

CITY OF SOUTH PERTH TOWN PLANNING SCHEME NO. 6

SCHEME TEXT

** Last updated on 24 December 2021 to include Scheme Amendment No. 61*

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Town Planning Scheme No. 6

Schedule of Scheme Amendments

AMENDMENT NO.	PURPOSE OF AMENDMENT	CHANGE TO TEXT OR MAPS	GOV'T GAZETTE NO. AND DATE	SCHEME TEXT UPDATED BY
	City of South Perth Town Planning Scheme No. 6	Initial adoption	GG No. 62 29.4.2003	-
1.	<i>Did not proceed</i>	-	-	
2.	Modifications to Scheme Text provisions relating to Compensation and Election to Purchase and Valuation	Clauses 9.3 and 9.4	GG No. 159 7.9.2004	GJF
3.	Increase in density coding from R15/25 to R40 for Lots 1, 2 and 3 (Nos. 139, 141 and 143) South Terrace, Como	Precinct 8 Zoning Map	GG No. 189 5.11.2004	GJF
4.	<i>Did not proceed</i>	-	-	-
5.	<i>Did not proceed</i>	-	-	-
6.	Modifications to Scheme Text provisions relating to additions to buildings already exceeding height limit	Clause 6.2(1)(d)	GG No. 40 4.3.2005	GJF
7.	<i>Did not proceed</i>	-	-	-
8.	<i>Did not proceed</i>	-	-	-
9.	Correction of boundary between 13.0m and 28.0m Building Height Limits for five lots in Mill Point	Precinct 1 Building Height Limit Map	GG No. 149 20.7.2007	GJF
10.	Rezoning land in Burch Street for South Perth Hospital	Precinct 3 Zoning Map	GG No. 133 1.8.2008	GJF
11.	Modifications to Scheme Text provisions relating to minor variations from prescribed car bay width	Clause 6.3(8); Schedule 5	GG No. 130 10.7.2009	GJF
12.	<i>Did not proceed</i>	-	-	-
13.	<i>Did not proceed</i>	-	-	-
14.	<i>Did not proceed</i>	-	-	-
15.	Removal of restrictive covenants affecting density	Clause 4.11	GG No. 169 3.9.2010	GJF
16.	Addition to variation from R-Codes. Clarification of exempt development. Deletion of definition of 'pergola'; and new definitions of 'patio' and 'shade sail'	Clauses 4.3(1)(l) and 7.1(2); Schedule 1	GG No. 160 4.9.2009	GJF
17.	Method of measuring building height; and replacement of over-sized buildings	Clauses 6.1, 6.2; Schedule 1 and other clauses	GG No. 135 30.7.2013	GJF

AMENDMENT NO.	PURPOSE OF AMENDMENT	CHANGE TO TEXT OR MAPS	GOV'T GAZETTE NO. AND DATE	SCHEME TEXT UPDATED BY
18.	Penrhos College - performance based increase in building height limit from 7.0m to 10.5m	Clause 5.4	GG No. 134 9.7.2010	GJF
19.	Increased density coding of Lot 50 Jubilee cnr Weston from R40 to R40/60	Schedule 3; Precinct 4 Zoning Map	GG No. 134 9.7.2010	GJF
20.	<i>Did not proceed</i>	-	-	-
21.	Rezoning land in Godwin Avenue	Precinct 10 Zoning Map	GG No. 231 11.12.2009	GJF
22.	Rezoning Lot 165 (No. 15) and Lot 166 (No. 17) Alston Avenue cnr Labouchere Road to Residential R20/R30	Precinct 8 Zoning Map	GG No. 34 8.3.2011	GJF
23.	Child Day Care Centres and Consulting Rooms	Table 4; Schedule 1	GG No. 172 9.9.2011	GJF
24.	Additional Use ('Office') on Lot 5 (No. 52) Manning Road, Como	Schedule 2; Precinct 10 Zoning Map	GG No. 76 10.5.2011	GJF
25.	Special provisions relating to South Perth Station Precinct	Scheme Text (various); Scheme Maps (various)	GG No. 6 18.1.2013	GJF
26.	Lot 3298 Murray Street, Como - performance-based increase in density from R30 to R40 and building height	Clause 5.4; Precinct 9 Zoning Map	GG No. 179 27.9.2011	GJF
27.	Rezoning Lot 30 (No. 14) Collins Street, Kensington to Residential R25	Precinct 6 Zoning Map	GG No. 172 9.9.2011	GJF
28.	Rezoning Lot 51 (Nos. 245-247) Canning Highway, Como to Highway Commercial	Clause 5.4; Precinct 8 Zoning Map and Building Height Limit Map	GG No. 109 26.6.2012	GJF
29.	Fencing	Clause 6.7; Schedule 1	GG No. 73 11.5.2012	GJF
30.	Cash-in-lieu of car parking	Clauses 6.3, 6.3A, 7.8, Table 6, Schedule 1	GG No. 141 12.9.2014	GJF
31.	Rezoning Lot 36 (No. 47) Tate Street, South Perth to a split zoning of Residential and Local Commercial, and increase the density coding from R15 to R40	Precinct 5 Zoning Map	GG No. 73 11.5.2012	GJF
32.	Revising 'Shop' and 'Consulting Rooms' definitions	Schedule 1	Refused by Minister 6.8.2013	GJF
33.	Rezoning POS and road land; and increasing density coding from R20 to R60 and R80 and increasing Building Height Limits from 7.0 to 10.5m for five Grouped Dwelling sites in Cygnia Cove	Precinct 14 Zoning and Building Height Limit Maps	GG No. 226 11.12.2012	GJF
34.	Rezoning Pt Lot 2 (No. 43) Manning Road, Manning, from Public Purposes Reserve (Telstra), to Residential and Highway Commercial (R160), with increased Building Height Limits and mandatory design criteria.	Clauses 4.3, 5.4; Zoning Map Building Height Limit Map	GG No. 43 24.3.2015	GJF

AMENDMENT NO.	PURPOSE OF AMENDMENT	CHANGE TO TEXT OR MAPS	GOV'T GAZETTE NO. AND DATE	SCHEME TEXT UPDATED BY
35	Revision of "Home Occupation" definition and requirements.	Clauses 4.12 and 4.13; Schedule 1	GG No. 57 17.4.2014	GJF
36	Manning Community Centre, Bradshaw Crescent, Conochie Crescent and Welwyn Avenue, Manning – creation of 3D building envelopes and specific Scheme provisions.	Clauses 4.3, 5.1, 5.4	GG No. 110 25.7.2014	GJF
37	<i>Did not proceed</i>			
38	Rezoning Lots 382, 46, 47 and 48 (Nos. 33, 31 and 29) on two corners Canning Highway and Way Road from Residential R15 to Highway Commercial R80 zone.	Schedule 2; Precinct 5 Zoning Map	GG No. 191 25.10.2013	GJF
39	Density coding increase on southern side of Angelo Street between Addison and Lawler Streets from R15 to R25.	Precinct 3 Zoning Map	GG No. 101 4.7.2014	GJF
40	Rezoning Lot 6 (No. 148) South Terrace from Residential (R40) zone to Highway Commercial (R80) zone (Como Hotel).	Precinct 3 Zoning Map	GG No. 50 8.4.2014	GJF
41	<i>Did not proceed</i>	-	-	-
42	<i>Did not proceed</i>	-	-	-
43	Amending definition of 'gross floor area'.	Schedule 1	GG No.85 13.6.2014	GJF
44	Rezoning Part Lot 18 (No. 58) Mount Henry Road (Aquinas College cnr Redmond Street & Roebuck Drive), Salter Point from Private Institution (R20) to Residential (R25).	Precinct 14 Zoning Map	GG No. 66 5.5.2015	GJF
45	Rezoning Southcare site, Bickley Crescent, Manning from Residential and Public Assembly with density coding of R20 to Private Institution (R40) with increased building height to 14 metres.	Clause 5.4 Zoning Map	GG No. 187 11.12.2015	GJF
46	Replacement of Schedule 9 with a modified Schedule 9A.	Clauses 3.3 (9), 4.3, 4.7, 5.1, 5.2, 5.3, 6.1A, 6.3, 6.3A, 6.4, 7.8, 4.3 Indexes, Schedule 9	GG No. 44 21.2.2017	GJF
47	Include provisions for the Centre zone and Activity Centre Plans, and create the Canning Bridge Activity Centre.	Clauses 3.1(1), 3.3, 4.3, 5.4, 6.1A, 6.3, 6.4, 10.1, Table 1, Schedule 10, Schedule 12; Zoning and Height Maps	GG No. 38 10.2.2017	GJF
48	Car bay sizes	Clauses 4.3, 6.3(8) Schedule 5	GG No.181 4.12.2015	GJF
49	<i>Did not proceed</i>	-	-	-
50	Licensed Premises	Table 1, Table 6, Schedule 1	GG No. 35 4.3.2016	GJF

AMENDMENT NO.	PURPOSE OF AMENDMENT	CHANGE TO TEXT OR MAPS	GOV'T GAZETTE NO. AND DATE	SCHEME TEXT UPDATED BY
51	Major Review of Schedule 9A - South Perth Station Precinct (<i>Action pending</i>)	Schedule 9A		
52	Building Height Limits for lots 501 and 502 River Way, Salter Point	Clause 4.3(1)(q); Precinct 13 Building Height Limits Map	GG No. 111 9.6.2017	MC
53	<i>Did not proceed</i>	-	-	-
54	Modifying the Scheme Text to align with Deemed Provisions and certain changes to R-Codes	Scheme Text	GG No. 6 12.1.2018	MJA
55	Amendment to permit certain minor projections beyond defined building envelope for Lot 801 Bradshaw Crescent and Lot 802 Conochie Crescent, Manning	Clause 5.4 (10)	GG No. 218 21.11.2017	GJF
56	Introduction of Special Control Area 2 – Civic Site	Schedule 13, Scheme Text and Scheme Maps	GG No. 11 22.01.2019	MJA
57	Precinct 16: Canning Highway (East)	Schedule 9C and Schedule 14	GG No. 97 01.06.2021	MJA
58	Modifying definitions of Liquor store (Large), Tavern, Hotel and Shop	Schedule 1	GG No. 90 18.06.2018	MJA
59	Rezoning of properties within Waterford Triangle	Scheme Text and Scheme Maps, Schedule 12	GG No. 36 17.3.2020	MJA
60	Rezoning and introduction of design guidelines within the Waterford Apartment and Student Accommodation Precinct	Scheme Text and Scheme Maps	GG No. 70 8.5.2020	MJA
61	South Perth Activity Centre	Schedule 9B, Scheme Text and Scheme Maps	GG No. 220 24.12.2021	JB
62	Specific development requirements for Lot 60 (No. 26) Fortune Street, South Perth (South Perth Hospital).	Clause 5.4(15)	GG No. 118 10.07.2020	MC
63	Preston Street Neighbourhood Centre	Clause 5.4 (16)	GG No. 114 25.06.2021	AA
64	R-Codes applying within Canning Bridge Activity Centre	Clause 4.3(1)(p)	GG 5.10.2020	MJA



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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

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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.

NOTE ON CLAUSE 1.3:
Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018)
[Note added 12.1.2018]

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.

NOTE ON CLAUSE 1.4:
Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018)
[Note added 12.1.2018]

1.5 *Supporting Documents (Deleted)*

NOTE ON CLAUSE 1.5 :
Deleted and replaced by Deemed Provisions clause 67. Amendment No. 54 (GG 12.1.2018)
[Note added 12.1.2018]

1.6 Scheme Objectives

- (1) The overriding objective of the Scheme is to require and encourage performance-based development in each of the 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.

NOTES ON CLAUSE 1.6:

1. Refer also to Deemed Provisions clause 67(a). [Note added 29.4.2003]
2. Modified by Amendment No. 25 (GG 18.1.2013) [Note added 18.1.2013]
3. Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

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.

NOTES ON CLAUSE 1.10:

1. Modified to align with R-Codes.
2. Refer to Schedule 1.
3. Refer to definitions of terms throughout the R-Codes and Deemed Provisions. Amendment No. 54 (GG 12.1.2018)
[Note added 12.1.2018]

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)*

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

NOTE ON CLAUSE 2.2 (2)(c):
Deleted and replaced by Deemed Provisions clause 66(2). Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

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.

**NOTE ON
CLAUSE 3.1 (1)(k):**
Added by Amendment No.
47 (GG 10.2.2017)
[Note added 10.2.2017]

(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.

**NOTE ON
CLAUSE 3.1 (3):**
Added by
Amendment No. 47.
(GG 10.2.2017)
[Note added 10.2.2017]

3.2 Precincts

The Scheme creates 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
- (p) Precinct 16 : Canning Highway (East)

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

(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.

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

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

(9) For all development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, land use controls are contained in Schedule 9B and Schedule 13.

**NOTE ON
CLAUSE 3.3 (9):**
1. 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:

2. Modified by Amendment No. 61. (GG 24.12.2021) [Note added 24.12.2021]

- (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

NOTE ON CLAUSE 3.4:
Refer to Schedule 2. [Note added 29.4.2003]

(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.

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.

NOTES ON CLAUSE 4.1:

1. Refer also to provisions of R-Codes for relevant requirements not otherwise specified in the Scheme.
[Note added 29.4.2003]
2. Modified throughout and sub-clause 1 deleted, to align with R-Codes. Amendment No. 54. (GG 12.1.2018)
[Note added 12.1.2018]

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

NOTES ON

CLAUSE 4.2(2) :

1. Refer to Schedule 3.
[Note 1 added 29.4.2003]
2. Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018)
[Note 2 added 12.1.2018]

NOTE ON

CLAUSE 4.2 (3):

- Modified to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018)
[Note added 12.1.2018]

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 the South Perth Activity Centre Plan area as defined in Provision 1 of Schedule 9B, 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

NOTES ON CLAUSE 4.3:

- 1. Refer also to clause 6.2A.
[Note added 4.3.2005]
- 2. Modified to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018)
[Note added 12.1.2018]

NOTE ON

CLAUSE 4.3 (1)(a):

- Modified by Amendment No. 17. (GG 30.7.2013)
[Note added 30.7.2013]

NOTE ON

CLAUSE 4.3 (1)(c):

- Modified by Amendment No. 61. (GG 24.12.2021)
[Note added 24.12.2021]

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)*

**NOTE ON
CLAUSE 4.3 (1)(g):**
Refer also to clause
4.7 and Table 2.
[Note added 4.3.2005]

**NOTE ON
CLAUSE 4.3 (1)(i):**
Deleted by
Amendment No. 48.
(GG 4.12.2015).
[Note added 4.12.2015]

**NOTE ON
CLAUSE 4.3 (1)(k):**
Deleted and replaced
by Deemed Provisions
clause 12.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

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) (deleted)
- (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 9B, Schedule 13 and Schedule 14. Building height shall be measured in the manner prescribed in clause 6.1A, Schedule 9A and Schedule 14.
- (o) *(Deleted)*
- (p) In the Canning Bridge Activity Centre, the R-Codes apply to the extent specified in the Canning Bridge Activity Centre Plan.
- (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.

NOTE ON

CLAUSE 4.3 (1)(l):

Added by
Amendment No. 16.
(GG 4.9.2009)
[Note added 4.9.2009]

NOTE ON

CLAUSE 4.3 (1)(m):

1. Added by
Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]

2. Deleted by
Amendment No. 61.
(GG 24.12.2021)
[Note added
24.12.2021]

NOTE ON

CLAUSE 4.3 (1)(n):

1. Added by
Amendment No. 17.
(GG 30.7.2013)
[Note added 30.7.2013]

2. Modified by
Amendment No. 61.
(GG 24.12.2021)
[Note added
24.12.2021]

NOTES ON

CLAUSE 4.3 (1)(o):

1. Added by
Amendment No. 34.
(GG 24.3.2015)
[Note added 24.3.2015]

2. Deleted by
Amendment No. 47.
(GG 10.2.2017)
[Note added 10.2.2017]

(2) *(Deleted)*

4.4 Corner Lot Subdivisions in Certain Circumstances

NOTE ON

CLAUSE 4.3 (1)(p):

Modified by
Amendment No. 64.
(GG 5.10.2020)
[Note added 5.10.2020]

NOTE ON

CLAUSE 4.3 (1)(q) :

Added by
Amendment No. 52.
(GG 9.6.2017)
[Note added 13.6.2017]

NOTE ON

CLAUSE 4.3 (2) :

Deleted to align with
R-Codes.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

4.4 Comer 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.

NOTE ON CLAUSE 4.4:
 Modified to align with Deemed Provisions and R-Codes.
 Amendment No. 54.
 (GG 12.1.2018)
 [Note added 12.1.2018]

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.

NOTES 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 the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 4.7 and Table 2 do not apply.
- (4) For any dwellings within comprehensive new development in Precinct 16 Canning Highway (East) precinct, the application setbacks are contained within Schedule 14 and the provisions of clause 4.7 and Table 2 do not apply.

NOTE ON CLAUSE 4.7 (3):
 1. Added by Amendment No. 25. (GG 18.1.2013) [Note added 18.1.2013]
 2. Modified by Amendment No. 61. (GG 24.12.2021) [Note added 24.12.2021]

4.8 Student Housing

NOTE ON CLAUSE 4.8:
 Modified to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

- (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.

- (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.

NOTE ON CLAUSE 4.9:

Modified to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

NOTE ON CLAUSE 4.11 :

1. *Added by Amendment No. 15. (GG 3.9.2010) [Note 1 added 3.9.2010]*
2. *Modified to align with R-Codes. Amendment No. 54. (GG 12.1.2018) [Note 2 added 12.1.2018]*

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.

NOTES ON CLAUSE 4.12:

1. Added by Amendment No. 35. (GG 17.4.2014)
2. Refer also to Schedule 1 definition of 'Home Occupation'.
[Notes 1, 2 added 17.4.2014]
3. Modified throughout to align with Deemed Provisions and R-Codes. Amendment No. 54. (GG 12.1.2018)
[Note 3 added 12.1.2018]

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.

NOTES ON CLAUSE 4.13 :

1. Added by Amendment No. 35. (GG 17.4.2014)
2. Refer also to Schedule 1 definition of 'Home Office'.
[Notes added 17.4.2014]



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).

NOTE ON CLAUSE 5.1:

1. Refer to Table 3.
[Note 1 added 29.4.2003]
2. Modified throughout to align with Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note 2 added 12.1.2018]

NOTE ON

CLAUSE 5.1 (1) :

- Amended by
Amendment No. 36.
(GG. 25.7.2014)
[Note added 25.7.2014]

- (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 any development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 5.1 and Table 3 do not apply.
- (7) For all comprehensive new development within Precinct 16 Canning Highway (East) precinct, development requirements are contained within Schedule 14 and the provisions of clause 5.1 and Table 3 do not apply.

**NOTE ON
CLAUSE 5.1 (6):**
 1. Added by
 Amendment No. 25.
 (GG 18.1.2013)
 [Note added 18.1.2013]
 2. Modified by
 Amendment No. 61.
 (GG 24.12.2021)
 [Note added 24.12.2021]

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

NOTE ON CLAUSE 5.2:
Refer to Table 4.
[Note added 29.4.2003]

- (1) Unless otherwise provided in the Scheme, all non-residential Uses in the Residential zone shall comply with the requirements prescribed in Table 4.
- (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.
- (4) For all comprehensive new development within Precinct 16 Canning Highway (East) precinct, development requirements are contained within Schedule 14 and the provisions of clause 5.2 and Table 4 do not apply.

NOTE ON CLAUSE 5.2 (3):
Added by
Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]

5.3 Setbacks from Specified Streets for Non-Residential Uses

NOTE ON CLAUSE 5.3:
Refer to Table 5.
[Note added 29.4.2003]

- (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 development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 5.3 and Table 5 do not apply.
- (4) For all comprehensive new development within Precinct 16 Canning Highway (East) precinct, development requirements are contained within Schedule 14 and the provisions of clause 5.3 and Table 5 do not apply.

NOTE ON CLAUSE 5.3 (3):
1. Added by
Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]
2. Modified by
Amendment No. 61.
(GG 24.12.2021)
[Note added 24.12.2021]

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;
- (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.

NOTES

NOTE ON CLAUSE 5.4:
Modified throughout to align with Deemed Provisions and R-Codes. Amendment No. 54. (GG 12.1.2018)
[Note added 12.1.2018]

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]

NOTE ON

- (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').
- (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

NOTES
CLAUSE 5.4 (3):

Site C -
Lot 46 South Terrace / NE cnr Coode Street, (also known as No. 142 Coode Street) South Perth.
[Note added 29.4.2003]

NOTE ON
CLAUSE 5.4 (4):

Site D -
Lots 407, 408, 409 Ley Street / Downey Drive, Manning.
[Note added 29.4.2003]

- (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;
 - (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:

**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

NOTES

*Amendment No. 25
(GG. 19.1.2013)
[Note added 18.1.2013]*

- (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)*

(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

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]*

- (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.
- (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;

**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]*

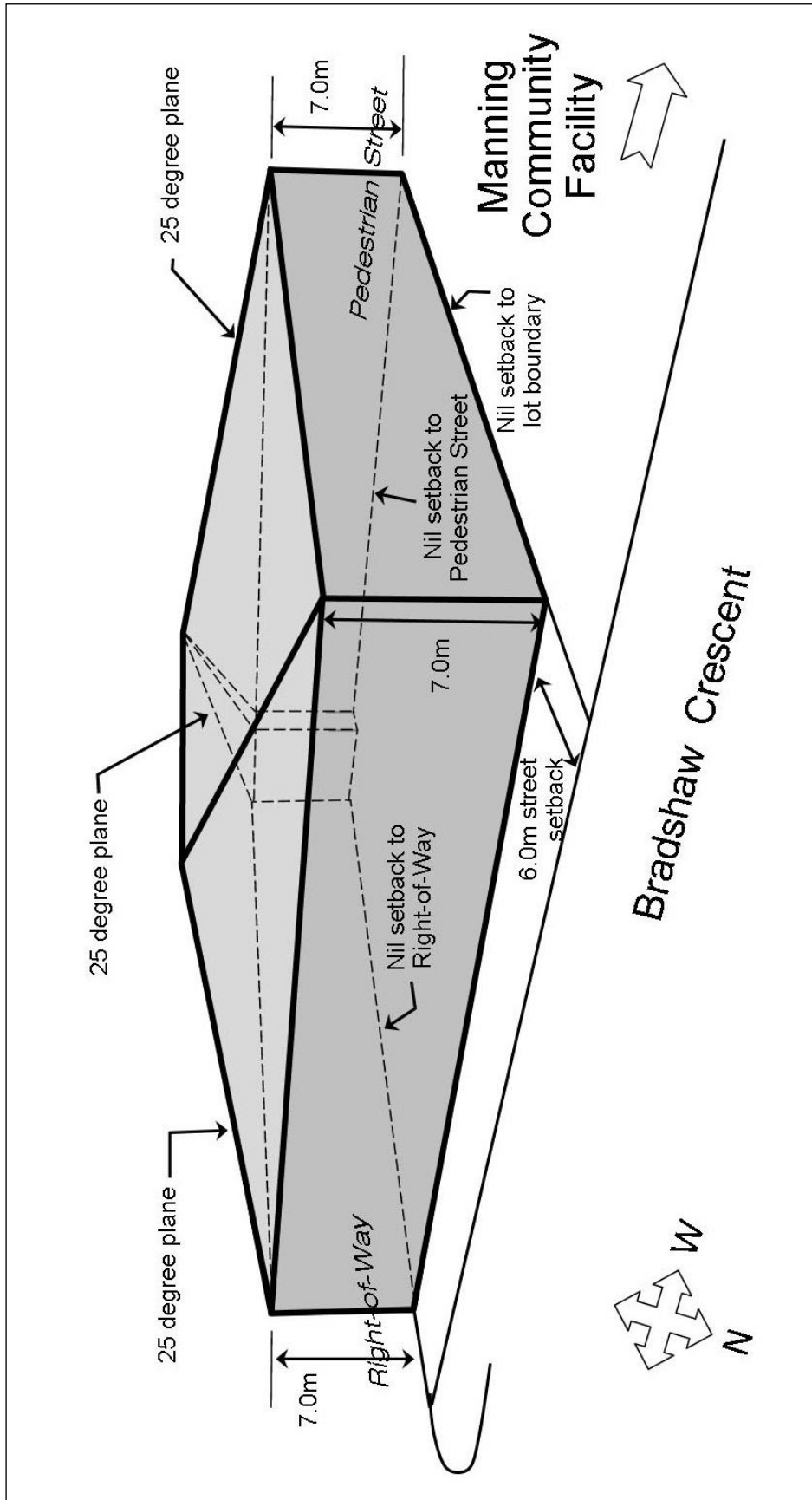
- (E) visual articulation to the elevation of any building facing the western leg of McNabb Loop is provided by way of balconies or other design elements, in order to enhance the appearance of the building and reduce the impact of building bulk when viewed from the Collier Park Village opposite;
 - (F) landscaping is to be of a standard considered by the local government to be exceptional and will:
 - (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;
 - (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.

