrate that the proposed building achieves the Objectives and Design Criteria relating to Solar and Daylight Access under any policy or guidelines of the Commission relating to architectural design quality.

15.4 Communal residential facilities in the form of at least three of the following shall be provided as part of comprehensive new development:

(a) Pool.
(b) Cinema/Theatrette.
(c) Gym.
(d) Wellness Centre.
(e) Outdoor Entertainment/Barbecue Area.
(f) Lounge Facilities.
(g) Games Room.
(h) Meeting Room.
(i) Library.
(j) Dining and/or Kitchen Facilities.
(k) Other appropriate facilities that provide a benefit to the building occupants, as determined by the City.
SCHEDULE A


These Supplemental Provisions are to be read in conjunction with the remainder of this Scheme, and with the Deemed Provisions contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

|----------------------------|-------------------------|
| Part 2 Local Planning Framework  
Clause 3. Local Planning Policies | 3. (6) For the purposes of this clause, the following shall be deemed to be Local Planning Policies made pursuant to this Scheme:  
(a) Local Housing Strategy;  
(b) Local Commercial Strategy; and  
(c) Precinct Plans.  
NOTE ON CLAUSE 3 (6):  
Former TPS6 clause 9.6 ‘Planning Policies’, sub-clause (8). |
| Part 3 Heritage Protection  
Clause 7A. Objectives of heritage protection | 7A. (1) The objectives of the provisions relating to heritage protection are:  
(a) to facilitate the conservation of places of cultural heritage significance nominated on the City of South Perth Heritage List; and  
(b) to ensure as far as possible that development occurs with due regard to cultural heritage significance.  
NOTE ON CLAUSE 7A (1):  
Former TPS6 clause 6.11 ‘Heritage Places’, sub-clause (1).  
(2) The local government may, in considering any application that may affect a place in Management Category A or B of the Heritage List, solicit the views of the Heritage Council of Western Australia and any other relevant bodies, and shall take those views into account when determining the application.  
NOTE ON CLAUSE 7A (2):  
(3) Development involving demolition or significant alteration to a place in Management Category A or B of the Heritage List or entered in the Register of Places under the Heritage of Western Australia Act 1990, shall not be permitted. Where development is proposed on a Category C place, such development shall not be permitted unless a heritage assessment is first carried out and the assessment determines that the place is not of such cultural heritage significance as to warrant retention.  
NOTE ON CLAUSE 7A (3):  
## Relevant Deemed Provisions

### Part 3 Heritage Protection
Clause 12.
Variations to local scheme provisions for heritage purposes

### Supplemental Provisions

| 12. (4) The local government shall not grant any variation to a site or development requirement for the purpose of facilitating the conservation or enhancement of a place on the Heritage List or entered in the Register of Places under the *Heritage of Western Australia Act 1990*, unless: |
| (a) the local government is satisfied that the proposed development adequately safeguards the heritage integrity of that place; |
| (b) an assessment has been undertaken to determine the extent of restoration work required with respect to the listed place; |
| (c) where restoration work is required, the development approval is conditional upon that work being undertaken by the owner who would benefit from such variation; and |
| (d) the proposal has been advertised in accordance with Deemed Provisions clause 64 and the local government is satisfied that the variation will not adversely affect the amenity of the locality. |

**NOTE ON CLAUSE 12 (4):**
Former TPS6 clause 6.11 ‘Heritage Places’, sub-clause (8)(b).

### Part 7 Requirement for Development Approval
Clause 61.
Development for which development approval not required

| 61. (1) (k) notwithstanding paragraph (d), for Multiple Dwellings and/or where the R-Codes do not apply, the erection of any proposed wall or fence unless: |
| (i) it is greater than 1.2 metres in height and located on the primary street boundary of a lot or within the primary street setback area of a lot; or |
| (ii) it is greater than 1.2 metres in height and located within 3 metres of a secondary street boundary. |