**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]**

- | | |
|--|--|
| <p>(10) (a) In this sub-clause –</p> <ul style="list-style-type: none"> (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. <p>(b) In respect of Site J, any comprehensive new development shall not extend beyond any portion of the three-dimensional building envelope depicted in Figures 1 and 2 of this sub-clause.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> | <p style="text-align: center;">NOTES</p> <p>NOTE ON
CLAUSE 5.4 (10):
Sites J and K –
<i>Manning Community Facility, Bradshaw Crescent and Conochie Crescent, Manning.</i>
<i>Added by</i>
<i>Amendment No. 36.</i>
<i>(GG 25.7.2014)</i>
<i>[Note added 25.7.2014]</i></p> <p>Refer also to Figure 1; Figure 2; Figure 3; and Figure 4.</p> |
| <p>(11) (a) In this sub-clause –</p> <ul style="list-style-type: none"> (i) Site L means Lot 11 Welwyn Avenue, Manning; and (ii) Site M means Lot 9 Welwyn Avenue, Manning. <p>(b) In respect of Sites L and M, any new development shall:</p> <ul style="list-style-type: none"> (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. | <p>NOTE ON
CLAUSE 5.4 (11):
Sites L and M –
<i>Welwyn Avenue Shopping Centre, Manning.</i>
<i>Added by</i>
<i>Amendment No. 36.</i>
<i>(GG 25.7.2014)</i>
<i>[Note added 25.7.2014]</i></p> |

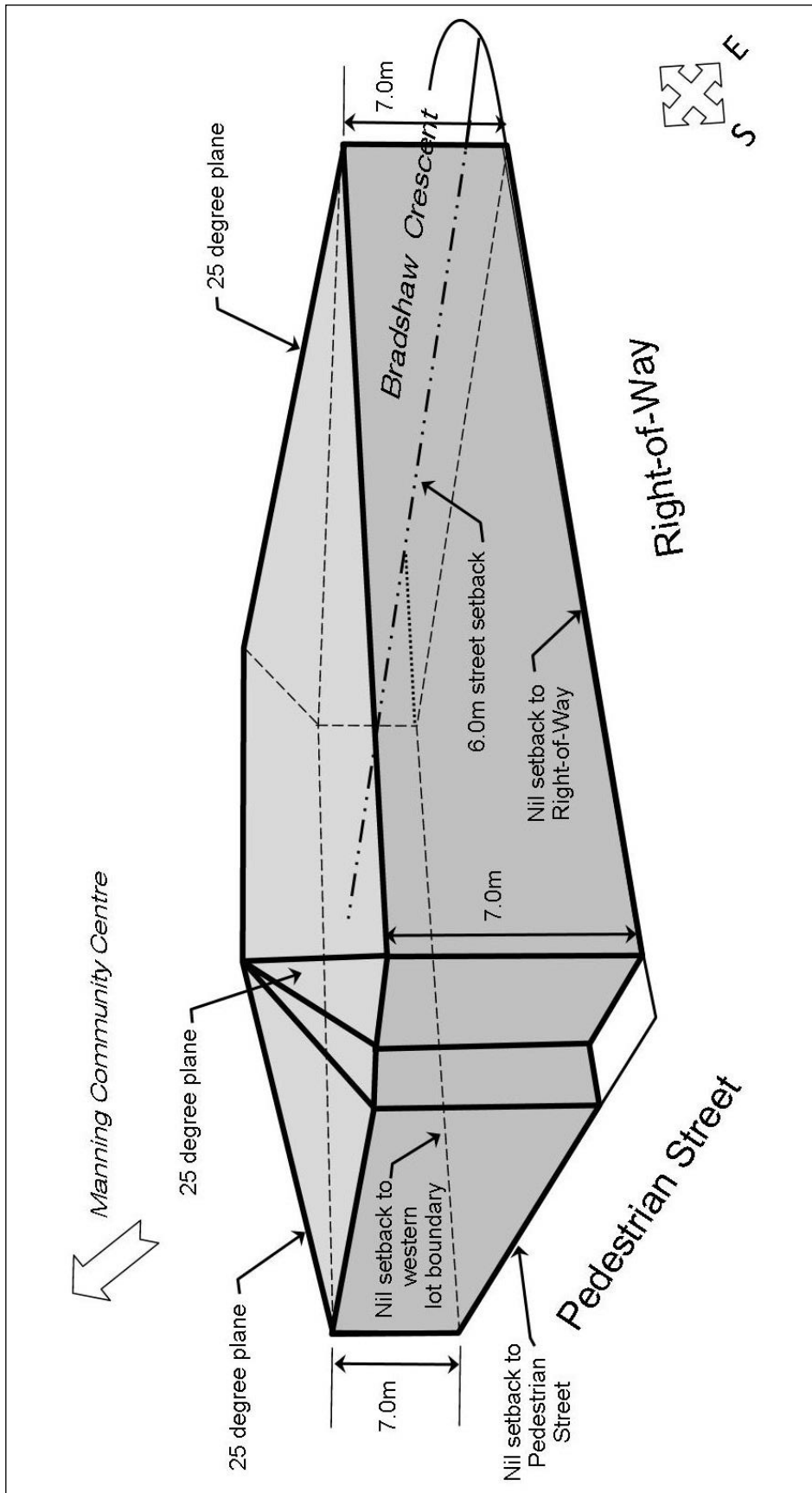
5.4 (10) Development Requirements for Certain Sites (cont'd)



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]

Figure 1 – Site J (north-west view)

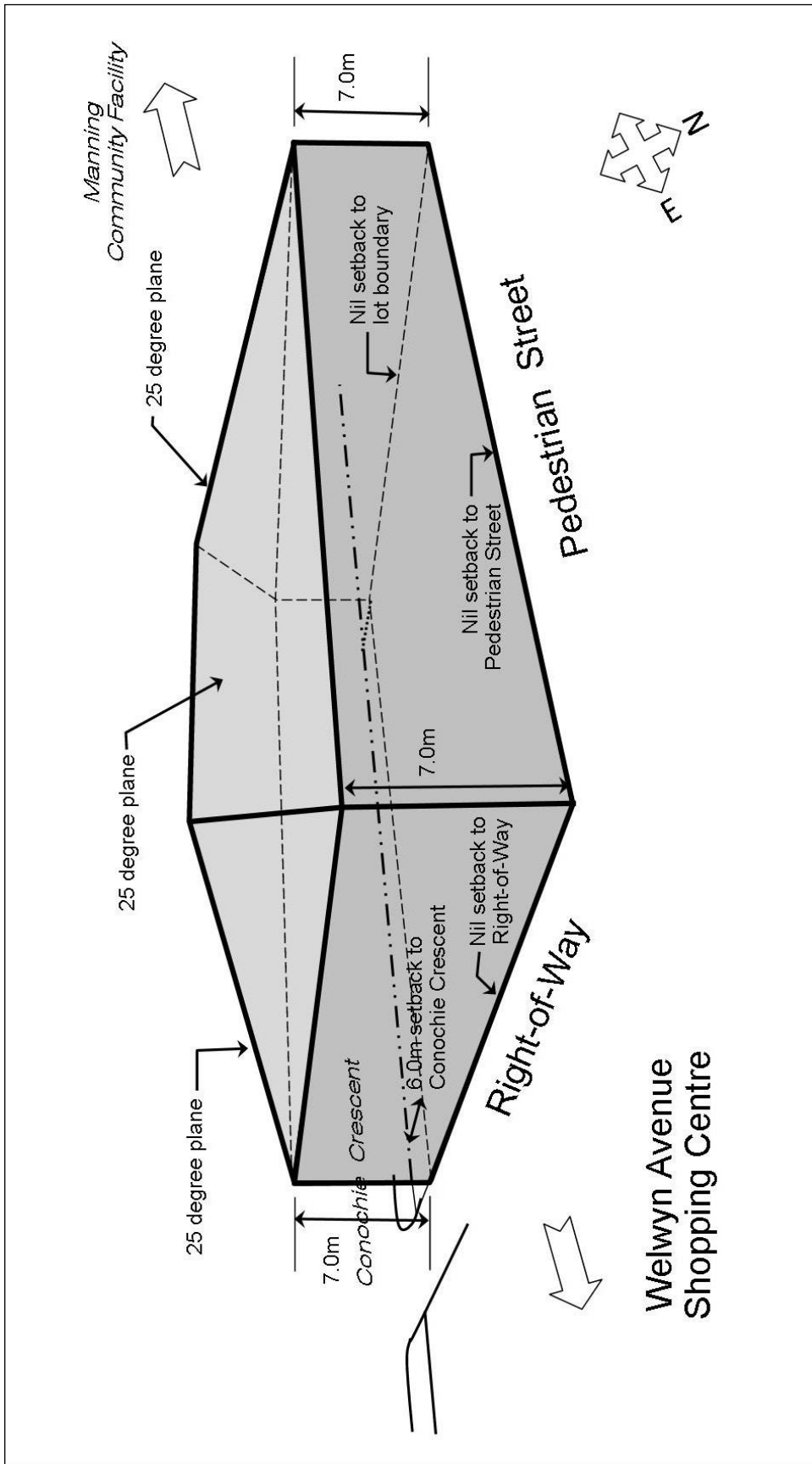
5.4 (10) Development Requirements for Certain Sites (cont'd)



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)

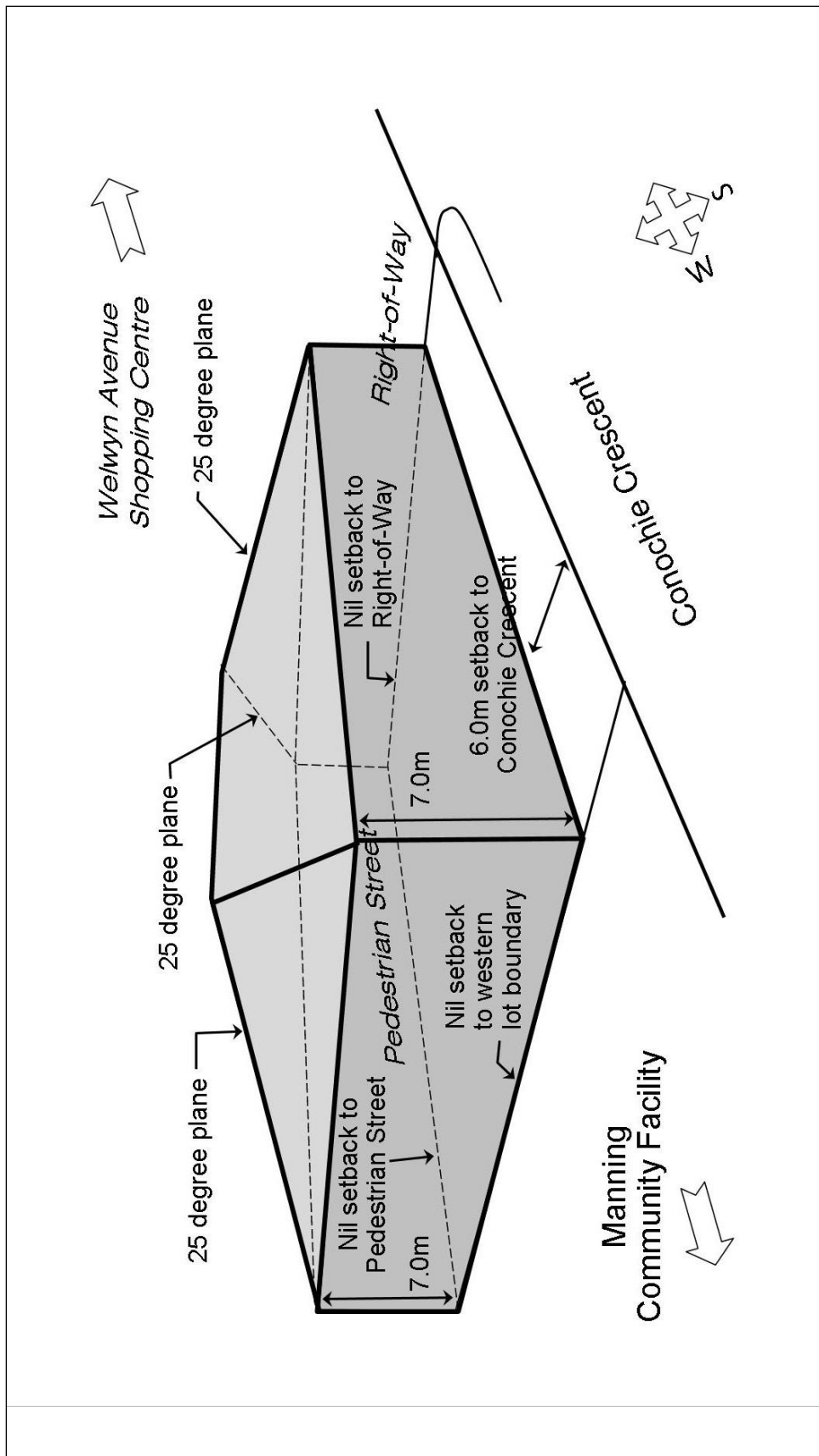
5.4 (10) Development Requirements for Certain Sites (cont'd)



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]

Figure 3 – Site K (north-east view)

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



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]

Figure 4 – Site K (south-west view)

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.

NOTE ON

CLAUSE 5.4 (12):

Site N -

*Pt Lot 2 (No. 54)
Manning Road cnr Ley
Street, Manning.
Deleted by
Amendment No. 47.
(GG 210.2.2017)
[Note added 24.3.2015]*

NOTE ON

CLAUSE 5.4 (13):

Site O -

*'Southcare' site
Bickley Crescent
between Pether Road
and Manning Road,
Manning.
Added by
Amendment No. 45.
(GG 11.12.2015)
[Note added 11.12.2015]*

5.4 (13)(b) Development Requirements for Certain Sites (continued)

- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) 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.
- (x) 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.
- (14) (a) In this sub-clause, ‘Site P’ means Lot 24 (No. 1), Lot 23 (No. 3), Lot 22 (No. 5) and Lot 21 (No. 7) McKay Street, Waterford; Lot 25 (No. 2), Lot 26 (No. 4), Lot 27 (No. 6) and Lot 28 (No. 8) Garvey Street, Waterford; and Lot 20 (No. 1), Lot 19 (No. 3), Lot 18 (No. 5), and Lot 29 (No. 7) Keaney Place, Waterford.
- (b) The plot ratio requirements of the R-Codes do not apply to developments on ‘Site P’.
- (c) Notwithstanding Table 1 of the Scheme, ‘Grouped Dwelling’ shall be an ‘X’ (Prohibited Use) on ‘Site P’.
- (d) The minimum setback to all street boundaries for developments on ‘Site P’ shall be 6 metres.
- (e) The requirements of (d) above may be varied where the objectives of element 2.3 – Street Setbacks of State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments are met to the satisfaction of the local government.
- (f) The setback to all side and rear boundaries, and distances between buildings on the same site shall be as per Element 2.4 – Side and Rear Setbacks and Element 2.7 – Building Separation, of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.

**NOTE ON
CLAUSE 5.4 (14):
Site P -**
Added by
Amendment No. 60.
(GG 08.05.2020)

- (g) Building elevations shall not exceed a wall length of 40 metres without modulation in the form of a setback or projection with a depth of at least 3 metres and a length of at least 6 metres.
- (h) Notwithstanding the requirements of (g) above, all building elevations shall incorporate additional modulation to break up the massing of the building, including but not limited to, balconies, bay windows, feature windows, frames, shade-structures, and other architectural details.
- (i) Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1 metre and do not exceed 1.2 metres.
- (j) The local government, in respect of 'Site P', may grant development approval permitting a development with a maximum building height of 24.5 metres (7 storeys), if it is satisfied that all of the following requirements are met:
 - (i) The development site has a minimum site area of 3,000 square metres.
 - (ii) The minimum side and rear boundary setback for all buildings shall be 6 metres. For those portions of the development above 17.5 metres (5 storeys), the minimum side and rear boundary setback shall be as per Element 2.7 – Building Separation of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.
 - (iii) Portions of buildings above 17.5 metres (5 storeys) shall be contained beneath an angled plane extending from a height of 1.6 metres above ground level at the street boundary of any residential property directly opposite 'Site P', through a point 17.5 metres above ground level at a setback of 6.0 metres from the street boundary of 'Site P'.
 - (iv) The ground floor gross floorplate area of all buildings on the site shall not exceed 60% of the site area.
 - (v) Communal open space, usable for passive recreation by occupants, shall be provided at ground level to a minimum area equivalent to 25% of the site area.
- (k) On 'Site P' only, the local government may grant approval to a 'Student Accommodation Facility' as defined in clause (m) below, having regard to the following:
 - (i) The objectives and provisions of any local planning policy adopted by the local government for the purpose of providing guidance for development on 'Site P'.
 - (ii) The design of the development including advice of the relevant nominated Design Review Panel, or other suitably qualified consultant(s) appointed by the local government for the purposes of providing advice on architectural design.

- (iii) The use generates a level of activity that provides an appropriate transition between the adjacent Bentley/Curtin Specialised Activity Centre and surrounding residential neighbourhood.
- (iv) The use(s) proposed are complementary in scale and intensity to the range of accommodation facilities, commercial activities and community services envisioned within the adjacent Bentley/Curtin Specialised Activity Centre; and,
- (v) Any matters listed in Clause 67 of the Deemed Provisions.
- (l) In addition to clauses 5.4(14)(j) and 5.4(14)(k), any 'Student Accommodation Facility' on 'Site P' shall meet the following criteria:
 - (i) The development shall have due regard to the Element Objectives and Design Guidance for all Elements of State Planning Policy 7.3 Volume 2 – Apartments.
 - (ii) Developments shall provide a variety of unit typologies. Units may comprise various levels of shared facilities including:
 - (A) Self-contained units with all amenities except laundry facilities
 - (B) Units with en-suite bathrooms and shared laundry and kitchen facilities; or,
 - (C) Hostel type facilities where rooms are for sleeping, studying and storage only and shared laundry, kitchen and bathroom facilities are provided.
 - (iii) Self-contained units shall be no smaller than 14 square metres.
 - (iv) Developments shall incorporate communal facilities and amenities for residents such as, but not limited to, sporting facilities, entertainment and recreation facilities, laundry facilities and other essential amenities.
 - (v) Resident, staff and visitor parking is provided in accordance with a Parking Needs Study, which is to be prepared in a conjunction with a Development Application, to the satisfaction of the local government. (vi) Other non-residential land uses other than 'Student Accommodation Facility' are permitted on the ground floor of comprehensive new developments. The combined total area of these other non-residential land uses shall be no greater than 500 square metres in Gross Floor Area.
 - (vii) Notwithstanding the land use controls set out in Table 1, 'Indoor Sporting Activities' may be considered as a 'DC' use within 'Site P', subject to sub-paragraph (vi) above.

- (viii) A Waste Management Plan is to be prepared in conjunction with a Development Application, to the satisfaction of the local government.
- (m) For the purpose of ‘Site P’ only, ‘Student Accommodation Facility’ is defined as:
 - A purpose built facility whose predominant purpose is to accommodate;
 - Students while studying at a tertiary education facility; and
 - Staff of a tertiary education facility or visiting staff to a tertiary education facility;
 - That is designed and managed to facilitate the predominant purpose;
 - That typically provides students with a principle place of residence for 3 months or more; and
 - That may have shared facilities, such as a communal living room, kitchen and amenities.
- (15) (a) In this sub-clause, ‘Site Q’ means Lot 60 (No. 26) Fortune Street, South Perth, which is bounded by South Terrace, Fortune Street and Burch Street.
- (b) Notwithstanding anything contained in this Scheme or in the R-Codes, the local government, in respect of Site Q, may grant planning approval for a building exceeding 7 metres in height to a maximum height of 22.5 metres, where it is satisfied that all of the following requirements are met—
 - (i) The site is developed in accordance with the height and setback requirements depicted in Figure 5. Minor projections may be permitted within the specified setback areas to a maximum of 1 metre; and
 - (ii) A Local Development Plan is adopted by the Council prior to the consideration of any application for development approval for development above 7 metres in height including (but not limited to) objectives and requirements for building design, massing and overshadowing, ground floor design and streetscape interface, landscaping and open space, traffic management, parking, pedestrian access, servicing, and signage; and
 - (iii) The Local Development Plan shall be accompanied by an appropriately detailed assessment of traffic impacts and parking demand resulting from development of Site Q, to be prepared by a qualified traffic engineer.

**NOTE ON
CLAUSE 5.4 (15):
Site Q -
Added by
Amendment No. 62.
(GG 10.07.2020)**

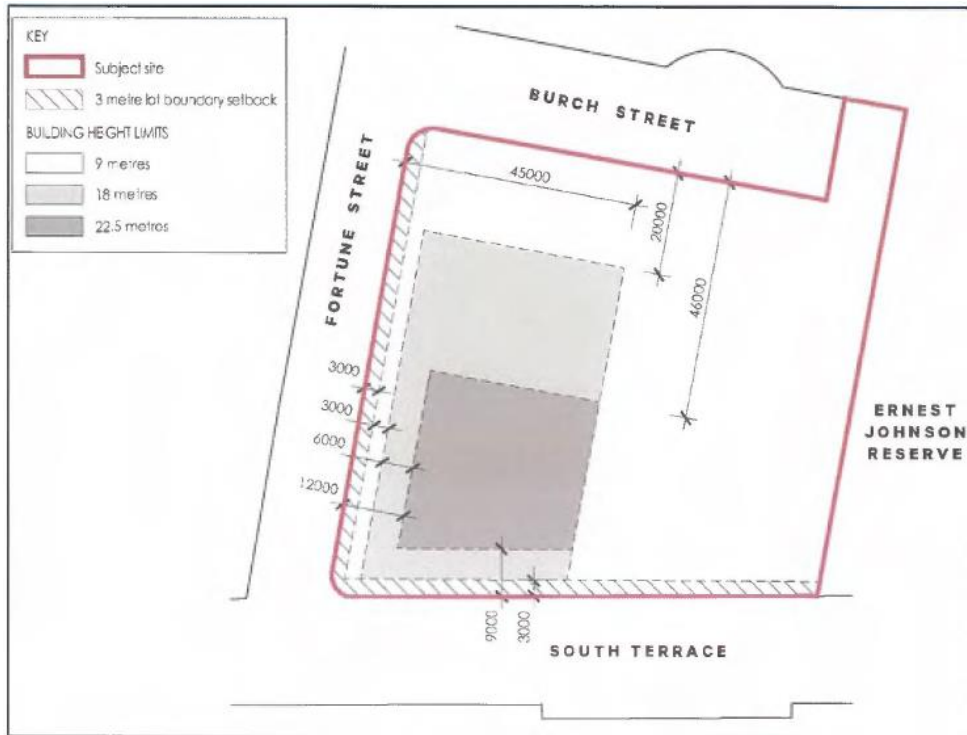


Figure 5 – Site Q (height and setback requirements)

- 16 (a) In this sub-clause, 'Site R' means Lots 51, 79 and 80 Preston Street as depicted on the figure below:

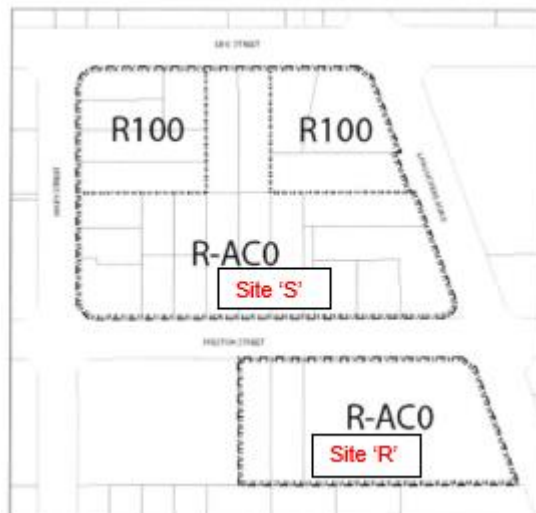


Figure 5a: Location of Site 'S' and Site 'R'

- (b) Notwithstanding anything contained in this Scheme or the R-Codes:
- (i) Building heights and setbacks for Site R shall be as follows:
 - (A) Clause 6.1A does not apply;
 - (B) Buildings up to a maximum height of 3 storeys shall be setback a minimum of nil from the Preston Street and Labouchere Road boundary with the exception of the corner on Labouchere Road for which an appropriate architectural corner element may be approved. The corner element shall be limited to a maximum of 10m

- from the site corner truncation and up to a maximum height of 4 storeys in total; and
- (C) Buildings up to a maximum height of 3 storeys shall be setback a minimum of nil from the western boundary; and
 - (D) No development shall occur within 6 metres of the southern boundary above ground level. Development up to a maximum of four storeys shall be setback a minimum of 6 metres from the southern boundary and development up to a maximum of eight storeys shall be setback a minimum of 16 metres from the southern boundary.
 - (E) Buildings above 3 storeys, up to a maximum of 8 storeys, shall be setback a minimum of:
 - i. 5 metres from Preston Street and Labouchere Road; and
 - ii. 6 metres from the western boundary.
 Notwithstanding the setbacks detailed under clause 16(i)(E), the local government may approve an application if the non-compliance is minor in nature and will not have any adverse impact upon the amenity of the occupiers or users of the development or the precinct, or upon the likely future development of the precinct.
 - (F) Development designed such that a shadow cast at midday on 21 June onto any adjoining property does not exceed 35% of the site area.
- (ii) Land Use
- (A) Notwithstanding Table 1, the following land uses shall be 'P' ('Permitted') uses in Site R:
 - i. Home Business
 - ii. Mixed Development;
 - iii. Multiple Dwelling;
 - iv. Single Bedroom Dwelling;
 - v. Office;
 - vi. Shop; and
 - vii. Liquor Store – Small
 - (B) Notwithstanding Table 1, the following land uses shall be 'D' (Discretionary) uses in Site R:
 - i. Aged or Dependent Persons Dwelling;
 - ii. Aged or Dependent Persons Amenities;
 - iii. High Level Residential Aged Care Facility;
 - iv. Small Bar;

- v. Reception Centre.
 - (C) 'Dual key' dwellings (accessed from the same front door) shall be counted as one dwelling for all standards including car parking. Such 'Dual Key' dwellings are not permitted to be further strata titled;
 - (D) A 'take away food outlet' use shall not include a 'drive-through' component.
- (iii) Carparking
- (A) Minimum car parking and bicycle parking shall be varied from the provisions of Table 6 of the Scheme, as below:
 - i. Shop – 4 car bays per 100m² net lettable area;
 - ii. Liquor store (small) – 4 car bays per 100m² net lettable area; and
 - iii. Restaurant, Tavern and Small Bar – 1 car bay per 20m² of net lettable area.
 - (B) Notwithstanding Table 6 and Clause (iii)(A) above, the local government may approve a lesser number of car, motorcycle/scooter or bicycle parking bays where a Parking Needs Assessment prepared by a qualified traffic engineer demonstrates that the proposed number of bays is sufficient, having regard to:
 - i. Different periods of peak demand;
 - ii. The surrounding highly walkable environment;
 - iii. The availability of public transport, bicycle parking and end of trip facilities.
 - (C) Minimum car parking for land uses not stipulated in (iii)(A) shall be in accordance with the Scheme.
- (iv) Public Benefits
- In respect of development on Site R, any comprehensive new development on these lots shall include:
- (A) The provision of a publicly accessible plaza within the development, to be retained in private ownership and maintained by the landowner.
 - (B) the upgrade or payment of the upgrading of Preston Street surface treatment, street furniture and street trees abutting the respective property to the back of the respective kerb to the satisfaction of the local government.

- 17 (a) In this sub-clause, 'Site S' means Lots 1, 2, 3, 9, 10, 66, 299, 414, 415, 416, 417 Preston Street, 12, 13 Mary Street, 18, 4 Labouchere Road and Lots 410 and 411 Eric Street, Como as depicted on the figure below:

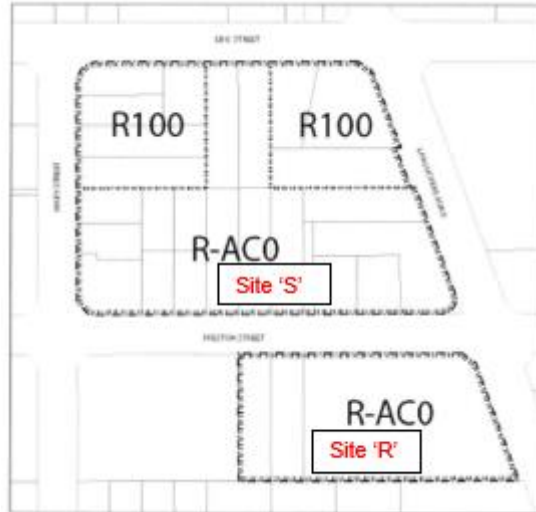


Figure 5b: Location of Site 'S' and Site 'R'

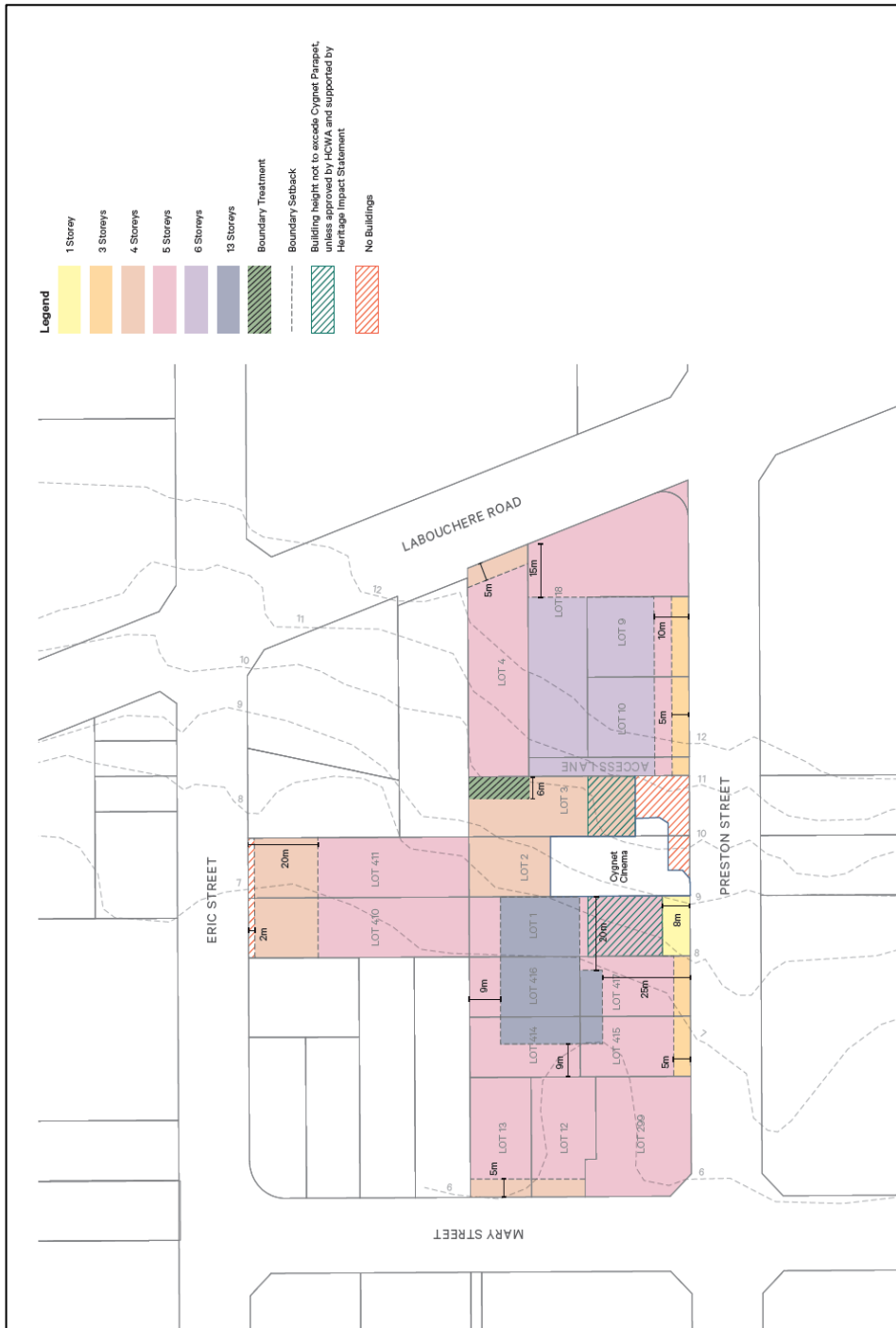


Figure 6: Maximum height of buildings on Site 'S'

- (b) Notwithstanding anything contained in this Scheme or in the R-Codes, the following development standards apply in respect of Site S:
- (i) Building heights
 - (A) The Building Height Limits are depicted on Figure 6.
 - (B) Clause 6.1A does not apply to Site S.
 - (ii) Street and lot boundary setbacks

- (A) The setbacks from the street and lot boundaries are identified in Figure 6.
 - (B) The local government may, notwithstanding non-compliance with the setbacks shown in Figure 6, approve an application if the non-compliance is minor in nature and will not have any adverse impact upon the amenity of the occupiers or users of the development or the precinct, or upon the likely future development of the precinct.
 - (C) Buildings shall be setback a minimum of 6 metres from the boundary that divides Lot 4 Labouchere Road and Lot 3 Preston Street, with landscaping required to this boundary. Any application for approval of substantial development on Lot 3 Preston Street shall be accompanied by a Landscape and Maintenance Plan that demonstrates how landscaping and/or wall treatments will be provided in the area shown on Figure 6 as “Boundary treatment” and maintained by the owner thereafter.
 - (D) For all lots excluding Lots 410 and 411, a parapet wall may be permitted in accordance with SPP 7.3.
- (iii) Special provisions for the Cygnet Cinema
- (A) Notwithstanding the height and setbacks in Figure 6, development on lots directly abutting the Cygnet Cinema must be in accordance with the advice received from the Heritage Council under section 75 of the *Heritage Act 2018*.
- (iv) Land Use
- (A) Notwithstanding Table 1, the following land uses shall be ‘P’ (‘Permitted’) uses in the ‘Neighbourhood Centre Commercial’ Zone:
 - i. Cinema/Theatre;
 - ii. Home Business;
 - iii. Mixed Development;
 - iv. Multiple Dwelling;
 - v. Single Bedroom Dwelling;
 - vi. Office;
 - vii. Shop.
 - (B) Notwithstanding Table 1, the following land uses shall be ‘D’ (Discretionary) uses in the ‘Neighbourhood Centre Commercial’ Zone.
 - i. Aged or Dependent Persons Dwelling;
 - ii. Aged or Dependent Persons Amenities;

- iii. High Level Residential Aged Care Facility;
 - iv. Small Bar;
 - v. Reception Centre.
- (C) 'Dual key' dwellings (accessed from the same front door) shall be counted as one dwelling for all standards including car parking. Such 'Dual Key' dwellings are not permitted to be further strata titled;
- (D) A 'take away food outlet' use shall not include a 'drive-through' component;
- (v) Carparking
Minimum car parking shall be varied from the provisions of Table 6 of the Scheme as follows:
- (A) Car parking for uses in the Neighbourhood Centre Commercial zone may be provided on land zoned Residential where located on the same Certificate of Title.
 - (B) Minimum car parking and bicycle parking shall be varied from the provisions of Table 6 of the Scheme, as below:
 - i. Shop – 4 car bays per 100m² net lettable area;
 - ii. Liquor store (small) – 4 car bays per 100m² net lettable area;
 - iii. Cinema/theatre – 1 car bay per 5 seats; and
 - iv. Restaurant, Tavern and Small Bar – 1 car bay per 20m² of net lettable area.
 - (C) Notwithstanding Table 6 and Clause (v)(B) above, the local government may approve a lesser number of car, motorcycle/scooter or bicycle parking bays where a Parking Needs Assessment prepared by a qualified traffic engineer demonstrates that the proposed number of bays is sufficient, having regard to:
 - i. Different periods of peak demand;
 - ii. The surrounding highly walkable environment;
 - iii. The availability of public transport, bicycle parking and end of trip facilities; and,
 - iv. Reciprocity of parking.
 - (D) Minimum car parking for land uses not stipulated in (v)(B) shall be in accordance with the Scheme.
- (vi) Public Benefits
In respect of development on Site S, any comprehensive new development on this site shall provide the following:

- (A) For Lots 1 to 3 (No.16) Preston Street – the ‘Cygnet Cinema’ site, the provision or payment of a public plaza and streetscape upgrades to the northern side of Preston Street and include the carriageway for the frontage of the said lots to the satisfaction of the local government;
 - (B) For Lots 1 to 3 (No.16) Preston Street – the ‘Cygnet Cinema’ site, the provision of a Conservation Management Plan for the Cygnet Theatre. Development shall be carried out in accordance with any approved conservation management plan to the satisfaction of the Local Government.
 - (C) For all remaining lots with frontage to Preston Street, the upgrade or payment of the upgrading of Preston Street surface treatment, street furniture and street trees abutting the respective property to the back of the respective kerb to the satisfaction of the local government;
 - (D) A minimum of 50% of the dwellings per development application (excluding student accommodation) developed to a ‘Silver’ standard and 5% ‘Platinum’ standard as per the Liveable Housing Design Guidelines issued by Liveable Housing Australia (or equivalent).
 - (E) A minimum 5-star Green Star rating or equivalent rating tool unless otherwise agreed by the local government.
- 18 (a) This sub-clause, applies to Lots 1, 2, 412, 413 Mary Street, 13, 14 Eric Street and Lots 19 and 150 Labouchere Road, Como being the R100 coded lots depicted on the figure below:

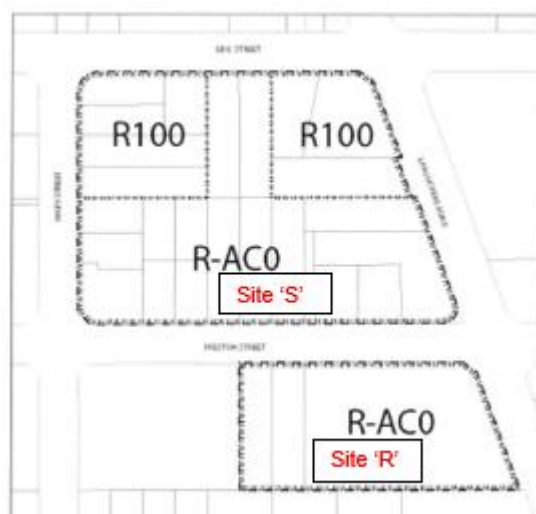


Figure 5c: Location of Site ‘S’ and Site ‘R’

- (b) The Building Height Limit for lots referenced in subclause 18(a) is 4 storeys.
- (c) Clause 6.1A does not apply to lots referenced in subclause 18(a).

5.5 *General Design Guidelines (Deleted)*

NOTE ON CLAUSE 5.5 :
*Deleted and replaced by
Deemed Provisions
clause 67(g).
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]*

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)*

NOTE ON CLAUSE 6.1 :
Deleted and replaced by TPS6 clause 6.2A. Amendment No. 17. (GG 30.7.2013) [Note added 30.7.2013]

6.1A Building Height Limits and Method of Measuring Height

NOTES ON

CLAUSE 6.1A :

1. Clause 6.1A added by Amendment No. 17 to replace former clause 6.2. (GG 30.7.2013)
2. Refer to clause 4.3 (1)(n) for R-Code variation.
3. Refer also to clause 6.1A Explanatory Diagrams. [Notes 1-3 added 30.7.2013]
4. Modified throughout to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note 4 added 12.1.2018]

(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.

NOTES ON

CLAUSE 6.1A (1):

1. Refer to sub-clause (5) for permitted projections.
2. Refer to clause 6.2A for 'pre-Scheme development'. [Notes added 30.7.2013]

(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.

NOTES ON

CLAUSE 6.1A (2) :

1. Refer to sub-clauses (6) and (7) for exceptions.
2. Refer to clause 6.5 for the local government's determination of 'side' and 'rear' boundaries.
3. Refer to clause 6.9 for minimum ground and floor levels. [Notes added 30.7.2013]

(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.

NOTES ON

CLAUSE 6.1A (3) :

1. Refer to sub-clause (5) for permitted projections.
2. Refer to Schedule 1 definition of 'BHL wall'. [Notes added 30.7.2013]

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.

NOTE ON
CLAUSE 6.1A (3)(c) :
Refer to Schedule 1 definition of 'mansard roof'.
[Note added 30.7.2013]

(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.

**NOTE ON
CLAUSE 6.1A (6):**
*Refer to sub-clauses (2) and (3) for ground level point and upper level used for measuring building height.
[Note added 30.7.2013]*

(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).

**NOTE ON
CLAUSE 6.1A (7):**
*Refer to sub-clauses (2) and (3) for ground level point and upper level used for measuring building height.
[Note added 30.7.2013]*

(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.

**NOTE ON
CLAUSE 6.1A (8):**
*Refer to clause 6.2A for retention of same height in 'pre-Scheme development'.
[Note added 30.7.2013]*

(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 the Centre zone

- (a) In the Centre zone building height shall be measured in accordance with the relevant provisions contained in any relevant schedule of this Scheme or the Activity Centre Plans applicable to the Activity Centre, whichever is applicable.
- (b) For development in the Canning Bridge Activity Centre, the Building Height Limits are as prescribed in the Canning Bridge Activity Centre Plan.
- (c) For development within the South Perth Activity Centre Plan, the building height limits are as prescribed in Schedule 9B and Schedule 13.

**NOTE ON
CLAUSE 6.1A (11):**
 Added by
 Amendment No. 47
 (GG. 10.2.2017)
 Refer to Schedule 12
 'Centre Zone'.
 [Note added 10.2.2017]

**NOTE ON
CLAUSE 6.1A(10)(a):**
 Modified by
 Amendment No. 61.
 (GG 24.12.2021)
 [Note added 24.12.2021]

**NOTE ON
CLAUSE 6.1A(11):**
 Added by
 Amendment No. 61.
 (GG 24.12.2021)
 [Note added 24.12.2021]

(Notes on clause 6.1A continue on next page in the form of explanatory diagrams)

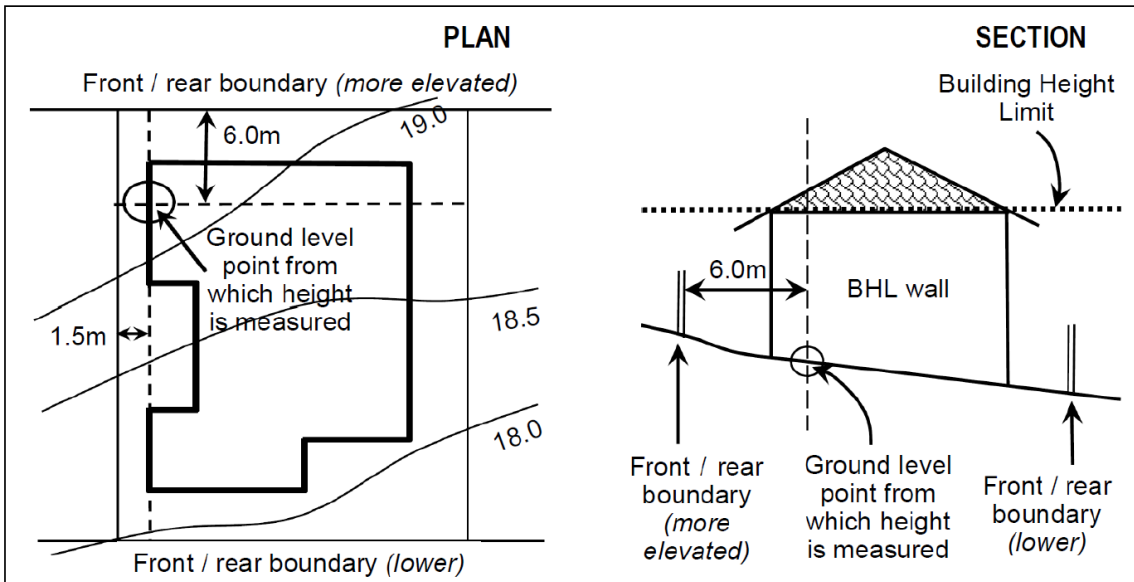
6.1A Building Height Limits and Method of Measuring Height (cont'd)

NOTES ON CLAUSE 6.1A - EXPLANATORY DIAGRAMS

[Notes added 30.7.2013]

Drawings not to scale.

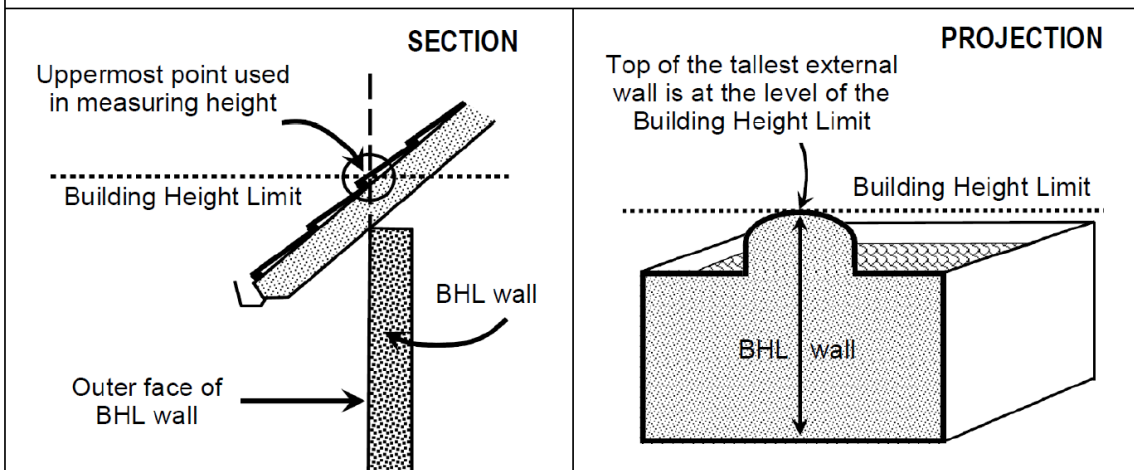
These drawings constitute 'Notes' which supplement and illustrate the statutory provisions of clause 6.1A. As such, they do not form a statutory part of the Scheme but are to be read in conjunction with the clause.



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.