**NOTE ON CLAUSE 61 (1)(k):**
Former TPS6 clause 6.7 ‘Fences’.

| (l) notwithstanding paragraph (d), for Multiple Dwellings and/or where the R-Codes do not apply, construction of: |
| (i) a pergola less than 3.5 metres in height and less than 30 square metres in area; and |
| (ii) a swimming pool where no part of the pool is more than 600mm above the surrounding ground level. |

| (m) construction of: |
| (i) a cubby house which is less than 2 metres to the highest point of the roof, a kennel, or a barbeque, where any such structure is situated behind the front setback line; |
| (ii) play fixtures; and |
| (iii) a shade sail less than 3.5 metres in height and less than 20 square metres in area, provided that where it is appurtenant to a Single House or Grouped Dwelling, not more than two-thirds of the outdoor living area of that dwelling is roofed. |

**NOTE ON CLAUSE 61 (1) PARAGRAPHS (l) AND (m):**
Former TPS6 clause 7.1 ‘Requirements for Development Approval’, extracted from sub-clause (2).
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Part 7</strong></td>
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<tr>
<td>Clause 61.</td>
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<tr>
<td>Development for which development approval not required (cont’d)</td>
<td>(n) subject to the provisions of the <em>Main Roads (Control of Advertising) Regulations 1996</em>, the erection or installation of advertisements which are: (i) ‘for sale’ or ‘to let’ advertisements; (ii) erected on construction sites to provide details of the proposed development and of the building designers and contractors; (iii) not visible from any street; or (iv) required by Government agencies.</td>
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**NOTE ON CLAUSE 61 (1) PARAGRAPH (n):**
Former TPS6 clause 6.12 ‘Advertisements’, extracted from sub-clause (2).

| **Part 8** Applications for Development Approval | 63. (4) Before considering an application for development approval, the local government may require an Impact Assessment Report addressing any or all of the matters referred to in Deemed Provisions clause 67 and any issues in the relevant Precinct Plan. Any such Impact Assessment Report is required to demonstrate that the application for development approval complies with the objectives for the precinct in which the development will be situated. |
| Clause 63. Accompanying material | **NOTE ON CLAUSE 63(4):**
Former TPS6 clause 7.6 ‘Impact Assessment Report’. |

| **Part 9** Procedure for dealing with applications for development approval | 72. (1) Notwithstanding any other provision of the Scheme, the local government may grant development approval for land to be used temporarily for a purpose not otherwise permitted by the Scheme, provided that: (a) notice has been served in accordance with Deemed Provisions clause 64 advising of the nature of, and the time limitation on, the proposed use; (b) the local government is satisfied that the proposed temporary use will not have any adverse effect on the residents or amenity of the properties in the precinct; and (c) any proposed building to be erected or placed on the land is, in the opinion of the local government, of a temporary or transportable nature. |
| Clause 72. Temporary development approval | **NOTE ON CLAUSE 72 (1):**
Former TPS6 clause 7.13 ‘Temporary Use’. |

<table>
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<tr>
<th>Clause 77. Amending or cancelling development approval</th>
<th>77. (5) (a) If, at any time after the granting of development approval for a Home Occupation or for an application for Student Housing, the local government is of the opinion that the development: (i) has not been, or is not being, carried out in accordance with – (A) the development approval; (B) a condition of development approval; or (C) this Scheme;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 9 - Clause 77. Amending or cancelling development approval (cont’d)</td>
<td>(ii) is causing, or has caused, a nuisance or annoyance to neighbours or owners or occupiers of land in the neighbourhood; or (iii) is having, or has had, an adverse effect on the residents or amenity of other property in the neighbourhood; the local government may give to the owner or occupier of the premises a notice in writing requiring the owner or occupier, or both, within the period specified in the notice, to take or refrain from taking the action set out in the notice. (b) If the notice referred to in paragraph (a) is not complied with within the period specified in the notice, the local government may, without further notice to the owner or occupier, amend or revoke the development approval.</td>
</tr>
</tbody>
</table>

**NOTE ON CLAUSE 77 (5):**
Former TPS6 clause 7.9 ‘Determination of Applications for Development Approval’, sub-clause (6).