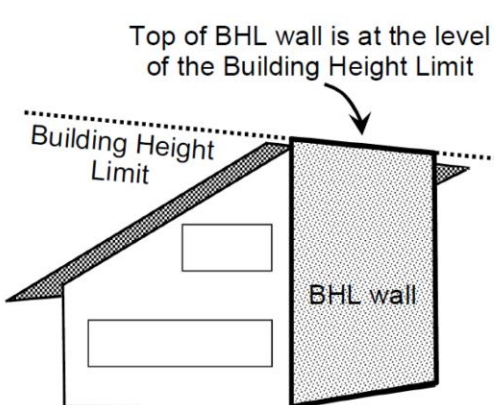
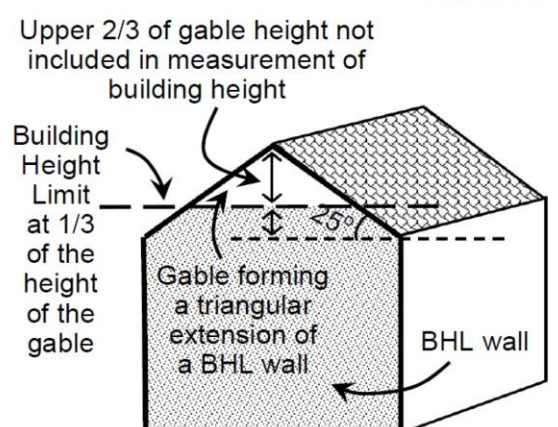
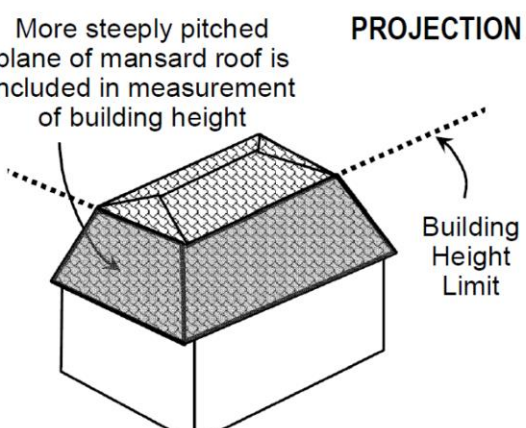
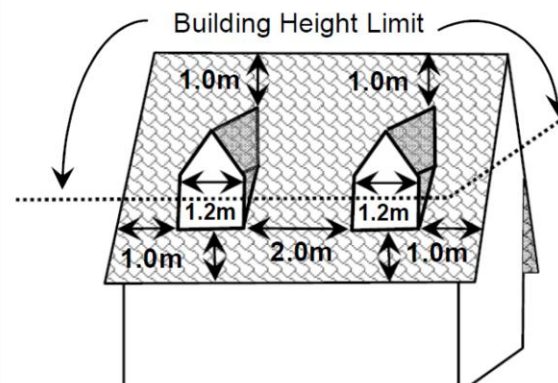
(Refer to clause 6.1A (3)(a))

**6.1A Building Height Limits and Method of Measuring Height –
Notes on Clause 6.1A - Explanatory Diagrams (cont'd)**

[Notes added 30.7.2013]

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.

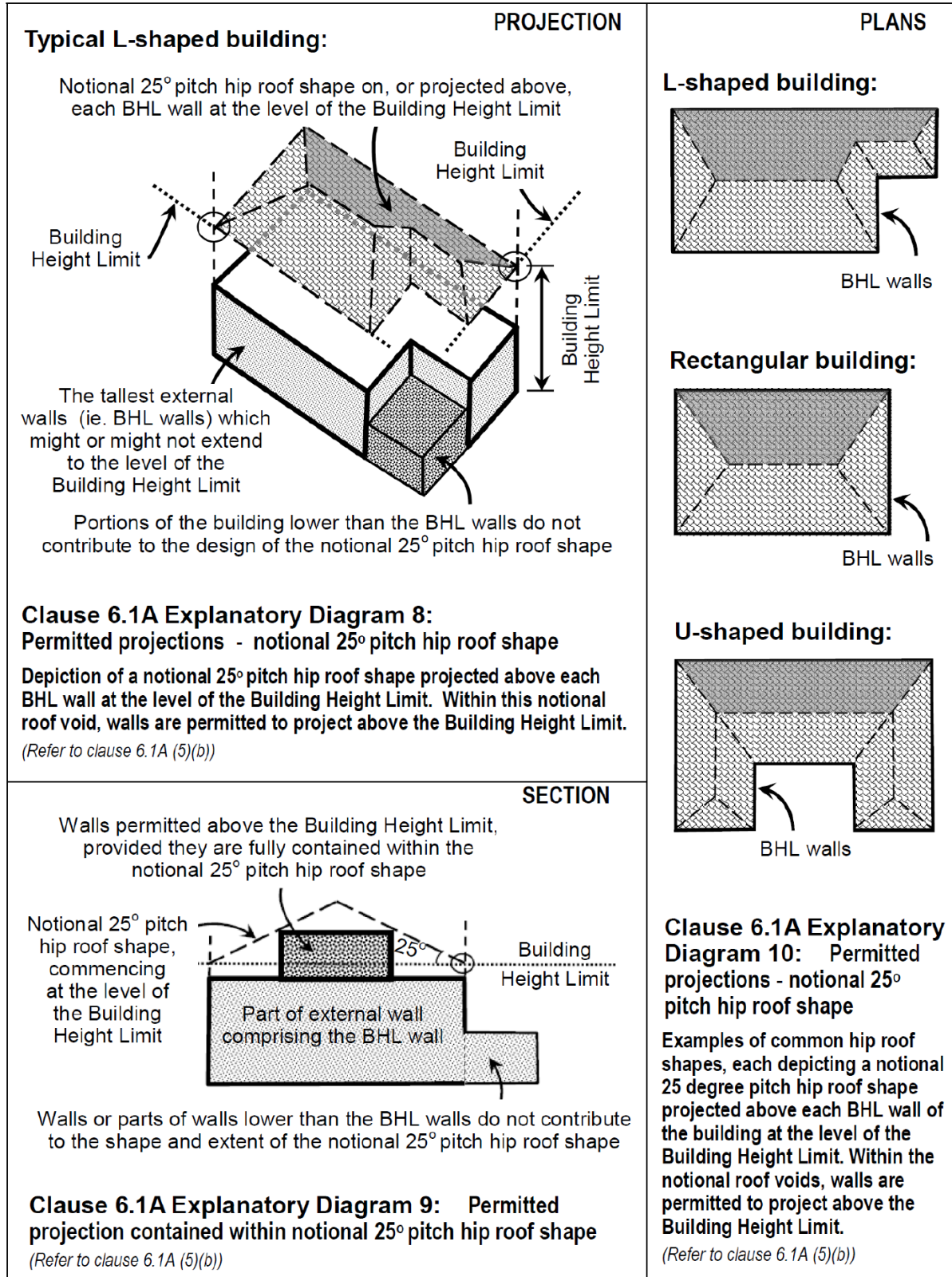
<p style="text-align: center;">PROJECTION</p>  <p style="text-align: center;">Top of BHL wall is at the level of the Building Height Limit</p> <p style="text-align: center;">Clause 6.1A Explanatory Diagram 4: Measuring height - top of BHL wall</p> <p>Building height is measured to the top of the BHL wall. <i>(Refer to clause 6.1A (3)(a))</i></p>	<p style="text-align: center;">PROJECTION</p>  <p>Upper 2/3 of gable height not included in measurement of building height</p> <p>Building Height Limit at 1/3 of the height of the gable</p> <p style="text-align: center;">Clause 6.1A Explanatory Diagram 5: Measuring height - 1/3 gable height</p> <p>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. <i>(Refer to clause 6.1A (3)(b))</i></p>
<p style="text-align: center;">PROJECTION</p>  <p>More steeply pitched plane of mansard roof is included in measurement of building height</p> <p style="text-align: center;">Clause 6.1A Explanatory Diagram 6: Measuring height - steeper plane of mansard roof</p> <p>In the case of a mansard roof, building height is measured to the top of the more steeply pitched plane of the roof. <i>(Refer to clause 6.1A (3)(c))</i></p>	<p style="text-align: center;">PROJECTION</p>  <p style="text-align: center;">Clause 6.1A Explanatory Diagram 7: Permitted projections - dormers</p> <p>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. <i>(Refer to clause 6.1A (5)(d))</i></p>

6.1A Building Height Limits and Method of Measuring Height – Notes on Clause 6.1A - Explanatory Diagrams (cont'd)

[Notes added 30.7.2013]

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.

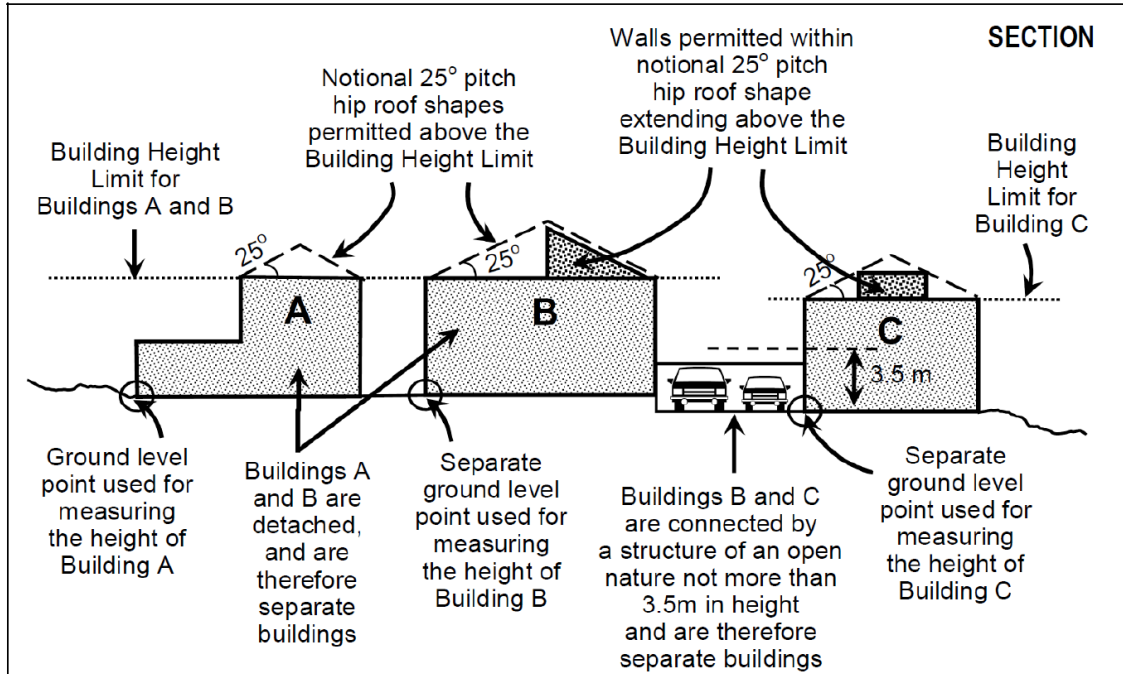


6.1A Building Height Limits and Method of Measuring Height – Notes on Clause 6.1A - Explanatory Diagrams (cont'd)

[Notes added 30.7.2013]

Drawings not to scale.

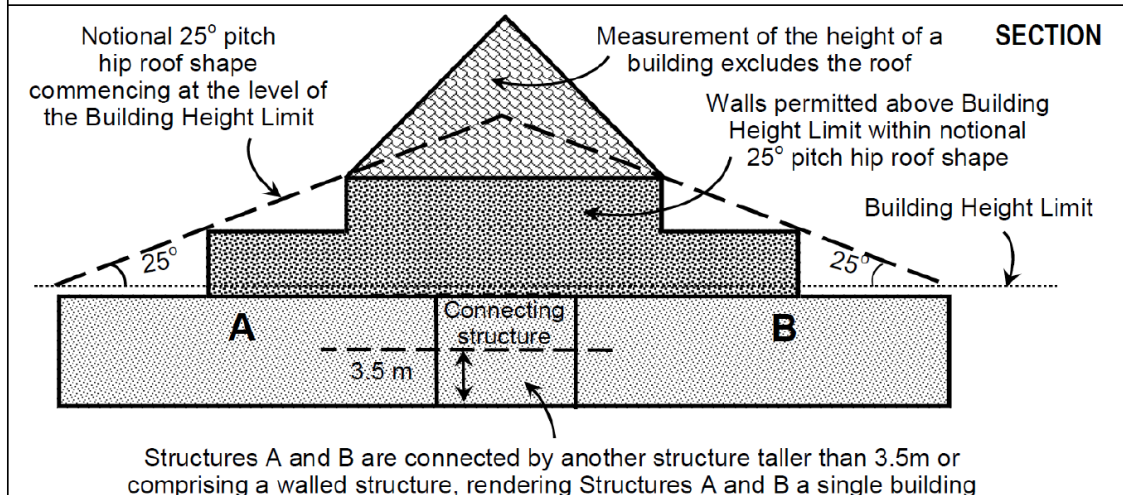
These drawings constitute 'Notes' which supplement and illustrate the statutory provisions of clause 6.1A. As such, they do not form a statutory part of the Scheme but are to be read in conjunction with the clause.



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.

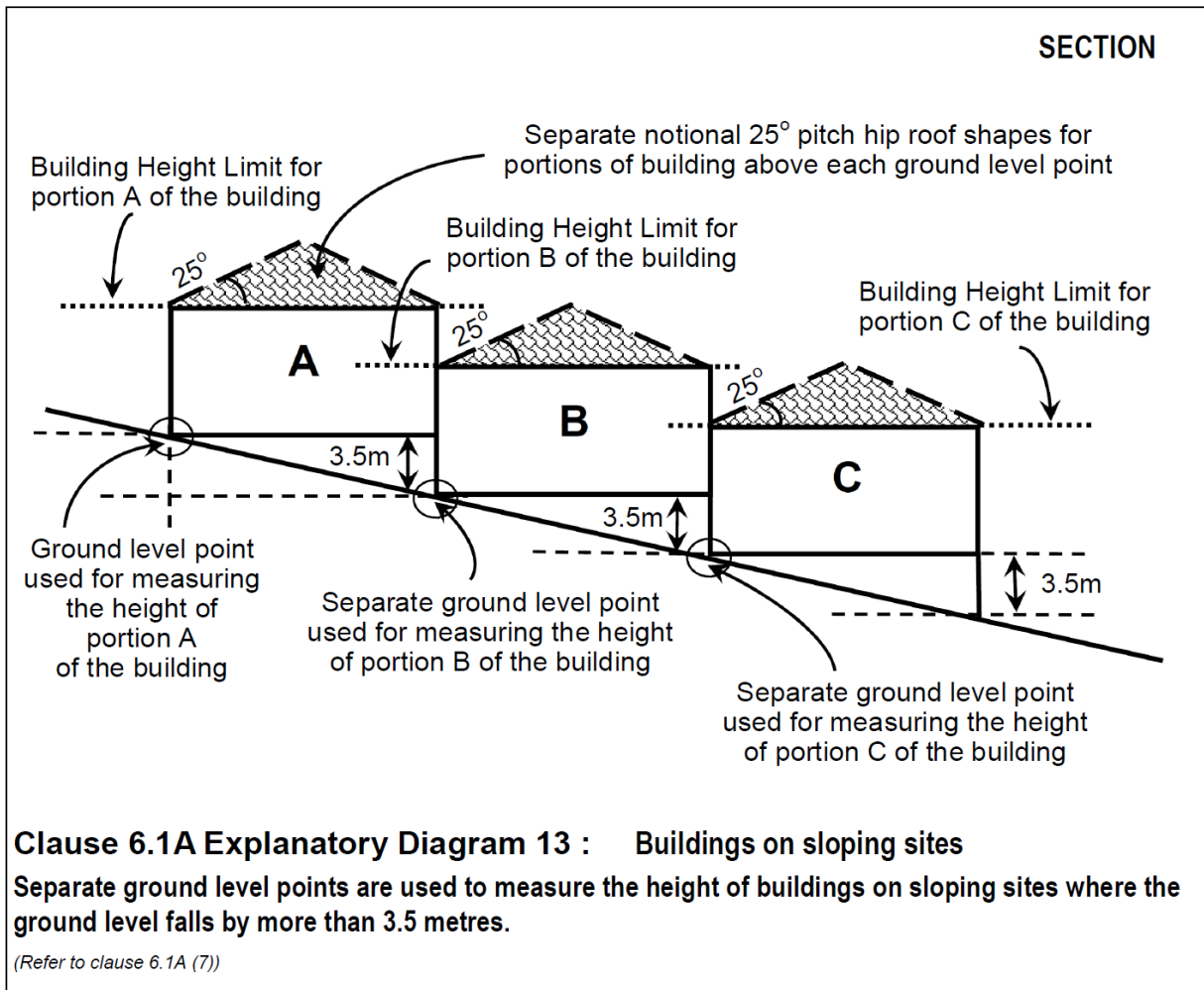
(Refer to clause 6.1A (5) and clause 6.1A (6))

**6.1A Building Height Limits and Method of Measuring Height –
Notes on Clause 6.1A - Explanatory Diagrams (cont'd)**

[Notes added 30.7.2013]

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.



6.2 Building Height Limits (Deleted)

NOTE ON CLAUSE 6.2:
Replaced by clause 6.1A,
by Amendment No. 17
(GG 30.7.2013)
[Note added 30.7.2013]

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.

NOTES ON

CLAUSE 6.2A :

1. Clause 6.2A added by Amendment No. 17 replacing former clause 6.1 (GG 30.7.2013)

2. Refer also to Clause 6.2A Explanatory Diagrams.

3. Refer to clause 4.3 (1), paragraphs (a) and (n) for R-Code variation.

4. Refer to Schedule 1 definition of 'pre-Scheme development'.

[Notes 1- 4 added 30.7.2013]

5. Modified throughout to align with Deemed Provisions and R-Codes.

Amendment No. 54 (GG 12.1.2018)

[Note 5 added 12.1.2018]

NOTE ON

CLAUSE 6.2A (1)(c) :

Refer to clause 8.1 (7) relating to destruction of a Non-Conforming Use building.

[Note added 30.7.2013]

6.2A (1) 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.

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

(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.

**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]*

(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

6.2A (4) 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)

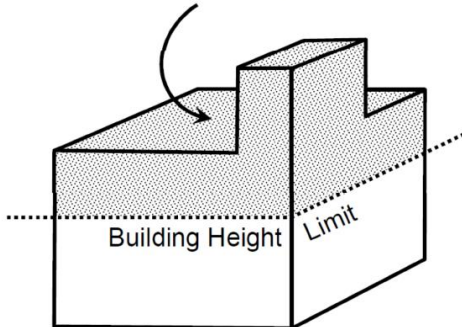
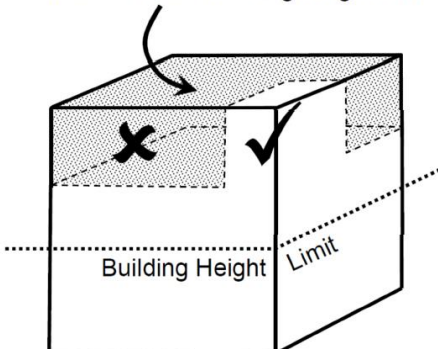
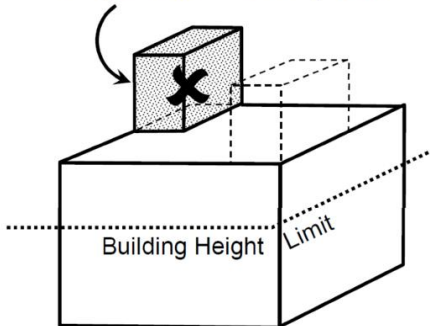
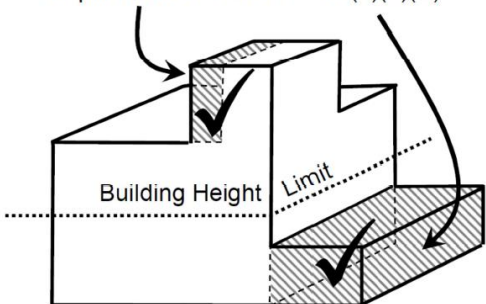
6.2A Special Provisions for Pre-Scheme Developments (cont'd)

NOTES ON CLAUSE 6.2A - EXPLANATORY DIAGRAMS

[Notes added 30.7.2013]

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.

<p style="text-align: center;">PROJECTION</p> <p>Shading depicts the portion of the pre-Scheme development which is above the Building Height Limit</p>  <p style="text-align: center;">Clause 6.2A Explanatory Diagram 1 : Pre-Scheme development to be replaced</p> <p><i>(Refer to clause 6.2A (1)(b).)</i></p>	<p style="text-align: center;">PROJECTION</p> <p>Shading depicts portion of replacement building which does not comply because it exceeds the plot ratio area of the portion of the pre-Scheme development located above the Building Height Limit</p>  <p style="text-align: center;">Clause 6.2A Explanatory Diagram 2 : Example of non-complying replacement building</p> <p><i>(Refer to clause 6.2A (1)(b).)</i></p>
<p style="text-align: center;">PROJECTION</p> <p>Shading depicts portion of the replacement building which does not comply because that portion, positioned above the Building Height Limit, is not in the same location as the corresponding portion of the pre-Scheme development</p>  <p style="text-align: center;">Clause 6.2A Explanatory Diagram 3 : Example of non-complying replacement building</p> <p><i>(Refer to clause 6.2A (1)(b).)</i></p>	<p style="text-align: center;">PROJECTION</p> <p>Depiction of a complying replacement building. Hatched areas comprise additional plot ratio area of less than 10 sq. metres positioned above the Building Height Limit, as well as additional plot ratio area below the Building Height Limit, complying with requirements of clause 6.2A(1)(b)(iii)</p>  <p style="text-align: center;">Clause 6.2A Explanatory Diagram 4 : Example of complying replacement building</p> <p><i>(Refer to clause 6.2A (1)(b).)</i></p>

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.

NOTES

6.3 Car Parking (Deleted)

NOTE ON CLAUSE 6.3 :
Deleted and replaced by
TPS6 clauses 6.3 and
6.3A.
Amendment No. 30.
(GG 12.9.2014)
[Note added 12.9.2014]

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;

NOTES ON REPLACEMENT CLAUSE 6.3 :

1. Deleted and replaced by Amendment No.30. (GG 12.9.2014)
2. Refer also to
 - Clause 4.3 (1) (i) and (j) relating to variations from the R-Codes;
 - Clause 6.3A for cash-in-lieu provisions;
 - Table 6.
3. For Residential uses, refer also to Design Element 6.5 of the R-Codes (2008) for relevant car parking and access design requirements not otherwise specified in the Scheme.
[Notes 1, 2, 3 added 29.4.2003; updated April 2008; updated Sept 2014]
4. Modified throughout to align with Deemed Provisions. GG (12.1.2018)
[Note 4 added 12.1.2018]

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 development in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B, the provisions of sub-clauses (1) and (2) do not apply. Car parking ratios for such development are prescribed in the South Perth Activity Centre Plan and Schedule 13.
- (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.

**NOTES ON
CLAUSE 6.3 (13) :**

1. Added by
Amendment No. 25.
(GG 18.1.2013)
[Note added 18.1.2013]

2. Amended by
Amendment No. 46.
(GG 21.2.2017)
[Note added 21.2.2017]

3. Modified by
Amendment No. 61.
(GG 24.12.2021)
[Note added 24.12.2021]

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.

**NOTE ON
CLAUSE 6.3 (14) :**

Added by
Amendment No. 47.
(GG. 10.2.2017)
Refer to Schedule 12 'Centre Zone'.
[Note added 10.2.2017]

**NOTES ON
CLAUSE 6.3A :**

- 1. Clause 6.3A added by
Amendment No. 30.
(GG 12.9.2014)
- 2. Refer also to clause 6.3 for other car parking provisions.
[Notes 1, 2 added 12.9.2014]
- 3. Modified throughout to align with Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

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) Deleted

NOTE ON CLAUSE 6.3A(8):
 Deleted by
 Amendment No. 61.
 (GG 24.12.2021)
 [Note added
 24.12.2021]

6.4 Bicycle Parking

NOTE ON CLAUSE 6.4 :
 Refer to Table 6.
 [Note added 29.4.2003]

- (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:

NOTE ON CLAUSE 6.4 :
 Modified throughout to
 align with Deemed
 Provisions.
 Amendment No. 54
 (GG 12.1.2018)
 [Note added 12.1.2018]

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 development in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B, requirements relating to bicycle parking and end-of-trip facilities are contained in the South Perth Activity Centre Plan and Schedule 13 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.

NOTE ON CLAUSE 6.4 (6) :
 1. Added by Amendment No. 25. (GG 18.1.2013) [Note added 18.1.2013]
 2. Modified by Amendment No. 61. (GG 24.12.2021) [Note added 24.12.2021]

NOTE ON CLAUSE 6.4 (7) :
 Added by Amendment No. 47. (GG. 10.2.2017) Refer to Schedule 12 'Centre Zone'. [Note added 10.2.2017]

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.

NOTE ON CLAUSE 6.5 :
 1. Paragraph (b) amended by Amendment No. 17. (GG 30.7.2013) [Note added 30.7.2013]
 2. Modified to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note 2 added 12.1.2018]

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.

NOTE ON CLAUSE 6.6 :
 Modified throughout to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

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.
 - (b) designed in such a manner as to facilitate entry onto the road in a forward gear.
 - (c) not permitted for all comprehensive new development on Lots 39-48 and 2-4 Manning Road, and Lots 49 and 1 Garvey Street, Waterford that has vehicular access to a local road or a laneway connected to the local road network
 - (d) considered where the site of a comprehensive new development on Lots 39-48, 2-4 Manning Road, and Lots 49 and 1 Garvey Street, Waterford has direct vehicular access to Manning Road and will in the future have vehicular access to a laneway connected to the local road network, temporary vehicular access to Manning Road may be approved provided that the comprehensive new development is designed to have vehicular access to the planned laneway and to remove direct vehicular access to Manning Road when laneway access is available.
- (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.

NOTE ON CLAUSE 6.7:
Refer also to Supplemental Provisions to Deemed Provisions clause 61.
[Note added 12.1.2018]

NOTE ON CLAUSE 6.7
Modified throughout to align with Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

NOTE ON CLAUSE 6.7 (1) and (2):
Replaced by Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

NOTES

- (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.

NOTE ON SUB-CLAUSES 6.7 (3) and (4):
 Added by
 Amendment No. 29.
 (GG 11.5.2012)
 [Note added 5.6.2012]

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.

NOTE ON CLAUSE 6.8:
 Modified to align with
 Deemed Provisions.
 Amendment No. 54
 (GG 12.1.2018)
 [Note added 12.1.2018]

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:

NOTE ON CLAUSE 6.9:

1. For Residential uses, refer also to Design Element 6.6 of the R-Codes (2008) for relevant site works requirements not otherwise specified in the Scheme.
 [Note added 29.4.2003; updated April 2008]
2. Modified to align with Deemed Provisions.
 Amendment No. 54. (GG 12.1.2018)
 [Note 2 added 12.1.2018]

- (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.

NOTES ON CLAUSE 6.10:

1. For Residential uses, refer also to Design Element 6.6 of the R-Codes (2008) for relevant site works requirements not otherwise specified in the Scheme.

[Note 1 added 29.4.2003; updated April 2008]

2. Modified throughout to align with Deemed Provisions.

Amendment No. 54.
(GG 12.1.2018)

[Note 2 added 12.1.2018]

- (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).)

NOTE ON CLAUSE 6.11:
Deleted and replaced by Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

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.

NOTE ON CLAUSE 6.12:
Modified throughout to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

- (2) (Deleted)

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

NOTE ON CLAUSE 6.12 (1) :
Updated to align with Building Regulations 2012. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

- (3) Roof-mounted advertisements are prohibited.

NOTE ON CLAUSE 6.12 (2), (8), (9) AND (10) :
Deleted and replaced by Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

- (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.
- (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

NOTE ON CLAUSE

6.13:

Modified throughout to align with Deemed Provisions.

Amendment No. 54. (GG 12.1.2018)

[Note added 12.1.2018]

- (ii) made available for public inspection during office hours.

- (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;
 - (ii) 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

6.13 (6) Tree Preservation (cont'd)

- (iv) specify the work proposed to be done to the tree.
- (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]
3. Modified to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018)
[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.

NOTE ON CLAUSE 6.15:
Modified throughout to align with Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

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 (1)(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).)

**NOTE ON CLAUSES
7.1, 7.2, 7.3, 7.4, 7.5, 7.6
& 7.7:**
Deleted and replaced by
Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

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 9B applicable to development within the South Perth Activity Centre as defined by Provision 1 of Schedule 9B and Schedule 13, unless a provision in Schedule 9B and Schedule 13 states that the provisions are open to variation; and
 - (e) the number of deficit car parking bays calculated in the manner prescribed in clause 6.3A(1)(a).

NOTES ON

CLAUSE 7.8 (2):

1. Paragraph (a) amended by Amendment No. 17. (GG 30.7.2013)
[Note 1 added 30.7.2013]
2. Paragraphs (b), (c) and (d) amended by Amendment No. 30. (GG 12.9.2014)
[Note 2 added 12.9.2014]
3. Paragraph (d) added by Amendment No. 25. (GG 18.1.2013)
[Note 3 added 18.1.2013]
4. Paragraph (e) added by Amendment No. 30. (GG 12.9.2014)
[Note 4 added 12.9.2014]
5. Paragraph (d) modified by Amendment No. 61. (GG 24.12.2021)
[Note added 24.12.2021]

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).)

NOTE ON CLAUSE 7.9:
Deleted and replaced by
Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

7.10 Informal Preliminary Support for Proposed Development

NOTE ON CLAUSE 7.10:
Modified throughout to
align with Deemed
Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

- (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).)

**NOTE ON
CLAUSES 7.11, 7.12,
and 7.13:**
Deleted and replaced by
Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]



Part VIII

Non-Conforming Use

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.

NOTE ON CLAUSE 8.1:
*Modified to align with
Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]*

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.)

NOTE ON CLAUSE 9.1:
Deleted and replaced by Deemed Provisions. Amendment No. 5.4 (GG 12.1.2018) [Note added 12.1.2018]

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

NOTES ON CLAUSE 9.3:
1. *Sub-clauses (1) and (2) deleted and sub-clauses (1), (2), (3), (4) and (5) added by Amendment No. 2. (GG 7.9.2004) [Note added 7.9.2004]*
2. *Modified to align with Deemed Provisions and the Act. Amendment No. 54. (GG 12.1.2018) [Note 2 added 12.1.2018]*

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.

**NOTE ON
CLAUSE 9.3 (5):**
*References to relevant Acts updated by Amendment No. 54. (GG 12.1.2018)
[Note added 12.1.2018]*

**NOTE ON
CLAUSE 9.3 (6):**
*Modified by Amendment No. 54. (GG 12.1.2018)
[Note added 12.1.2018]*

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.

NOTES ON CLAUSE 9.4:
1. *Part 11 Division 4 of the Act empowers the local government to purchase or compulsorily acquire land comprised in a Scheme.*

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.

NOTES ON CLAUSE 9.4 (cont'd):

2. Sub-clauses (1) and (2) deleted and sub-clauses (1), (2) and (3) added by Amendment No. 2. (GG 7.9.2004) [Notes (1) and (2) added 7.9.2004]
3. Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Note 3 added 12.1.2018]

9.5 Rights of Appeal (Deleted)

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

NOTE ON CLAUSES

9.5, 9.6 & 9.7:
Deleted and replaced by Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

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.

NOTE ON CLAUSE 9.8:

Modified to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

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

NOTE ON CLAUSE 9.9:
*Modified to align with
Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]*

- (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) *(deleted)*.
 - (c) Special Control Area 2 – Civic Site as included in Schedule 13
 - (d) Special Control Area 3 – Canning Highway (East) as included in Schedule 9C

NOTE ON PART X:

Added by
Amendment No. 25
(GG 18.1.2013)
[Note added 18.1.2013]

Refer also to Correction
Notice in Government
Gazette 19.2.2013
relating to clause 10.2
(11)(g)(ii).
[Note added 19.2.2013]

**NOTE ON
CLAUSE 10.1 (1)(b):**

Deleted by
Amendment No. 61.
(GG 24.12.2021)
[Note added 24.12.2021]

- (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.

**NOTE ON
CLAUSE 10.1 (2):**
Modified by Amendment
No. 47 (GG 10.2.2017)
[Note added 10.2.2017]

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.

**NOTE ON
CLAUSE 10.2:**
Modified throughout to
align with Deemed
Provisions.
Amendment No. 54
(GG 12.1.2018)
[Note added 12.1.2018]

**NOTE ON
CLAUSE 10.2 (1):**
Refer also to Schedule 1
Definitions for other
terms.
[Note added 12.1.2018]

‘Development Contribution Area’ : means the area shown on the Scheme Map as DCA with a number and included in Schedule 10.

‘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]*





Town Planning Scheme No. 6

TABLES

Table 1	Zoning – Land Use
Table 2	Setbacks from Specified Streets and Reserves for Residential Uses
Table 3	Development Requirements for Non-Residential Uses in Non-Residential Zones
Table 4	Development Requirements for Non-Residential Uses in Residential Zone
Table 5	Setbacks from Specified Streets for Non-Residential Uses
Table 6	Car and Bicycle Parking



Table 1
Zoning - Land Use

Refer to Clause 3.3

ZONES	Residential	District Centre Commercial	Neighbourhood Centre Commercial	Highway Commercial	Local Commercial	Public Assembly	Private Institution	Technology Park	Centre
RESIDENTIAL USES									
Single House	P	X	X	X	D	P	P	D	Land use permissibility subject to an adopted and endorsed Activity Centre Plan or any applicable schedule of the Scheme, unless otherwise agreed by the local government.
Ancillary Accommodation	P	X	X	X	D	X	X	D	
Grouped Dwelling	P ⁽²⁾	D	D	D	D	D	D	D	
Multiple Dwelling -		D	D	D	X	D	D	D	
- in areas coded R40 or lower	X								
- in areas coded R50 or higher	P								
Aged or Dependent Persons' Dwelling	D	X	X	X	X	D	P	D	
Single Bedroom Dwelling	D	D	D	D	D	D	D	D	
Residential Building	DC	D	D	D	X	D	P	D	
Student Housing	DC	X	X	X	X	D	D	D	
Bed and Breakfast Accommodation	DC	D	D	DC	DC	DC	DC	X	
Home Business	X	X	X	X	X	X	X	X	
Home Occupation	D	D	D	D	D	X	X	X	
Home Office	P	P	P	P	P	P	P	X	
NON-RESIDENTIAL USES									
Aged or Dependent Persons' Amenities	D	X	X	X	X	D	P	X	
Café / Restaurant	DC	P	P	D	DC	DC	DC	P	
Child Day Care Centre	DC	D	DC	X	DC	DC	P	P	
Cinema / Theatre	X	D	DC	DC	X	DC	DC	D	
Civic Use	DC	P	P	D	X	X	X	P	
Club Premises	X	D	DC	DC	X	DC	P	DC	
Consulting Rooms	DC	P	P	DC	DC	X	P	P	
Convenience Store	X	P	D	D	X	X	X	X	
Educational Establishment	DC	X	X	D	X	DC	P	D	
Family Day Care	DC	X	X	X	X	X	X	X	
High Level Residential Aged Care Facility	DC	X	X	X	X	X	P	X	
Hospital	DC	X	X	X	X	X	P	X	
Hotel	X	D	DC	DC	X	X	X	X	
Indoor Sporting Activities	X	D	DC	DC	X	DC	D	D	
Industry - Light	X	X	X	DC	X	X	X	DC	
Industry - Service	X	P	P	P	D	X	X	P	

P = Permitted Use

D = Discretionary Use

DC = Discretionary Use with Consultation

X = Prohibited Use

Table 1 : Zoning - Land Use (cont'd)

ZONES	Residential	District Centre Commercial	Neighbourhood Centre Commercial	Highway Commercial	Local Commercial	Public Assembly	Private Institution	Technology Park	Centre
NON-RESIDENTIAL USES									
Liquor Store (Large)	X	DC	X	X	X	X	X	X	Land use permissibility subject to an adopted and endorsed Activity Centre Plan or any applicable schedule of the Scheme, unless otherwise agreed by the local government
Liquor Store (Small)	X	DC	DC	DC	DC	X	X	X	
Local Shop	DC	P	P	D	P	X	P	DC	
Market	X	D	D	X	X	DC	DC	X	
Mixed Development	D	D	D	D	D	D	D	X	
Motor Vehicle and Equipment Hire	X	X	X	DC	X	X	X	X	
Motor Vehicle and Marine Sales Premises	X	X	X	DC	X	X	X	X	
Motor Vehicle Wash	X	D	X	D	X	X	X	X	
Night Club	X	D	X	DC	X	X	DC	X	
Office	X	P	D	D	D	X	X	P	
Public Parking Station	X	P	P	DC	X	X	X	X	
Public Utility	D	P	P	P	P	P	P	P	
Radio and Television Installation	X	D	D	D	DC	DC	D	DC	
Reception Centre	X	D	X	DC	X	X	DC	X	
Religious Activities	DC	X	X	X	X	DC	DC	X	
Research and Development	X	D	DC	DC	X	X	X	P	
Restricted Premises	X	X	X	X	X	X	X	X	
Service Station	X	D	DC	DC	X	X	X	X	
Shop	X	P	D	D	D	X	X	DC	
Showroom	X	D	D	D	X	X	X	X	
Small Bar	X	DC	DC	DC	DC	X	DC	DC	
Take-Away Food Outlet	X	P	P	DC	DC	X	X	P	
Tavern	X	D	DC	DC	X	X	X	X	
Telecommunications Infrastructure	D	D	D	D	D	D	D	D	
Tennis Court (Private)	DC	D	DC	X	X	DC	D	D	
Tourist Accommodation -		D	DC	DC	X	X	X	X	
- in areas coded R40 or lower	X								
- in areas coded R50 or higher	DC								
Veterinary Clinic	DC	D	D	DC	DC	X	X	X	

FOOTNOTES:

- Refer to clause 5.1(3)(a) for particular requirements relating to Mixed Development in the Mixed Use Commercial Zone.
- Grouped Dwelling is not permitted (X) within the area covered by the Waterford Triangle Local Development Plan (Refer to Schedule 12 No. 2 (f)) or within 'Site P' (refer to Clause 5.4(14)).

NOTES:

'Child Day Care Centre': Amended by Amendment No. 23 (GG 9.9.2011) [Note added 5.10.2011]
 'Liquor Store (Large)', 'Liquor Store (Small)' and 'Small Bar' added by Amendment No. 50 (GG 4.3.2016)[Note added 4.3.2016]
 'Centre' zone added by Amendment No. 47 (GG. 10.2.2017) [Note added 10.2.2017]
 Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]
 'Mixed Use Commercial' and 'Mends Street Centre Commercial' Zones deleted by Amendment No. 61. (GG 24.12.2021) [Note added 24.12.2021]

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

Street Name and Portion	Setback from Street Boundary (metres)	Objective of Setback
Angelo Street (north side between Rose Avenue and Coode Street)	6.0	To provide for future alfresco use of the pavement or for additional street parking for the Centre.
Canning Highway (west side)	10.0	To provide for future road widening while retaining a 7.5m setback to development.
Canning Highway (east side)	25.0	To provide for future road widening while retaining a 7.5m setback to development.
Manning Road (west of Ley Street)	10.5	To provide for future road widening while retaining a 7.5m setback to development.
Manning Road (north side, east of Conlon Street and West of McKay Street)	6.0	To provide for potential future road widening of Manning Road and to ensure an adequate setback to Manning Road in the event that widening does not occur.
Melville Parade	9.0	To preserve the attractive streetscape and enable retention of views of the river.
Mill Point Road (north of Judd Street and Harper Terrace)	9.0	To preserve the visual attractiveness of the street and vistas within the peninsula.
Mill Point Road (west of Douglas Avenue to junctions with Labouchere Road and Harper Terrace)	9.0	To preserve the visual attractiveness of, and vistas along, the street.
South Perth Esplanade	12.0	To preserve the attractive streetscape and enable retention of views of the river.

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

Zone	Maximum Plot Ratio	Minimum Setbacks From Lot Boundaries ^{(1), (2)}	Minimum Landscaped Area ⁽⁷⁾ (% of site)	
District Centre Commercial	Mixed Development: Residential component of Mixed Development: 0.50	1.75	Street - 1.5m Rear - 4.5m ⁽³⁾ Side - Nil	10%
	Other Non-Residential	1.50		
Neighbourhood Centre Commercial	Mixed Development or other Non-Residential:	0.75	Street ⁽⁴⁾ - 1.5m average Other - Nil	15%
Highway Commercial	Mixed Development or other Non-Residential:	0.50	Street - Refer to Table 5 Rear - 4.5m ⁽³⁾ Side - Nil	15%
Local Commercial	Mixed Development or other Non-Residential:	0.50	Street - 1.5m Other - Nil	10%
Public Assembly	Mixed Development or other Non-Residential:	0.50	Street - 7.5m Other - 4.5m	25%
Private Institution	Mixed Development or other Non-Residential:	0.60	Street - 7.5m Other - 4.5m	25%
Technology Park		0.50	Street - 7.5m Other - 4.5m	25%

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]
8. Modified to align with Deemed Provisions. Amendment No. 54 (GG 12.1.2018) [Footnote 8 added 12.1.2018]
9. Modified by Amendment No. 61. (GG 24.12.2021) [Note added 24.12.2021] to delete 'Mixed Use Commercial' and 'Mends Street Centre Commercial' Zone requirements

Table 4
Development Requirements for Non-Residential Uses in the Residential Zone

Refer to Clause 5.2

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area ⁽¹⁾ (% of site)	Other Development Requirements
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%	<ol style="list-style-type: none"> 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 ⁽³⁾ (continued...)	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%	<ol style="list-style-type: none"> 1. Minimum lot area : 900 square metres and of regular shape. 2. Minimum lot frontage : 20 metres. 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)

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area ⁽¹⁾ (% of site)	Other Development Requirements
Child Day Care Centre (...continued)				8. Canning Highway : Child Day Care Centres will generally not be permitted on sites having frontage to Canning Highway unless: <ul style="list-style-type: none"> (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. 9. Suitable Premises : Converted Single House or purpose built building. 10. Minimum indoor and outdoor playing space: as per the Regulations made under the <i>Child Care Services Act 2007</i> . 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.
Civic Use	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%	The local government shall determine in each case.
Consulting Rooms ⁽⁴⁾ (continued...)	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. Minimum lot area : 900m ² . 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.

Table 4 : Development Requirements for Non-Residential Uses in the Residential Zone (cont'd)

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area ⁽¹⁾ (% of site)	Other Development Requirements
Consulting Rooms (...continued)				8. Consulting Rooms will not be permitted on sites having frontage to Canning Highway, unless: <ul style="list-style-type: none"> (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 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.
Family Day Care	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. Suitable dwellings : Single House or Grouped Dwelling. 2. Maximum number of facilities per development : 1. 3. Minimum external playing space : 40m ² with a minimum dimension of 6m.
High Level Residential Aged Care Facility	R15 or R20 : 0.5 R25 or more: 0.75	Street - 6.0m Other - As prescribed in Tables 2a and 2b and Figure 3 of the R-Codes for residential Uses	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.
Hospital	0.75	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%	Car Parking : Refer to clause 6.3 and Table 6.

Table 4 : Development Requirements for Non-Residential Uses in the Residential Zone (cont'd)

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area ⁽¹⁾ (% of site)	Other Development Requirements
Local Shop	Not applicable	Not applicable	Not applicable	Car Parking : Refer to clause 6.3 and Table 6.
Religious Activities	0.50	Street - 6.0m Rear - 6.0m Side - 4.5m	25%	Place of public worship or other places of public assembly : Noise attenuation may be required.
Tennis Court (Private)	Not applicable	Not applicable	Not applicable	<ol style="list-style-type: none"> 1. Lighting : <ol style="list-style-type: none"> (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)

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area ⁽¹⁾ (% of site)	Other Development Requirements
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%	<ol style="list-style-type: none"> 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]
5. Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Footnote added 12.1.2018]

Table 5
Setbacks from Specified Streets for
Non-Residential Uses

Refer to Clause 5.3

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

Table 6
Car and Bicycle Parking

Refer to Clauses 6.3 and 6.4

Uses	Minimum Required Parking Bays	
	Cars	Bicycles
District Commercial Centre * Industry - Service, Office, Shop	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Neighbourhood Commercial Centre * Industry - Service, Office, Shop	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Highway Commercial Centre * Industry - Service, Office, Shop	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Local Commercial Centre * Industry-Service, Office, Shop	1 per 25m ² gross floor area	1 per 100m ² gross floor area for staff and / or visitors
* 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.		
Café/Restaurant	1 per 5m ² of dining area	1 per 40m ² of dining area for visitors
Child Day Care Centre	1 per required employee; plus 1 per 10 children permitted to receive care	Not applicable
Cinema/Theatre	1 per 5m ² of auditorium area	1 per 50m ² of auditorium area
Consulting Rooms	1 for every 19m ² of gross floor area with a minimum of 6; plus 1 for every person employed on the premises	1 per practitioner
Educational Establishment - Primary School Secondary School	1.5 per classroom	1 per 4 students 1 per 2 students
Family Day Care	Nil beyond normal residential parking provision	Not applicable
High Level Residential Aged Care Facility	1 per 3 beds	1 per 10 beds for staff and / or visitors
Hospital	1 per bed	1 per 10 beds, for staff and / or visitors
Hotel	1 per bedroom; plus 1 per 3m ² of public floor space used as bars, lounges, dining and function areas, beer gardens, and areas used predominantly for games	1 per 25m ² bar floor area; and 1 per 100m ² of lounge, dining and function areas, beer gardens, and areas used predominantly for games

Table 6 : Car and Bicycle Parking (cont'd)

Uses	Minimum Required Parking Bays	
	Cars	Bicycles
Liquor Store (Large)	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and/or visitors
Liquor Store (Small)	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and/or visitors
Local Shop	1 per 25m ² gross floor area	1 per 25m ² gross floor area for visitors
Mixed Development: Residential Uses –	As prescribed by the R-Codes; plus	As prescribed by the R-Codes; plus
Non-residential uses -	As prescribed elsewhere in this Table	As prescribed elsewhere in this Table
Motor Vehicles and Marine Sales Premises	1 per 100m ² of outdoor vehicle display area; plus 1 per 100m ² gross floor area	Not applicable
Night Club	1 per 5m ² gross floor area	Not applicable
Office	1 per 25m ² gross floor area of which not less than 10% with a minimum of 2 bays shall be reserved for visitors	Staff: 1 per 200m ² gross floor area; and Visitors: 1 per 750m ² gross floor area
Reception Centre	1 per 5m ² gross floor area	Not applicable
Religious Activities	1 per 5m ² gross floor area	1 per 40m ² gross floor area for visitors
Residential: Single House; Grouped Dwelling; Multiple Dwelling; Aged or Dependent Persons' Dwelling; Single Bedroom Dwelling.	As prescribed by the R-Codes.	As prescribed by the R-Codes.
Small Bar	1 per 3m ² of public floor space used as bars, lounges, dining and function areas, beer gardens and areas used predominantly for games.	1 per 25m ² of bar floor area. 1 per 100m ² of lounges, dining and function areas, beer gardens and areas used predominantly for games.
Student Housing	Residents: As determined by the local government. Visitors: Up to 2 dwellings: 2 3 to 5 dwellings: 3 6 to 8 dwellings: 4 9 to 13 dwellings: 5 14 dwellings and above: 1 per 4 dwellings	Not applicable
Tavern	1 per 3m ² of public floor space used as bars, lounges, dining and function areas, beer gardens, and areas used predominantly for games	1 per 25m ² bar floor area; and 1 per 100m ² of lounge, dining and function areas, beer gardens, and areas used predominantly for games
Tourist Accommodation	1 per unit or bedroom; plus 1 per 5m ² of dining area	1 per 20 units or bedrooms
Veterinary Clinic	1 per 19m ² gross floor area with a minimum of 6; plus 1 per person employed on the premises	Not applicable

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]
3. Modified throughout to align with Deemed Provisions. Amendment No. 54. (GG 12.1.2018) [Note 3 added 12.1.2018]



Town Planning Scheme No. 6

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	<i>(Deleted)</i>
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Schedule 9B	South Perth Activity Centre
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Schedule 11	Statutory Static Feasibility Assessment Model
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Schedule A	Supplemental Provisions to the Deemed Provisions



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.

NOTE ON DEFINITIONS:
Modified throughout to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

NOTE ON 'ABSOLUTE MAJORITY':
Replaced by term in Deemed Provisions, Part 10, clause 81 Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

NOTE ON 'ACT' :
Replaced by term in Deemed Provisions, Part 1, clause 1 Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

NOTE ON 'A-FRAME ROOF':
Definition added by Amendment No. 17 (GG 30.7.2013) [Note added 30.7.2013]

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.

NOTE ON 'BHL WALL':

Definition added by Amendment No. 17 (GG 30.7.2013)
[Note added 30.7.2013]

'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.

NOTES ON 'BUILDING HEIGHT LIMIT':

1. Amended by Amendment No. 17. (GG 30.7.2013)
2. Refer to definition of 'BHL wall'.
[Note added 30.7.2013]

'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.

NOTE ON 'CASH-IN-LIEU PAYMENT':

Definition added by Amendment No. 30. (GG 12.9.2014)
[Note added 12.9.2014]

'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.

NOTE ON 'CHILD DAY CARE CENTRE':

Definition amended by Amendment No. 23 (GG 9.9.2011)
[Note added 5.10.2011]

'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.

Schedule 1 - Definitions (cont'd)

'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.

NOTE ON "CLUB":
Modified to align with *Liquor Control Act. Amendment No. 54. (GG 12.1.2018)*
[Note added 12.1.2018]

'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.

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

'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)

'Deemed Provisions' : means the Deemed Provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

'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 "DELEGATED OFFICER":
Modified by *Amendment No. 54. (GG 12.1.2018)*
[Note added 12.1.2018]

Schedule 1 - Definitions (cont'd)

'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.

'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.

Schedule 1 - Definitions (cont'd)

'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;

Schedule 1 - Definitions (cont'd)

- (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.

NOTES ON 'HOME OCCUPATION':

1. Paragraphs (e) and (f) amended; and paragraphs (h), (i) and (j) deleted by Amendment No.35 (GG 17.4.2014)
 2. Refer also to TPS6 clause 4.12.
- [Notes added 17.4.2014]

'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 –

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

NOTES ON 'HOME OFFICE':

1. Paragraphs (d) and (e) added by Amendment No.35. (GG 17.4.2014)
 2. Refer also to clause 4.13.
- [Notes added 17.4.2014]

'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.

NOTE ON 'HOTEL' :

1. Modified by Amendment No. 54. (GG 12.1.2018)
 2. Modified by Amendment No. 58. (GG 19.6.18)
- [Note added 12.1.2018, modified 19.6.18]

'Impact Assessment Report' : means a report prepared in accordance with Supplemental Provisions clause 63(4).

'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:

- (a) the storage of goods;
 - (b) the work of administration or accounting;
 - (c) the selling of goods by wholesale or retail; or
 - (d) 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 the

Schedule 1 - Definitions (cont'd)

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.

NOTE ON 'LIQUOR STORE (LARGE)':

1. Added by Amendment No. 50. (GG 4.3.2016)
2. Modified by Amendment No. 58 (GG 19.6.18)
[Note added 4.3.2016, modified on 19.6.18]

'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.

NOTE ON 'LIQUOR STORE (SMALL)':

Added by Amendment No. 50. (GG 4.3.2016)
[Note added 4.3.2016]

'Local Commercial Strategy' : means the Local Planning Policy entitled 'Local Commercial Strategy' made pursuant to Deemed Provisions Part 2 Division 2.

'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.

NOTE ON 'LOCAL PLANNING POLICY' :

Added by Amendment No. 54. (GG 12.1.2018)
[Note added 12.1.2018]

'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.

NOTES ON 'MANSARD ROOF':

1. Definition added by Amendment No. 17.
2. Refer to clause 6.1A. (GG 30.7.2013)
[Note added 30.7.2013]

'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.

NOTES ON 'MINOR PROJECTION':

1. Definition added by Amendment No. 17.
2. Refer to clauses 6.1A (4) and (7) and 6.2A (1). (GG 30.7.2013)
[Note added 30.7.2013]

'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.

NOTE ON 'MIXED DEVELOPMENT' :

Refer also to clause 5.1 (3).
[Note added 29.4.2003]

'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.

NOTE ON 'MOTEL':

Modified to align with *Liquor Control Act*. Amendment No. 54. (GG 12.1.2018)
[Note added 12.1.2018]

'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

Schedule 1 - Definitions (cont'd)

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.

NOTE ON ‘NIGHT CLUB’ :

Modified to align with Liquor Control Act. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

‘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.

NOTE ON ‘NON-CONFORMING USE’ :

Modified to align with the Act. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

‘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*)

NOTE ON ‘OWNER’ :

Deleted and replaced by term in Deemed Provisions, Part 1, clause 1. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

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.

NOTE ON 'PATIO' :
*Added by
 Amendment No. 16.
 (GG 4.9.2009)
 [Note added 4.9.2009]*

'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.

NOTE ON 'PERGOLA'
*Deleted by
 Amendment No. 16.
 (GG 4.9.2009)
 [Note added 4.9.2009]*

'pergola' *(Deleted)*

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

'place' *(Deleted)*

NOTE ON 'PLACE' :
*Deleted and replaced
 by term in
 Deemed Provisions,
 Part 1, clause 1.
 Amendment No. 54
 (GG 12.1.2018)
 [Note added 12.1.2018]*

'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.

NOTE ON 'PLANNING APPROVAL' :
*Deleted and replaced by
 term 'development
 approval' in Deemed
 Provisions, Part 1-A,
 clause 78A.
 Amendment No. 54
 (GG 12.1.2018)
 [Note added 12.1.2018]*

'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,

NOTE ON 'PRECINCT':
Modified by
Amendment No. 25
(GG 18.1.2013)
[Note added 18.1.2013]

NOTE ON 'PRECINCT PLAN':
Modified by
Amendment No. 25
(GG 18.1.2013)
[Note added 18.1.2013]

NOTES ON 'PRE-SCHEME DEVELOPMENT':
1. Definition added by
Amendment No. 17.
2. Refer to clause 6.2A.
(GG 30.7.2013)
[Notes added 30.7.2013]

Schedule 1 - Definitions (cont'd)

youth training and welfare and similar community services undertaken within a 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 a group of units or apartments providing —

NOTE ON 'RESIDENTIAL DESIGN CODES OR CODES':
Deleted and replaced by term in Deemed Provisions, Part 1, clause 1. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]

NOTE ON 'SCHEME ACT':
Deleted to align with Planning and Development Act 2005. [Note added 12.1.2018]

Schedule 1 - Definitions (cont'd)

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities

'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.

NOTE ON 'SHADE SAIL':

Added by
Amendment No. 16.
(GG 4.9.2009)
[Note added 4.9.2009]

'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.

NOTE ON 'SHOP':

1. Modified by
Amendment No. 50.
(GG 4.3.2016)
2. Modified by Amendment
No. 58 (GG 19.6.18)
[Note added 12.1.2018,
modified 19.6.2018]

'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.

'sign' (Deleted)

NOTE ON 'SIGN':

Deleted to align with
Deemed Provisions.
Amendment No. 54.
(GG 12.1.2018)
[Note added 12.1.2018]

'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 *Liquor Control Act 1988*.

NOTE ON 'SMALL BAR':

Added by
Amendment No. 50.
(GG 4.3.2016)
[Note added 4.3.2016]

'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.

NOTE ON 'TAVERN':

1. Modified by
Amendment No. 54
(GG 12.1.2018)
2. Modified by
Amendment No. 58
(GG 19.6.18)
[Note added 12.1.2018,
modified 19.6.2018]

'Telecommunications Infrastructure' : means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line,

Schedule 1 - Definitions (cont'd)

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*)

NOTE ON 'TRANSPORT INFRASTRUCTURE':
 Added by
 Amendment No. 30
 (GG 12.9.2014)
 [Note added
 12.9.2014]

NOTE ON 'WESTERN AUSTRALIAN PLANNING COMMISSION' :
 Modified to align with
 Act. Amendment No. 54
 (GG 12.1.2018)
 [Note added 12.1.2018]

NOTE ON 'ZONE' :
 Deleted and replaced
 by term in Deemed
 Provisions, Part 1,
 clause 1.
 Amendment No. 54
 (GG 12.1.2018)
 [Note added 12.1.2018]

Schedule 2 Additional Uses

Refer to Clause 3.4

Item No.	Particulars of Land					Permitted Additional Use	Development Requirements	
	Street Name	Street No.	Lot No.	Location No.	Precinct		Maximum Plot Ratio	Requirements other than Plot Ratio
1.	Brandon Street	53	45	Swan 38 a	Precinct 6 : Kensington	Shop	0.09	Minimum number of car parking bays: Refer to Table 6.
2.	<i>(Deleted)</i>							
3.	Edgecumbe Street	3	327	Canning 37	Precinct 10 : McDougall Park	Car parking incidental to the car sales and servicing use on Lot 220 (No. 464) Canning Highway, Como	Not applicable	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.
4.	Fortune Street	27	44	P389	Precinct 3 : South Perth Civic	Hospital car park	Not applicable	As determined by the local government having regard to the matters listed in Deemed Provisions clause 67.
5.	Lockhart Street	96	221	Canning 37	Precinct 10 : McDougall Park	Car parking incidental to the car sales and servicing use on Lot 220 (No. 464) Canning Highway, Como	Not applicable	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.

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]*

Schedule 2 - Additional Uses (cont'd)

Item No.	Particulars of Land					Permitted Additional Use	Development Requirements	
	Street Name	Street No.	Lot No.	Location No.	Precinct		Maximum Plot Ratio	Requirements other than Plot Ratio
6.	Ranelagh Crescent	38	101	Swan 39	Precinct 4 : Hurlingham	Twenty-Three Hour Recovery Care Unit	0.06	<ol style="list-style-type: none"> 1. Duration of stay: Patients are not permitted to remain on the premises following treatment for longer than 23 hours. 2. Minimum number of car parking bays:27. 3. Hours of operation: <ul style="list-style-type: none"> ◆ Admissions - 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 – <ul style="list-style-type: none"> - up to 8.30pm Monday to Friday; and - up to 4.00pm Saturday.
7.	Third Avenue	3	1	Swan 38b	Precinct 6 : Kensington	Squash Courts	0.67	<ol style="list-style-type: none"> 1. Minimum landscaped area : Refer to Table 3 for Local Commercial zone. 2. Minimum setbacks : Refer to Table 3 for Local Commercial zone. 3. Minimum number of car parking bays : Refer to clause 6.3 (2).
8.	Manning Road	52	5	Canning 37	Precinct 10: McDougall Park	Office	0.17	Any proposed office development must maintain the residential character of the property.

NOTE ON ITEM 8:
Added by
Amendment No. 24
(GG 10.5.2011)
[Note added 4.10.2011]

Schedule 2 - Additional Uses (cont'd)

Item No.	Particulars of Land					Permitted Additional Use	Development Requirements	
	Street Name	Street No.	Lot No.	Location No.	Precinct		Maximum Plot Ratio	Requirements other than Plot Ratio
9.	Bickley Crescent	49, 51, 51A and 53	Lot 1 on Survey-Strata Plan 2946 and Lots 12, 11 and 342	Canning 37	Precinct 10: McDougall Park	Shop; Office	0.2 (for both uses combined)	<ol style="list-style-type: none"> 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.
	Pether Road	17 and 19	Lot 2 on Survey-Strata Plan 2946 and Lot 10					

NOTE ON ITEM 9:
 Added by
 Amendment No. 45
 (GG 11.12.2015)
 [Note added 11.12.2015]

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

Schedule 3
Dual Density Codings : Performance Criteria for
Determination of Applicable Coding

Refer to Clause 4.2

3.1 Application of Performance Criteria

Precinct 1 - Mill Point

NOTES:

Modified to align with Deemed Provisions and R-Codes. Amendment No. 54 (GG 12.1.2018) [Note added 12.1.2018]

Deleted by Amendment No. 61 (GG 24.12.2021) [Note added 24.12.2021]

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

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:

NOTES:

Geographic / Historic Criteria	(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. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>	
	(ii)	The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>	
	(iii)	The site has a boundary to Coode Street. <i>[NOTE: Refer to Objective (d) below.]</i>	
	(iv)	The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>	
Design Quality Criteria	(vi)	Visitors' car parking is provided in excess of the number of bays required by the R-Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(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. <i>[NOTE: Refer to Objective (k) below.]</i>	
	(viii)	The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>	
	(ix)	The proposal incorporates retention of at least one appropriate tree. <i>[NOTE: Refer to Objective and Interpretation (m) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	

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 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:

Geographic / Historic Criteria	(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. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>	
	(ii)	The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>	
	(iii)	The site has a boundary to Coode Street. <i>[NOTE: Refer to Objective (d) below.]</i>	
	(iv)	The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>	
Design Quality Criteria	(vi)	Visitors' car parking is provided in excess of the number of bays required by the R-Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(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. <i>[NOTE: Refer to Objective (k) below.]</i>	
	(viii)	The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>	
	(ix)	The proposal incorporates retention of at least one appropriate tree. <i>[NOTE: Refer to Objective and Interpretation (m) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	

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 2 (cont'd)

(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:

NOTES:

Geographic / Historic Criteria	(i) The site was coded R40 or higher under the No. 5 Scheme. <i>[NOTE: Refer to Objective (a) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>	
	(iii) The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>	
	(iv) The site has a boundary to Angelo Street or Labouchere Road. <i>[NOTE: Refer to Objective (d) below.]</i>	
	(v) The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>	
Design Quality Criteria	(vii) Visitors' car parking is provided in excess of the number of bays required by the R-Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(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. <i>[NOTE: Refer to Objective (k) below.]</i>	
	(ix) The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>	
	(x) The proposal incorporates retention of at least one appropriate tree. <i>[NOTE: Refer to Objective and Interpretation (m) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (o) below.]</i>	

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 - Hurlingham

(1) 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; or
- (b) R30, where any 6;

or more of the following 12 Performance Criteria are met to the local government’s satisfaction:

NOTES:

Geographic / Historic Criteria	(i)	The site was coded R40 or higher under the No. 5 Scheme. <i>[NOTE: Refer to Objective (a) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>	
	(iii)	The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>	
	(iv)	The site has a boundary to Mill Point Road. <i>[NOTE: Refer to Objective (d) below.]</i>	
	(v)	The site has a boundary to a Park and Recreation Reserve. <i>[NOTE: Refer to Objective (d) below.]</i>	
	(vi)	The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>	
	(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: (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. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>	
Design Quality Criteria	(viii)	Visitors’ car parking is provided in excess of the number of bays required by the R-Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(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. <i>[NOTE: Refer to Objective (k) below.]</i>	
	(x)	The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>	
	(xi)	The proposal incorporates retention of at least one appropriate tree. <i>[NOTE: Refer to Objective and Interpretation (m) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	

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:

NOTES:

Design Quality Criteria	(i) Visitors' car parking is provided in excess of the number of bays required by the R-Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	

NOTE: Modified to align with 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)

(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:

		NOTES
Design Quality Criteria	<p>(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.</p> <p style="text-align: center;"><i>(NOTE: Refer to Objective and Interpretation (p) below.)</i></p>	
	<p>(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:</p> <p>(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.</p> <p>(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.</p> <p style="text-align: center;"><i>(NOTE: Refer to Objective and Interpretation (q) below.)</i></p>	
	<p>(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.</p> <p style="text-align: center;"><i>(NOTE: Refer to Objective and Interpretation (r) below.)</i></p>	
	<p>(iv) The development incorporates landscaping which meets the following requirements:</p> <p>(A) a minimum of 60 percent of the site is to comprise open space;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p> <p style="text-align: center;"><i>(NOTE: Refer to Objective (s) below.)</i></p>	
	<p>(v) Each dwelling incorporates at least one balcony with a minimum area of 15 sq. metres and a minimum dimension of 3.0 metres.</p> <p style="text-align: center;"><i>(NOTE: Refer to Objective (t) below.)</i></p>	
	<p>(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.</p> <p style="text-align: center;"><i>(NOTE: Refer to Objective and Interpretation (u) below.)</i></p>	

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

Precinct 4

(3) Dual Density Coding R40/60 (cont'd)

NOTES

Design Quality Criteria	(vii) The proposal incorporates sustainable design measures in excess of those required by the <i>Building Code of Australia</i> . <i>(NOTE: Refer to Objective (v) below.)</i>	
	(viii) The proposal comprises: (A) Multiple Dwellings; and (B) no more than 35 dwellings. <i>(NOTE: Refer to Objective (w) below.)</i>	
	(ix) 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 Water Management Plan demonstrating: (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; (B) a Landscape Management Plan adequately addressing the landscaping of the site, including, among other matters, all of the related performance criteria; (C) 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. <i>(NOTE: Refer to Objective (x) below.)</i>	

NOTES:

1. Schedule 3.1 'Application of Performance Criteria' for Precinct 4 'Hurlingham' - Dual Density Coding R40/60. Added by Amendment No. 18 (GG 9.7.2010).
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]

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

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:

NOTES:

Geographic / Historic Criteria	(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 has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]	
	(iv)	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.]	
Design Quality Criteria	(v)	Visitors' car parking is provided in excess of the number of bays required by the R-Codes. [NOTE: Refer to Objective (i) below.]	
	(vi)	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.]	
	(vii)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]	
	(viii)	The proposal incorporates retention of at least one appropriate tree. [NOTE: Refer to Objective and Interpretation (m) below.]	
	(ix)	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.]	
	(x)	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 - 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) R25, where any 7; or
- (b) R20, where any 6;

or more of the following 11 Performance Criteria are met to the local government's satisfaction:

NOTES:

Geographic / Historic Criteria	(i)	The site was coded R25 or higher under the No. 5 Scheme. <i>[NOTE: Refer to Objective (a) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>	
	(iii)	The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>	
	(iv)	The site has a boundary to South Terrace. <i>[NOTE: Refer to Objective (d) below.]</i>	
	(v)	The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>	
Design Quality Criteria	(vii)	Visitors' car parking is provided in excess of the number of bays required by the R-Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(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. <i>[NOTE: Refer to Objective (k) below.]</i>	
	(ix)	The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (o) below.]</i>	

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)

(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:

Geographic / Historic Criteria	(i)	The site was coded R30 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 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. [NOTE: Refer to Objective and Interpretation (d) below.]	
	(v)	The site has a boundary to Canning Highway or South Terrace. [NOTE: Refer to Objective (d) below.]	
	(vi)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]	
	(vii)	The site is situated north of Cale Street. [NOTE: Refer to Objective (g) below.]	
	(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: (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.]	
Design Quality Criteria	(ix)	Visitors' car parking is provided in excess of the number of bays required by the R-Codes. [NOTE: Refer to Objective (i) below.]	
	(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. [NOTE: Refer to Objective (k) below.]	
	(xi)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]	
	(xii)	The proposal incorporates retention of at least one appropriate tree. [NOTE: Refer to Objective and Interpretation (m) below.]	
	(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. [NOTE: Refer to Objective and Interpretation (n) below.]	
	(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. [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)

(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:

NOTES:

Geographic / Historic Criteria	(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.]	
Design Quality Criteria	(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:

NOTES:

Geographic / Historic Criteria	(i)	The site was coded R50 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 Melville Parade, or Eric Street west of Labouchere Road. [NOTE: Refer to Objective (d) below.]	
	(v)	The site is situated within the area bounded by Melville Parade, Gardner Street, Labouchere Road, Comer Street, Coode Street, Preston Street, Labouchere Road, Eric Street, eastern boundary of Comer Reserve and Comer Street. [NOTE: Refer to Objective and Interpretation (d) below.]	
	(vi)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]	
	(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: (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.]	
Design Quality Criteria	(viii)	Visitors' car parking is provided in excess of the number of bays required by the R-Codes. [NOTE: Refer to Objective (i) below.]	
	(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. [NOTE: Refer to Objective (k) below.]	
	(x)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]	
	(xi)	The proposal incorporates retention of at least one appropriate tree. [NOTE: Refer to Objective and Interpretation (m) below.]	
	(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. [NOTE: Refer to Objective and Interpretation (n) below.]	
	(xiii)	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 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:

NOTES:

Geographic / Historic Criteria	(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.]	
Design Quality Criteria	(vi)	Visitors' car parking is provided in excess of the number of bays required by the R-Codes. [NOTE: Refer to Objective (j) 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.]	
	(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]

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

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:

NOTES:

Geographic / Historic Criteria	(i)	The site was coded R40 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 Canning Highway, the western side of Robert Street, Manning Road or Clydesdale Street (north of McDougall Street), or the Kwinana Freeway. [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.]	
Design Quality Criteria	(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]

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

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:

NOTES:

Design Quality Criteria	(i) Visitors’ car parking is provided in excess of the number of bays required by the R-Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(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. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	

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)

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:

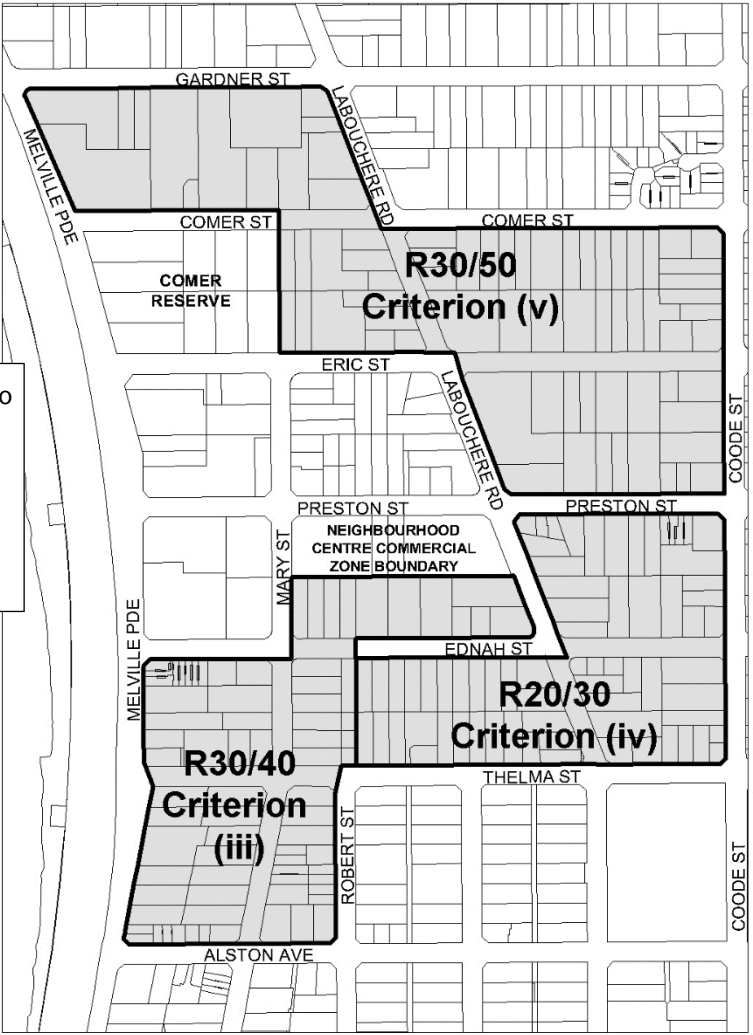
Geographic / Historic Criteria

Performance Criterion	Objective	Interpretation
(a) The site was coded (a nominated density) under the No.5 Scheme.	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.	N/A
(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.	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.	(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.
(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. (continued...)	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.	(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

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

Performance Criterion	Objective	Interpretation
(c) (... continued)		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.
<p>(d) The site has a boundary to <i>(the nominated street, streets, area or zone specified in the Performance Criterion)</i>.</p> <p>OR</p> <p>The site is situated within the area bounded by <i>(the streets nominated in the Performance Criterion)</i>.</p>	<p>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.</p>	<p>In Precinct 8 - Como Beach, the areas identified in:</p> <ul style="list-style-type: none"> (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; <p>are respectively shown on the following locality plan:</p>

 Areas referred to in relevant Performance Criteria
NOT TO SCALE



Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

Performance Criterion	Objective	Interpretation
<p>(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:</p> <p>(A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or</p> <p>(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.</p>	<p>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.</p>	<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(iv) In assessing whether or not 80% of the relevant lots have been resubdivided, 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.</p> <p>(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.</p>
<p>(f) The site has boundaries to two or more public streets.</p>	<p>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.</p>	<p>N/A</p>
<p>(g) The site is situated north of Cale Street.</p>	<p>To assist towards protection of the predominantly low density character of the area south of Cale Street.</p>	<p>N/A</p>

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)

Design Quality Criteria

Performance Criterion	Objective	Interpretation
(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.	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.	N/A
(i) Visitors' car parking is provided in excess of the number of bays required by the R-Codes.	To reduce reliance upon streets for visitors' parking in order to minimize congestion, safety hazards, and visual intrusion of vehicles on the streetscape.	N/A
(j) Outstanding landscaping is provided in accordance with the provisions of clause 6.14(1).	To ensure that higher density development within the Mill Point Precinct will be complemented by landscaping features of out-standing aesthetic appeal, the visual quality of which is substantially superior to the normal standard of land-scaping in other precincts.	Refer to clause 6.14 (1).
(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.	To reduce reliance upon streets for occupiers' parking in order to minimize congestion, safety hazards and visual intrusion of vehicles on the street-scape, while facilitating ease of accessing parking bays.	N/A
(l) The proposal involves the amalgamation of two or more lots.	To promote the consolidation of larger development sites which offer increased flexibility of building design and site planning.	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 <i>Strata Titles Act, 1985</i> .
(m) The proposal incorporates retention of at least one appropriate tree. (continued...)	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	(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.

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

Performance Criterion		Objective	Interpretation
(m)	(continued...)	(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.	<p>(B) Attractiveness - a tree which is visually pleasing and has not been insensitively pruned.</p> <p>(C) Size - a tree at least 4 metres in height at the time the current application for development approval is submitted.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

Performance Criterion		Objective	Interpretation
(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.	To encourage exceptional quality and visually accessible landscaping of development sites thereby enhancing the attractiveness of the streetscape.	<p>(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.</p> <p>(ii) The term 'exceptional quality' means landscaping of a standard which the local government considers to be exceptional, comprising the following:</p> <p>(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</p> <p>(B) other decorative landscaping features.</p> <p>(iii) The area referred to in paragraph (i) of this interpretation, shall not:</p> <p>(A) be paved other than for the creation of a pedestrian access path;</p> <p>(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</p> <p>(C) form part of a private courtyard of a dwelling.</p>
(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)

Performance Criterion		Objective	Interpretation
(o)	(...continued)	(ii) existing streetscapes which have retained their highly regarded original character.	<p>(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.</p> <p>(iii) The term 'desired streetscape character' means a streetscape, the character of which meets the stated objective of this criterion.</p> <p>(iv) The conclusion as to whether or not an existing Single House:</p> <p>(A) displays aesthetically pleasing individual character; or</p> <p>(B) makes a significant contribution to streetscape character;</p> <p>shall be determined according to the local government's opinion, having regard to the stated objectives of this criterion.</p>
(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.	<p>To achieve a higher standard of car parking facilities than normally required, in order to:</p> <p>(i) ensure minimal overspill into the streets;</p> <p>(ii) minimise the total amount of the site that is used for buildings and car parking, thus maximising the provision of open space; and</p> <p>(iii) enhance the visual amenity of the site from the street, from the reserve and for occupiers of the site.</p>	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)	<p>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:</p> <p>(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.</p> <p>(continued...)</p>	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 (<i>Ficus rubiginosa</i>) 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)

Performance Criterion	Objective	Interpretation
(q) (...continued) (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.		
(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.	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.	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.
(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;	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. (continued...)	N/A

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

Performance Criterion		Objective	Interpretation
(s)	(D) 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.	(...continued)	
(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.	N/A
(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.	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).
(v)	The proposal incorporates sustainable design measures in excess of those required by the <i>Building Code of Australia</i> .	To encourage an exceptional quality of sustainable development.	N/A
(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.	N/A
(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...)	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.	N/A

Schedule 3 - Dual Density Codings : Performance Criteria for Determination of Applicable Coding (cont'd)

Performance Criterion	Objective	Interpretation
<p>(x) (...continued)</p> <p>(1) retention of all stormwater on site if possible, with any excess being discharged into the local government's drainage system; and</p> <p>(2) use of water-sensitive urban design principles and best practice standards in the design of the development;</p> <p>(B) a Landscape Management Plan adequately addressing the landscaping of the site, including, among other matters, all of the related performance criteria;</p> <p>(C) an Acid Sulphate Soils Assessment and Management Plan and a Dewatering Management Plan demonstrating:</p> <p>(1) methods of disposal of dewatering waste on site and prevention of any discharge into the adjoining reserve or river;</p> <p>(2) protection against, or removal or replacement of, any acid sulphate soils encountered during excavation of the site; and</p> <p>(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.</p>		

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]*
2. *Modified to align with Deemed Provisions and R-Codes. Amendment No. 54. (GG 12.1.2018) [Note added 12.1.2018]*

Schedule 4 Karawara Redevelopment Area

Refer to Clause 4.3 (1)(e)
and Schedule 1



Karawara Redevelopment Area

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
(Deleted)

NOTE: Deleted by Amendment No. 61 (GG 24.12.2021) [Note added 24.12.2021]

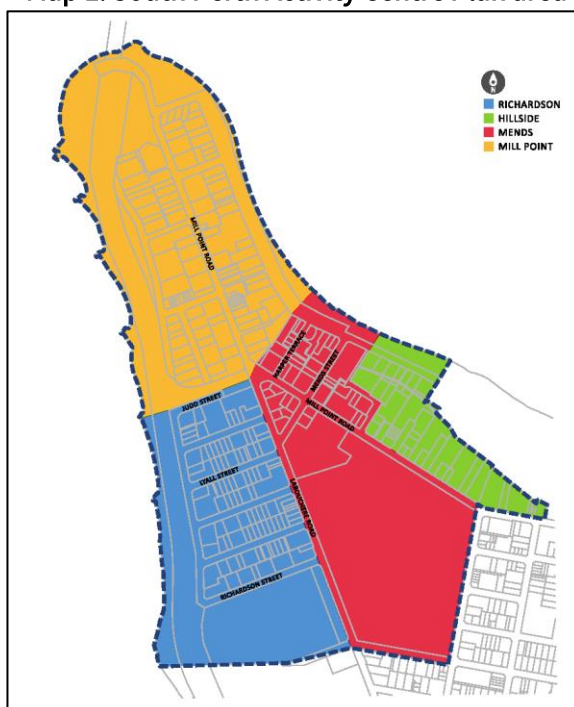
Schedule 9B

SOUTH PERTH ACTIVITY CENTRE PLAN

Provision 1 Land comprising South Perth Activity Centre

The South Perth Activity Centre Plan area (ACP Area) is delineated on Map 1. This Schedule applies to all land within the ACP area with the exception of the land bounded by Mends Street, Labouchere Road and Mill Point Road (landmark site).

Map 1: South Perth Activity Centre Plan area



Provision 2 Operation of Schedule 9B

1. This schedule is to be read in conjunction with the South Perth Activity Centre Plan. All comprehensive new development proposed within the ACP shall:
 - a. comply with the development requirements contained in Provision 5 of this Schedule; and
 - b. have due regard to the South Perth Activity Centre Plan.
2. Within the ACP Area:
 - a. the provisions of this Schedule and the Activity Centre Plan do not apply to the following forms of development:
 - i. alterations and/or additions within the approved building envelope;
 - ii. renovations or repairs to buildings;
 - c. the forms of development referenced in paragraph 2(a) are subject to all other relevant provisions of the Scheme and any applicable local planning policies.

Provision 3 Definitions

1. In this Schedule:

'Activity Centre Plan' or 'ACP' means the activity centre plan for the ACP Area approved by the Commission under Part 5 of the Deemed Provisions.

'basement' means a building floor level in which 50 per cent or more of its volume is below natural ground level.

'building envelope/s' as defined under the *Planning and Development (Local Planning Scheme) Regulations 2015* indicates the intended maximum extent of development for a site, defined by a combination of building height limits, and setbacks from street, side and rear boundaries.

'gross floorplate area' means the gross total area of one floor of a building including the area of any internal and external walls.

'heritage place' has the same meaning as contained in clause 13(1) of the Deemed Provisions.

'landmark site' means the land identified on Map 1, bounded by Labouchere Road, Mill Point Road and Mends Street.

'plot ratio' is the ratio of the gross plot ratio area of buildings on a development site to the area of land in the site boundaries.

'plot ratio area' is the gross total area of all floors of buildings on a development site, including the area of any internal and external walls but not including:

- the areas of any lift shafts;
- stairs or stair landings common to two or more dwellings;
- machinery, air conditioning and equipment rooms;
- space that is wholly below natural ground level;
- areas used exclusively for the parking of wheeled vehicles at or below natural ground level;
- storerooms;
- lobbies, bin storage areas, passageway/s to bin storage areas or amenities areas common to more than one dwelling;
- balconies, eaves, verandahs, courtyards and roof terraces.

'podium' means the base of a building upon which taller (tower) elements are positioned.

'podium site cover' means the area of the development site which is covered by the podium of the building.

'community benefit contribution' means a monetary or in-kind contribution paid or provided to the local government in order to gain approval of development with additional building height and/or plot ratio above the Primary building height and/or plot ratio limit contained in Provision 5.

'short-term accommodation' has the same meaning as contained within Schedule 1, Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

'storey' means the portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top floor and ceiling above it but does not include:

- a basement;
- a space that contains only a lift shaft, stairway or meter room;

- a mezzanine;
- a loft.

'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)*.

'tower' means the part of a building above the podium or, where the building does not include a differentiated podium, a free-standing building that exceeds the height permitted for a podium.

2. A reference to a map or table in this Schedule is a reference to a map or table which forms part of this Schedule.

Provision 4 Character Areas

1. The ACP Area is divided into four character areas, as shown on Map 1.

Provision 5 Development Requirements for New Development

Element 1: Zoning, residential density coding and land uses

- 1.1 The ACP Area is zoned Centre and has a residential density code of R-AC0.
- 1.2 The permissibility of uses of land in the character areas is determined by the cross reference between the list of land uses on the left-hand side of Table 1 and the list of character areas on top of Table 1.
- 1.3 The symbols used in Table 1 of the Schedule have the meanings set out in clause 3.3(3) of this Scheme.
- 1.4 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 of this Scheme may only be approved if notice of the development is first given in accordance with clause 64 of the Deemed Provisions, and shall be determined having regard to:
 - 1.4.1 Objectives of the character area in the ACP; and
 - 1.4.2 Relevant provisions of the Scheme, this schedule and the ACP.

Table 1: Land Use Permissibility

Land Uses	Character Area			
	Mends	Richardson	Hillside	Mill Point
Residential Land Uses				
Single House	D	D	D	D
Ancillary Accommodation	D	D	D	D
Grouped Dwelling	D	D	D	D
Multiple Dwelling	P	P	P	P
Aged or Dependent Persons' Dwelling	D	D	D	D
Single Bedroom Dwelling	D	D	D	D
Residential Building	DC	DC	DC	DC
Student Housing	P	P	DC	DC
Bed and Breakfast Accommodation	P	D	D	D
Home Business	D	D	P	P
Home Occupation	D	D	D	D
Home Office	P	P	P	P
Non-Residential Land Uses				
Aged or Dependent Persons Amenities	D	D	D	D
Café/Restaurant	P	P	DC	DC
Child Day Care Centre	D	D	DC	DC
Cinema / Theatre	D	DC	X	X
Civic Use	P	P	D	D
Club Premises	D	D	X	X
Consulting Rooms	P	P	D	DC
Convenience Store	P	P	DC	DC
Educational Establishment	D	D	DC	DC
Family Day Care	X	X	DC	DC
High Level Residential Aged Care Facility	D	DC	DC	DC
Hospital	DC	DC	X	X
Hotel	D	D	X	DC
Indoor Sporting Activities	DC	DC	DC	DC
Industry - Light	X	X	X	X
Industry - Service	X	X	X	X
Liquor Store – (Large)	X	X	X	X
Liquor Store – (Small)	D	DC	X	X
Local Shop	P	P	D	D
Market	D	D	X	X
Mixed Development	D	D	D	D
Motor Vehicle and Equipment Hire	X	X	X	X
Motor Vehicle and Marine Sales Premises	X	X	X	X
Motor Vehicle Wash	DC	X	X	X
Night Club	DC	X	X	X
Office	P	P	D	DC
Public Parking Station	P	P	X	X
Public Utility	P	P	D	D
Radio and Television Installation	D	D	X	X
Reception Centre	D	D	X	X
Religious Activities	DC	DC	X	X
Research and Development	D	D	X	X
Restricted Premises	X	X	X	X
Service Station	DC	X	X	X
Serviced Apartment	D	D	X	DC

Shop	P	P	DC	X
Showroom	X	X	X	X
Small Bar	D	D	DC	DC
Take-Away Food Outlet	P	P	X	X
Tavern	D	D	X	X
Telecommunications Infrastructure	D	D	DC	DC
Tourist Accommodation	D	D	DC	DC
Tourist Development	D	D	DC	DC
Veterinary Clinic	D	D	DC	X

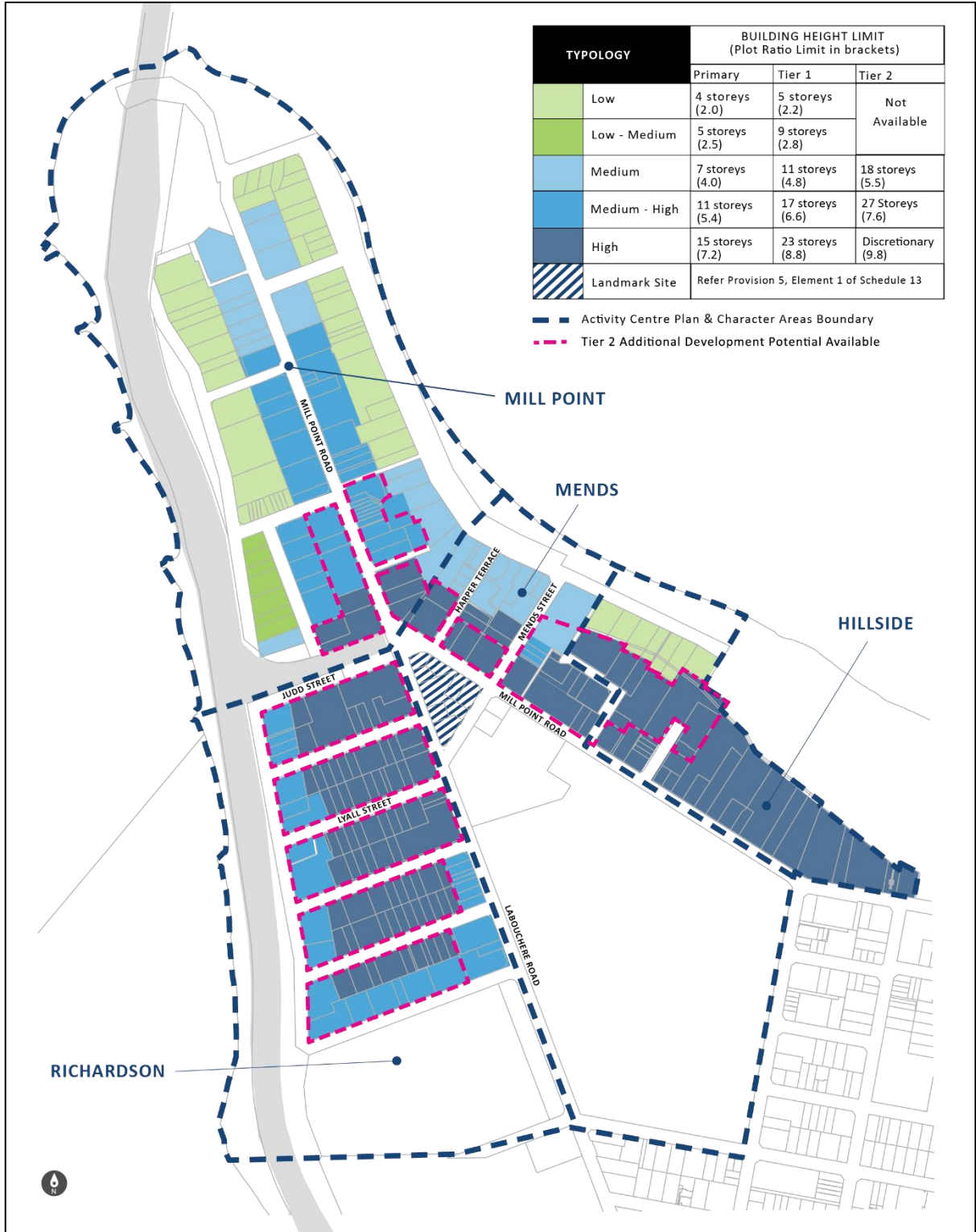
Element 2: Building Height

- 2.1 Subject to Element 2.2, the height of a building must not exceed the applicable Primary building height limit contained in Map 2 and Table 2.
- 2.2 Subject to Element 2.3, a building may be approved with building height in excess of the applicable Primary building height limit but not greater than the applicable Tier 1 building height limit contained in Map 2 and Table 2 if the requirements of Element 7 of this Schedule are satisfied.
- 2.3 A building may be approved with building height in excess of the applicable Tier 1 building height limit contained in Map 2 and Table 2 if:
- the site of the building is one which Map 2 and Table 2 identify as being subject to Tier 2 building height; and
 - the requirements of Element 7 and 8 of this Schedule are satisfied; and
 - the plot ratio of the building does not exceed the applicable Tier 2 plot ratio limit referred to in Element 6.
- 2.4
- On Lot 113 (No. 81-85) South Perth Esplanade Tier 2 Additional Development Potential is available only on the portion of the lot that is set back not less than 50 metres from South Perth Esplanade;
 - On Lot 2 (No. 53) South Perth Esplanade Medium-High Typology is only available on the portion of the lot that is set back not less than 53 metres from South Perth Esplanade at the southern boundary of the lot and 45 metres from South Perth Esplanade at the northern boundary of the lot.

Table 2: Building Height Limits

Typology	Primary Building Height Limit	Tier 1 Building Height Limit	Tier 2 Building Height Limit
<i>Low</i>	<i>4 storeys</i>	<i>5 storeys</i>	<i>Not available</i>
<i>Low-Medium</i>	<i>5 storeys</i>	<i>9 storeys</i>	<i>Not available</i>
<i>Medium</i>	<i>7 storeys</i>	<i>11 storeys</i>	<i>18 storeys</i>
<i>Medium-High</i>	<i>11 storeys</i>	<i>17 storeys</i>	<i>27 storeys</i>
<i>High</i>	<i>15 storeys</i>	<i>23 storeys</i>	<i>Discretionary</i>

Map 2: Building Height and Plot Ratio Limits



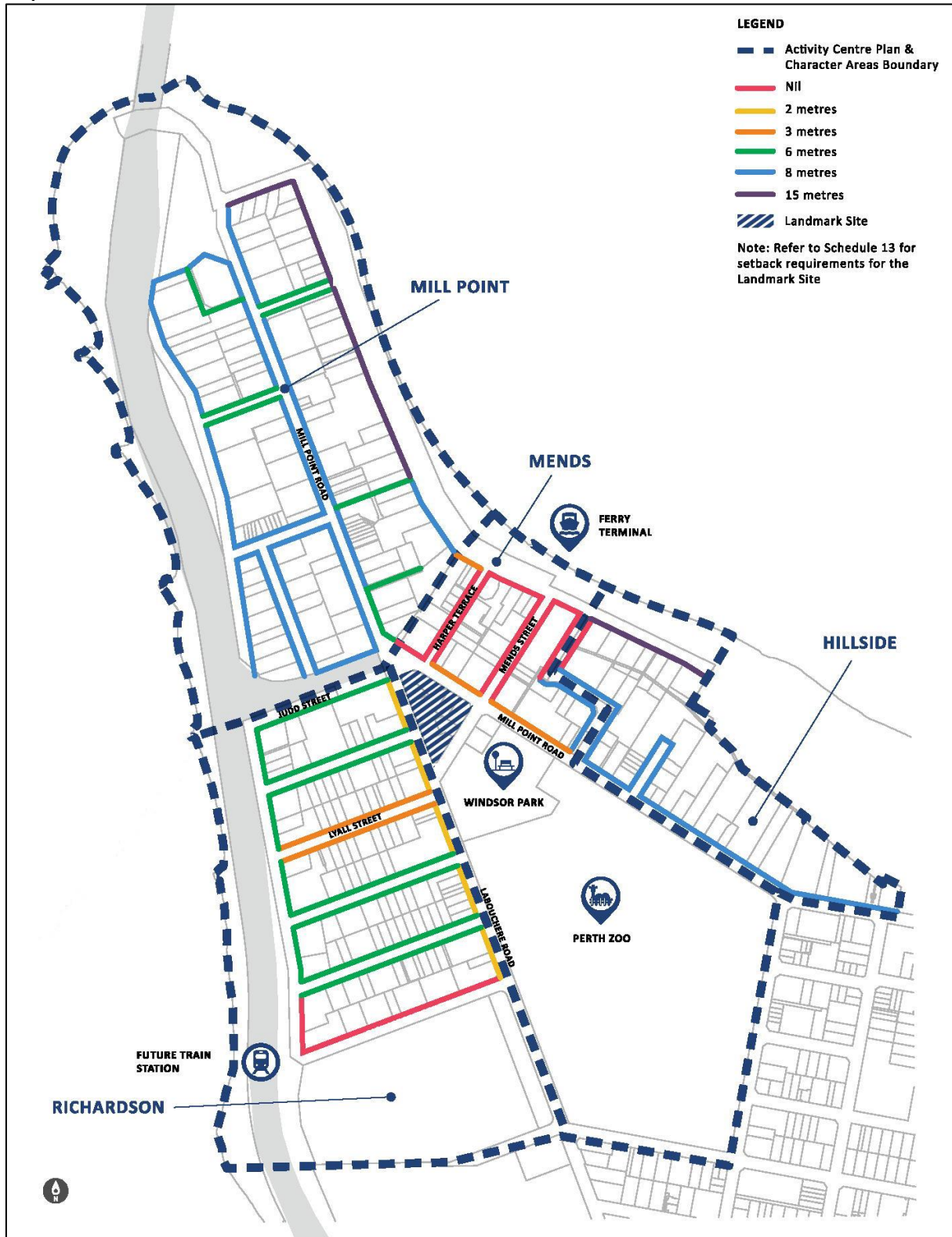
Element 3: Podium Setbacks, Height and Site Cover

- 3.1 Podium setbacks and height should be in accordance with Table 3 and Map 3.
- 3.2 Variation from the podium setbacks and height recommended in Table 3 and Map 3 must have due regard to relevant objectives and development requirements in the ACP.
- 3.3 Podium site cover shall be in accordance with Table 3.

Table 3: Podium Setbacks, Height and Site Cover

Element	Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Podium Setbacks	<i>Podium Street Setback</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>
	<i>Podium Side Setback</i>	<i>4m</i>	<i>Nil</i>	<i>4m</i>	<i>4m</i>
	<i>Podium Rear Setback</i>	<i>4m</i>	<i>Nil</i>	<i>4m</i>	<i>4m</i>
Podium Height and Boundary Walls	<i>Podium maximum height at street front</i>	<i>2 storeys</i>	<i>3 storeys</i>	<i>2 storeys</i>	<i>3 storeys</i>
	<i>Podium maximum height and building boundary wall height</i>	<i>2 storeys</i>	<i>3 storeys</i>	<i>2 storeys</i>	<i>2 storeys</i>
	<i>Podium maximum boundary wall length</i>	<i>Two thirds length of boundary, and should be located behind street and rear setbacks.</i>	<i>None</i>	<i>Two thirds length of boundary, and should be located behind the street and rear setbacks.</i>	<i>Two thirds length of boundary, and should be located behind the street and rear setbacks.</i>
Podium Site Cover	<i>Podium maximum site cover</i>	<i>70% 80% within Tier 2 identified on Map 2</i>	<i>90%</i>	<i>70%</i>	<i>80%</i>

Map 3: Podium Street Setbacks



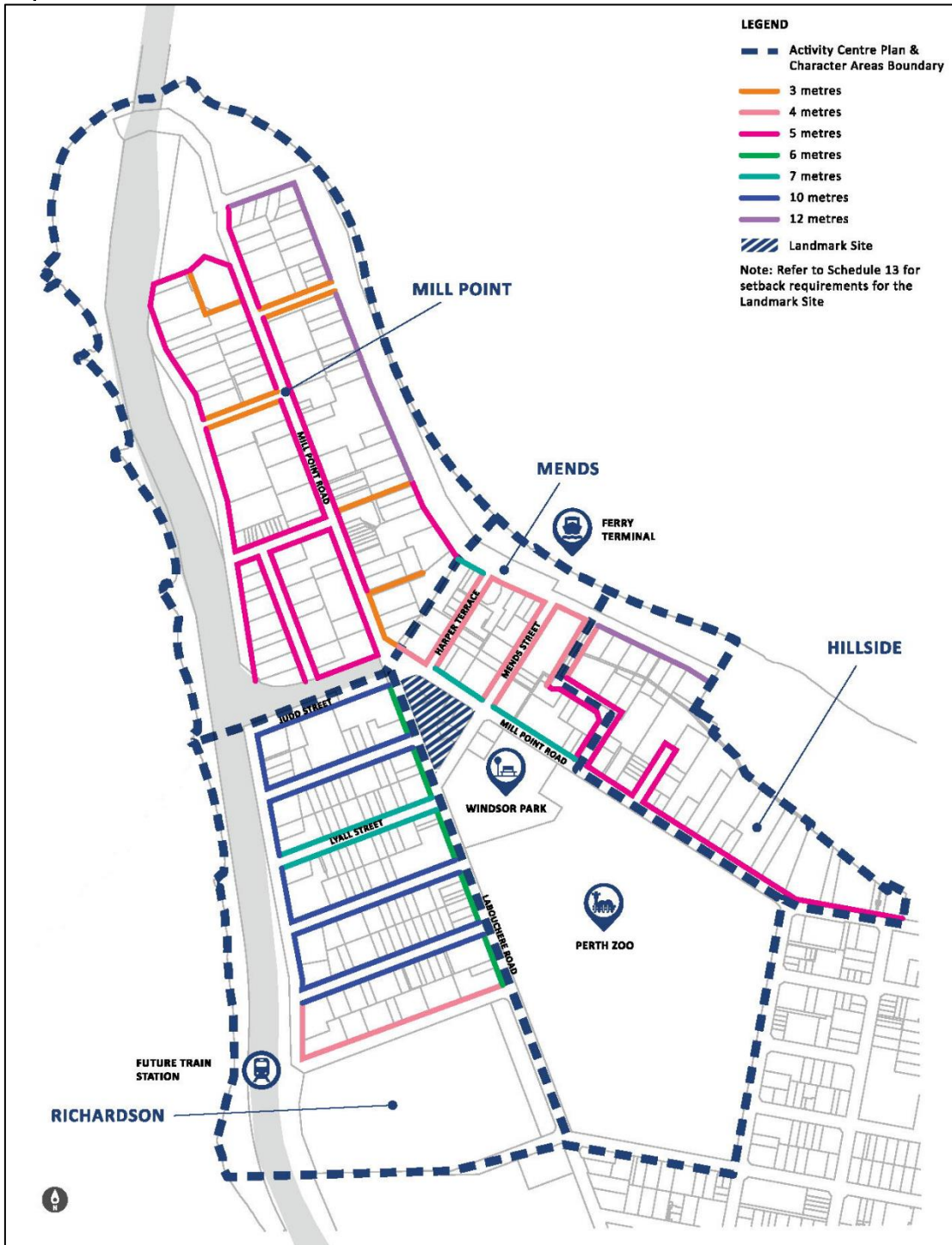
Element 4: Tower Setbacks and Separation

- 4.1 Tower Setbacks should be in accordance with Table 4 and Map 4.
- 4.2 Two or more towers within a single development site should be separated by a minimum of 8m or 8% of building height (whichever is greater), inclusive of balconies.
- 4.3 Variation from the tower setbacks and separation recommended in Table 4 and Map 4 and Element 4.2 must have due regard to relevant objectives and development requirements in the ACP.

Table 4: Tower Setbacks

Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Tower Street Setback	<i>Refer Map 4</i>	<i>Refer Map 4</i>	<i>Refer Map 4</i>	<i>Refer Map 4</i>
Tower Side and Rear Setback	<i>4m or 5% of building height (whichever is greater)</i>	<i>4m or 5% of building height (whichever is greater)</i>	<i>4m or 5% of building height (whichever is greater)</i>	<i>4m or 5% of building height (whichever is greater)</i>

Map 4: Tower Street Setbacks



Element 5: Tower Maximum Gross Floorplate Area

- 5.1 The maximum gross floorplate area of each floor of a tower shall not exceed the percentage of total site area set out in Table 5; and
- 5.2 Balconies projecting up to 2.4 metres from the enclosed part of the building floorplate may be excluded from the maximum gross floorplate area provided that the balcony is open on at least two sides and balustrades are visually permeable.

Table 5: Tower Maximum Gross Floorplate Area (percentage of total site area)

Character Area	Maximum gross floorplate area where Primary building height limit is to apply	Maximum gross floorplate area where Tier 1 building height limit is to apply	Maximum gross floorplate area where Tier 2 building height limit is to apply
Mends (excl. Landmark Site)	50%	40%	30%
Mill Point	50%	40%	30%
Richardson	50%	40%	30%
Hillside	40%	30%	20%

Element 6: Plot Ratio

- 6.1 Subject to Elements 6.2 and 6.3, the plot ratio of a building shall not exceed the applicable Primary plot ratio limit contained in Map 2 and Table 6.
- 6.2 Subject to Element 6.3, a building may be approved with plot ratio in excess of the applicable Primary plot ratio limit, but not greater than the applicable Tier 1 plot ratio limit contained in Map 2 and Table 6, if the requirements of Element 7 and Element 8 of this Schedule are satisfied.
- 6.3 A building with plot ratio in excess of the applicable Tier 1 plot ratio limit shall not be approved unless:
 - (a) the site of the building is one which Map 2 and Table 6 show as being subject to a Tier 2 plot ratio limit;
 - (b) the plot ratio of the building does not exceed the applicable Tier 2 plot ratio limit; and
 - (c) the requirements of Element 7 and Element 8 of this Schedule are satisfied.

Table 6: Plot Ratio Limits

Typology (refer to Map 2)	Primary Plot Ratio Limit	Tier 1 Plot Ratio Limit	Tier 2 Plot Ratio Limit
Low	2.0	2.3	<i>Not Available</i>
Low-Medium	2.5	2.8	<i>Not Available</i>
Medium	4.0	4.8	<i>Where available in accordance with Map 2, 5.5</i>
Medium-High	5.4	6.6	<i>Where available in accordance with Map 2, 7.6</i>
High	7.2	8.8	<i>Where available in accordance with Map 2, 9.8</i>

Element 7: Design Quality

- 7.1 The architectural design of any proposed comprehensive new development shall meet the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP.
- 7.2 In addition to Element 7.1, the architectural design of any proposed comprehensive new development above the Primary building height and/or plot ratio limits and up to the Tier 1 limits under Elements 2 and 6 of this Schedule shall achieve design excellence demonstrably exceeding the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP.
- 7.3 In determining any comprehensive new development under Element 7.1 and 7.2, due regard shall be given to the advice of the nominated Design Review Panel for all elements of the development relating to built form.
- 7.4 In addition to Element 7.1 and 7.2, the architectural design of any proposed comprehensive new development above the Tier 1 limits under Elements 2 and 6 of this Schedule shall:
 - (a) achieve design excellence demonstrably exceeding the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP; and
 - (b) be reviewed by the State Design Review Panel, or equivalent body, as determined by the Western Australian Planning Commission in accordance with the requirements of the ACP.
- 7.5 In determining any comprehensive new development under Element 7.4, due regard shall be given to the recommendations of the review by the State Design Review Panel, or equivalent body, as determined by the Western Australian Planning Commission.

Element 8: Approval for Additional Development Potential (Height and Plot Ratio)

- 8.1 Notwithstanding any other provision in this scheme, a comprehensive new development proposing building height greater than the applicable Primary building height limit in this Schedule may be exempted from the requirement to pay community benefit contribution if the

proposed building height does not exceed the building height equivalent to the development that existed on the site at the time that Amendment No. 61 is gazetted.

8.2 Approval of development with additional building height and/or plot ratio in excess of the Primary building height limit and/or the Primary plot ratio limit (as the case may be), under Elements 2 and 6 of this Schedule, shall not be granted unless:

8.2.1 approval of the proposed development would be appropriate having due regard to:

- (a) the relevant matters in clause 67 of the Deemed Provisions; and
- (b) the objectives and vision of the ACP; and
- (c) Objectives of the relevant character area in the ACP; and
- (d) the relevant objectives of 4.1.1 Building Height and 4.2 Plot Ratio contained in Part 1 of the ACP; and
- (e) whether the proposed development satisfies the other development requirements of Provision 5 of this Schedule and Part 1 of the ACP including but not limited to requirements relating to overshadowing, setbacks, tower maximum gross floorplate area and design quality.

8.2.2 the additional height and/or plot ratio 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; and

8.2.3 the development satisfies the relevant requirements of Element 7 of this Schedule; and

8.2.4 a community benefit contribution, calculated in accordance with clause 8.3, is:

- (a) paid to the City of South Perth, and held in trust, to be expended in accordance with the ACP; or
- (b) delivered onsite in accordance with the ACP;

to the satisfaction of the City of South Perth.

8.3 Where a community benefit contribution is to be paid to the City in accordance with 8.2.4(a), the amount payable shall be in accordance with whichever of the following formula that yields the greatest contribution amount:

- (a) $(3\% \times \text{total contract sum}) \times (\text{number of storeys above the Primary standard} \div \text{total number of storeys})$; or
- (b) $(3\% \times \text{total contract sum}) \times (\text{m}^2 \text{ of plot ratio area above the Primary standard} \div \text{m}^2 \text{ of total plot ratio area})$.

8.4 The City of South Perth shall publish an annual statement in accordance with the ACP, that provides information about expenditure of the community benefit contribution.

8.5 Development which exceeds the maximum building height limit, maximum tower gross floorplate area or maximum plot ratio limit which applies to the development site under Elements 2, 5 and 6 of this Schedule shall not be approved.

Schedule 9C
**Special Control Area 3 (SCA3) – Precinct 16 Canning
 Highway (East)**

Name of Area	Purpose	Objectives	Additional Provisions
SCA3 – Canning Highway (East)	To ensure a Local Development Plan is prepared to coordinate and rationalise vehicle access to land in the Special Control Area.	(a) To provide vehicle access to land in the Special Control Area from roads other than Canning Highway. (b) To allow for direct, rationalised access to Canning Highway in circumstances where alternative access cannot be achieved.	1. The Local Government shall not grant approval to a comprehensive new development or recommend support of the subdivision of land within the area designated as ‘SCA3’ on the Scheme Map unless a Local Development Plan has been adopted relating to the Special Control Area. The Local Development Plan may relate to only part of the Special Control Area and may also relate to land adjoining the Special Control Area where deemed appropriate. 2. The Local Development Plan shall contain provisions relating to the coordination of vehicle access within the Special Control Area.

Schedule 10 Development Contribution Plans

Refer to Clause 10.1

Ref No.	Description of Land	Development Contribution Plan
DCA2	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, Edgumbe Street, Gentilli 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.	A development contribution plan for this area is to be prepared in accordance with clause 10.2.

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]
3. DCA 1 Deleted by Amendment No. 61 (GG 24.12.2021) [Note added 24.12.2021]

Schedule 11

Statutory Static Feasibility Assessment Model

Refer to Clause 10.2 (12)

Gross realisation			
Net lot yield @ average market value per lot			
“X” lots @ “\$Y” per lot	\$		(1)
Less GST @ standard / normal rates			
(1) Multiplied by GST rate / (100 + GST rate)	\$		(2)
((1) – (2))		\$	(3)
Less selling, marketing, advertising and settlement fees			
@ market % multiplied by (1)	\$		(4)
Add back Input Tax Credit on selling fees			
(4) Multiplied by GST rate / (100 + GST rate)	\$		(5)
((4) – (5))		\$	(6)
Balance after selling costs etc and Input Tax Credit ((3) – (6))		\$	(7)
Less adjusted profit and risk allowance as per SPP 3.6			
Market determined profit and risk allowance	%		(8)
Less fixed profit allowance as per SPP3.6	<u>10 %</u>		(9)
Risk rate applied ((8) – (9))	= %		(10)
<i>EXPLANATION: (10) to be expressed as a whole number eg 15% = 15</i>			
ie Risk = (7) multiplied by (10) / ((10) + 100)		\$	(11)
Balance after profit and risk factor ((7) – (11))		\$	(12)
Less development costs @ “X” lots multiplied by “\$Z” per lot	\$		(13)
Add back Input Tax Credit on (13)			
(13) Multiplied by GST rate / (100 + GST rate)	\$		(14)
Development cost after Input Tax Credit ((13) – (14))	\$		(15)
Add interest on net development costs (15)			
For 1/2 development and 1/2 selling term			
@ Applicable market rates			
(15) Multiplied by % rate	\$		(16)
((15) + (16))		\$	(17)
Balance after deduction of development costs and interest ((12) – (17))		\$	(18)
Less interest on land value, rates and taxes and stamp duty			
Assessed over 1/2 development and 1/2 selling term			
@ Applicable market rates			
(18) Multiplied by (% rate / 100 + % rate)		\$	(19)
Balance after interest on the land ((18) – (19))		\$	(20)
Less rates and taxes		\$	(21)
Balance after rates and taxes ((20) – (21))		\$	(22)
Less Stamp Duty @ current statutory rates			
(22) Multiplied by stamp duty rate / (100 + stamp duty rate)		\$	(23)
Residual Land Value prior to GST considerations ((22) – (23))		\$	(24)
Add GST (24) + GST at prevailing statutory rate		\$	(25)
ASSESSED STATUTORY CONTRIBUTION AS PER SPP 3.6 ((22) + (23))		\$	

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

No.	Description of Land	Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan
1.	Canning Bridge Activity Centre Plan area (WAPC ref SPN-0754)	<p>For development in the Canning Bridge Activity Centre:</p> <ul style="list-style-type: none"> (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.
2.	South Perth Activity Centre Plan Area	Development requirements in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B are set out in Schedule 9B (with the exception of the Landmark Site) and Schedule 13 (for the Landmark Site)
3.	Land bounded by Conlon Street, Garvey Street, Keaney Place, McKay Street and Manning Road, Waterford.	<ul style="list-style-type: none"> (a) Prior to recommending support of an application for subdivision or granting development approval to a comprehensive new development, a Local Development Plan shall be prepared and approved pursuant to Part 6 of the Deemed Provisions. (b) The requirements in this table are additional to the provisions of this Scheme and the R-Codes. (c) For development on Lot 1 Garvey Street, Lots 2-4 Manning Road and Lots 5 and 6 McKay Street, the local government shall not grant development approval to a comprehensive new development or recommend support of an application for subdivision unless: <ul style="list-style-type: none"> (i) The subject lot(s) or site is provided with legal access to a public road or public right-of-way other than Manning Road; and (ii) The subject lot(s) or site is legally amalgamated with at least one (1) of Lots 2 and 3 Manning Road, or an easement is provided, so as to provide both of these lots with legal access to a public road or public right-of-way other than Manning Road. <p>The local government may vary the requirements of (i) and (ii), above, where the local government is satisfied that the granting of development approval and/or support of an application for subdivision will not prejudice the ability of either Lot 2 or 3 Manning Road to achieve access to a public road or public right-of-way other than Manning Road.</p> (d) For development on Lots 45-48 Manning Road and Lots 49 and 55-58 Garvey Street, the local government shall not grant development approval to a comprehensive new development or recommend support of an application for subdivision unless: <ul style="list-style-type: none"> (i) The subject lot(s) or site is provided with legal access to a public road or public right-of-way other than Manning Road; and (ii) The subject lot(s) or site is legally amalgamated with at least one (1) of Lots 46, 47 and 48 Manning Road, or an easement is provided, so as to provide these lots with legal access to a public road or public right-of-way other than Manning Road.

		<p>The local government may vary the requirements of (i) and (ii), above, where the local government is satisfied that the granting of development approval and/or support of an application for subdivision will not prejudice the ability of Lots 46, 47 or 48 Manning Road to achieve access to a public road or public right-of-way other than Manning Road.</p> <p>(e) For development on Lot 38 Conlon Street and Lots 39-41 Manning Road, the local government shall not grant development approval to a comprehensive new development or recommend support of an application for subdivision of a lot unless:</p> <p>(i) The subject lot(s) or site is provided with legal access to a public road or public right-of-way other than Manning Road; and</p> <p>(ii) The subject lot(s) or site is legally amalgamated with Lot 40 Manning Road, or an easement is provided, so as to provide Lot 40 with legal access to a public road or public right-of-way other than Manning Road.</p> <p>The local government may vary the requirements of (i) and (ii), above, where the local government is satisfied that the granting of development approval and/or support of an application for subdivision will not prejudice the ability of Lot 40 Manning Road to achieve access to a public road or public right-of-way other than Manning Road.</p> <p>(f) Notwithstanding Table 1 of the Scheme, Grouped Dwelling shall be an 'X' (Prohibited Use) within the area covered by the Local Development Plan.</p> <p>(g) Buildings accommodating multiple dwellings within the area covered by the Local Development Plan shall be set back from all street boundaries and all side boundaries by a minimum of 4.0 metres. This may be varied to a minimum of 2.0 metres where the element objectives of the R-Codes Volume 2 sections 2.3 Street Setbacks and 2.4 Side and Rear Setbacks (as applicable) are met, to the satisfaction of the local government.</p>
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NOTE ON SCHEDULE 12 :

1. Schedule 12 added by Amendment No. 47 (GG 10.2.2017) [Note 1 added 10.2.2017]
2. No. 2 added by Amendment No. 29
3. No.2 added by Amendment No. 61 (GG 24.12.2021) [Note added 24.12.2021]

Schedule 13

Special Control Area 2 – Civic Site

NOTES

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 SCA2 – 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
 - (b) 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 14 Precinct 16 Canning Highway (East)

Operation of Schedule

Area
Precinct 16: Canning Highway (East) as delineated on the Scheme Map, being the land along either side and close to Canning Highway generally between the boundary with the Town of Victoria Park and Elizabeth Street and Arundel Street.

- (1) The provisions of this Schedule shall not apply to minor alterations or additions, or to the development of a Single House.
- (2) Where variation to Table A: Primary Controls relating to matters other than height is sought, the Local Government shall have regard to clause 7.8 of the Scheme.
- (3) Any setbacks to lot boundaries affected by a primary regional road reservation are to be measured from the extent of the reservation boundary.
- (4) **storey** means the portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top floor and ceiling above it but does not include:
 - a basement;
 - a space that contains only a lift shaft, stairway or meter room;
 - a mezzanine;
 - a loft.

Table A: Primary Controls

Streetscape Type	Low-rise	Medium-rise		High Density Residential	Medium-rise urban centre
(1) Site R-Coding	R50	R60	R80	R-100	R-AC3
(2) Maximum plot ratio	As per R-codes			1.5	2.0
(3) Maximum building height	As per the Building Height Limit Scheme Map (Precinct 16) and the number of storeys set out in provision (3A).				
(3A) Maximum number of storeys	As per R-codes			5	6
(4) Land use	Notwithstanding Table 1 of this Scheme, Grouped Dwellings are not permitted on sites with frontage to Canning Highway coded R80, R100 or R-AC3 within Precinct 16 where this Schedule applies, except for Lots 231, 232, 233, 234, 235, 236, 237, 238, 240, 241, 242 on Plan 576 Canning Highway, South Perth and Strata Lots 1 & 2 on Strata Plan 72059 (No. 33-35) Canning Highway, South Perth.				

<p>(5) Vehicle access</p>	<p>In this Schedule ‘street block’ means all lots fronting Canning Highway, bound by two public street(s) or existing public right-of-way(s). For the land not subject to Special Control Area No. 3 -</p> <ol style="list-style-type: none"> 1. The Local Government shall not grant approval to a comprehensive new development or recommend support of an application for subdivision of a lot within Precinct 16, unless: <ol style="list-style-type: none"> (a) The subject lot(s) or site is provided with legal access to a public road or right-of-way other than Canning Highway, that is capable of providing trafficable vehicle access to a development, and, (b) The subdivision and/or development does not entirely prejudice the ability for any other lot or site within the same street block from obtaining access from a public street or right-of-way other than Canning Highway. 2. If the subject lot(s) or site adjoins an existing right-of-way, the Local Government shall not grant approval to a comprehensive new development unless trafficable vehicle access along the right-of-way adjoining the subject lot(s) or subject site is at least, or could be made as a result of the development and/or subdivision, 6.0 metres in width.
<p>(6) Additional plot ratio</p>	<p>On any of Lot 1 (No. 3), 3 (No. 2), 2 (No. 10) or 16 (No. 11) Canning Highway, South Perth, additional plot ratio up to a maximum of 3.0 may be granted where development satisfactorily addresses the following criteria:</p> <ol style="list-style-type: none"> (a) The architectural design of any proposed comprehensive new development shall meet the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives. (b) Development provides facilities of public benefit as determined by the Local Government, such as publicly accessible communal open space (pocket parks), public plazas, or through-site links connecting two publicly accessible spaces that improve pedestrian connectivity or access to public open space.

SCHEDULE A

Supplemental Provisions to the Deemed Provisions

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*.

Relevant Deemed Provisions	Supplemental Provisions
<p>Part 2 Local Planning Framework Clause 3. Local Planning Policies</p>	<p>3. (6) For the purposes of this clause, the following shall be deemed to be Local Planning Policies made pursuant to this Scheme:</p> <ul style="list-style-type: none"> (a) Local Housing Strategy; (b) Local Commercial Strategy; and (c) Precinct Plans. <p>NOTE ON CLAUSE 3 (6) : <i>Former TPS6 clause 9.6 'Planning Policies', sub-clause (8).</i></p>
<p>Part 3 Heritage Protection Clause 7A. Objectives of heritage protection</p>	<p>7A. (1) The objectives of the provisions relating to heritage protection are:</p> <ul style="list-style-type: none"> (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. <p>NOTE ON CLAUSE 7A (1): <i>Former TPS6 clause 6.11 'Heritage Places', sub-clause (1).</i></p> <p>(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.</p> <p>NOTE ON CLAUSE 7A (2): <i>Former TPS6 clause 6.11 'Heritage Places', sub-clause (6)(b).</i></p> <p>(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 <i>Heritage of Western Australia Act 1990</i>, 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.</p> <p>NOTE ON CLAUSE 7A (3): <i>Former TPS6 clause 6.11 'Heritage Places', sub-clause (6)(d).</i></p>

Relevant Deemed Provisions	Supplemental Provisions
<p>Part 3 Heritage Protection Clause 12. Variations to local scheme provisions for heritage purposes</p>	<p>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 <i>Heritage of Western Australia Act 1990</i>, unless:</p> <ul style="list-style-type: none"> (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. <p>NOTE ON CLAUSE 12 (4): <i>Former TPS6 clause 6.11 'Heritage Places', sub-clause (8)(b).</i></p>
<p>Part 7 Requirement for Development Approval Clause 61. Development for which development approval not required</p>	<p>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:</p> <ul style="list-style-type: none"> (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. <p>NOTE ON CLAUSE 61 (1)(k): <i>Former TPS6 clause 6.7 'Fences'.</i></p> <ul style="list-style-type: none"> (l) notwithstanding paragraph (d), for Multiple Dwellings and/or where the R-Codes do not apply, construction of: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. <p>NOTE ON CLAUSE 61 (1) PARAGRAPHS (l) AND (m): <i>Former TPS6 clause 7.1 'Requirements for Development Approval', extracted from sub-clause (2).</i></p>

Relevant Deemed Provisions	Supplemental Provisions
<p>Part 7 Clause 61. Development for which development approval not required <i>(cont'd)</i></p>	<p>(n) subject to the provisions of the <i>Main Roads (Control of Advertising) Regulations 1996</i>, the erection or installation of advertisements which are:</p> <ul style="list-style-type: none"> (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. <p>NOTE ON CLAUSE 61 (1) PARAGRAPH (n): <i>Former TPS6 clause 6.12 'Advertisements', extracted from sub-clause (2).</i></p>
<p>Part 8 Applications for Development Approval Clause 63. Accompanying material</p>	<p>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.</p> <p>NOTE ON CLAUSE 63(4): <i>Former TPS6 clause 7.6 'Impact Assessment Report'.</i></p>
<p>Part 9 - Procedure for dealing with applications for development approval Clause 72. Temporary development approval</p>	<p>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:</p> <ul style="list-style-type: none"> (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. <p>NOTE ON CLAUSE 72 (1): <i>Former TPS6 clause 7.13 'Temporary Use'.</i></p>
<p>Clause 77. Amending or cancelling development approval</p>	<p>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:</p> <ul style="list-style-type: none"> (i) has not been, or is not being, carried out in accordance with – <ul style="list-style-type: none"> (A) the development approval; (B) a condition of development approval; or (C) this Scheme;

Relevant Deemed Provisions	Supplemental Provisions
<p>Part 9 - Clause 77. Amending or cancelling development approval <i>(cont'd)</i></p>	<p>(ii) is causing, or has caused, a nuisance or annoyance to neighbours or owners or occupiers of land in the neighbourhood; or</p> <p>(iii) is having, or has had, an adverse effect on the residents or amenity of other property in the neighbourhood;</p> <p>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.</p> <p>(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.</p> <p>NOTE ON CLAUSE 77 (5): <i>Former TPS6 clause 7.9 'Determination of Applications for Development Approval', sub-clause (6).</i></p>

NOTE: Schedule A 'Supplemental Provisions to the Deemed Provisions' added by Amendment No. 54. (GG 12.1.2018)
 [Note added 12.1.2018]