

# ATTACHMENTS

## Ordinary Council Meeting

24 August 2021

### Part 1 – 10.0.1

# ATTACHMENTS TO AGENDA ITEM 10.0.1

Ordinary Council Meeting - 24 August 2021

## Contents

### **10.0.1      CONSENT TO ADVERTISE DRAFT LOCAL PLANNING SCHEME 7**

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# **CITY OF SOUTH PERTH**

## **LOCAL PLANNING SCHEME NO. 7**

### **DISCLAIMER**

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

**LOCAL PLANNING SCHEME GAZETTAL DATE: TBC**

## Part 1 – Preliminary

### 1. Citation

This local planning scheme is the **City of South Perth Local Planning Scheme No 7**.

### 2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

### 3. Scheme revoked

The following local planning scheme(s) is (are) revoked -  
**Town Planning Scheme No 6 – gazetted 29 April 2003.**

### 4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

### 5. Responsibility for Scheme

The **City of South Perth** is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

### 6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

Note: The Scheme area (or part) is also subject to the Metropolitan Region planning scheme (see clause 12) and other local planning schemes (see clause 11).

### 7. Contents of Scheme

(1) In addition to the provisions set out in this document (the ***scheme text***), *this* Scheme includes the following –

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text; **and,**
- (b) the Scheme Map.

~~(c) —the following plans, maps, diagrams, illustrations or materials—~~



- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## **8. Purposes of Scheme**

The purposes of this Scheme are to –

- (a) set out the local government’s planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

## **9. Aims of Scheme**

The aims of this Scheme are:

- (a) To provide for safe, functional, connected and activity centres that offer a diverse range of goods, services and activities as well as places to live and stay.
- (b) To support sustainable urban neighborhoods that accommodate a growing population, whilst protecting and enhancing areas of authentic character, heritage or sense of place.
- (c) To support an urban environment that encourages healthy, active and sustainable living.
- (d) To set aside land to provide for civic, social and community infrastructure.

## **10. Relationship with local laws**

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

## **11. Relationship with other local planning schemes**

There are no other local planning schemes of the **City of South Perth** which apply to the Scheme area.

**12. Relationship with region planning scheme**

The Metropolitan Region Scheme made (or continued) under Part 4 of the Act applies in respect of part or all of the Scheme area.

Note: The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

## Part 2 - Reserves

### 13. Regional Reserves

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Metropolitan Region Scheme.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the *Land Administration Act 1997* section 41.

### 14. Local reserves

- (1) In this clause -

***Department of Main Roads*** means the department principally assisting in the administration of the *Main Roads Act 1930*;

***Western Australian Road Hierarchy*** means the document of that name available on the website maintained by the Department of Main Roads.

- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows –

**Table 1 – Reserve objectives**

Reserve Name	Objectives
Local Road	<ul style="list-style-type: none"><li>To set aside land required for a local road classified as an access road under the Western Australian Road Hierarchy.</li></ul>
Primary Distributor Road	<ul style="list-style-type: none"><li>To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.</li></ul>
District Distributor	<ul style="list-style-type: none"><li>To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.</li></ul>
Local Distributor	<ul style="list-style-type: none"><li>To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.</li></ul>
Public Open Space	<ul style="list-style-type: none"><li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li><li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li></ul>

Public Purpose	<ul style="list-style-type: none"> <li>• To provide for a range of essential physical and community infrastructure.</li> </ul>
Car Park	<ul style="list-style-type: none"> <li>• To set aside land required for a car park.</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Public purpose which specifically provide for a range of essential education facilities.</li> </ul>
Infrastructure Services	<ul style="list-style-type: none"> <li>• Public purposes which specifically provide for a range of essential infrastructure services.</li> </ul>

**15. Additional uses for local reserves**

There are no additional uses for land in local reserves that apply to this Scheme.

## Part 3 - Zones and use of land

### 16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows –

**Table 3 – Zone objectives**

Zone Name	Objectives
Residential	<ul style="list-style-type: none"><li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li><li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li><li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li></ul>
Private clubs, institutions and places of worship	<ul style="list-style-type: none"><li>• To provide sites for privately owned and operated recreation, institutions and places of worship.</li><li>• To integrate private recreation areas with public recreation areas wherever possible.</li><li>• To separate potentially noisy engine sports from incompatible uses.</li><li>• To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.</li><li>• To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.</li><li>• To provide for opportunities for diverse ranges of housing and accommodation types.</li></ul>
Mixed Use	<ul style="list-style-type: none"><li>• To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.</li><li>• To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.</li></ul>
Local Commercial	<ul style="list-style-type: none"><li>• To promote a convenient mix of local amenities to meet the daily needs of the local residential community.</li><li>• To encourage high quality, pedestrian-friendly, street-orientated development that is compatible with surrounding uses.</li><li>• To encourage buildings of high quality design that respond to their local context and are appropriately scaled within a</li></ul>

	<p>local node serving.</p> <ul style="list-style-type: none"> <li>To encourage mixed use development of a scale appropriate to a local node.</li> <li>To provide medium density housing to support to the centre and offer diversity in housing choice.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>To provide for a range of shops, offices, restaurants and other commercial outlets in defined town-sites or activity centres.</li> <li>To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</li> <li>To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> <li>To provide for opportunities for diverse ranges of housing and accommodation types.</li> </ul>
Centre	<ul style="list-style-type: none"> <li>To designate land for future development as a town centre or activity centre.</li> <li>To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.</li> </ul>

**17. Zoning table**

The zoning table for this Scheme is as follows -

**Table 4 - Zoning Table**

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Private clubs, institutions and places of worship	Mixed Use	Local Commercial	Commercial	Centre
RESIDENTIAL USES (DWELLINGS)						
Single house	P	D	D	D	D	Refer clause 18(6)
Grouped dwelling	P	D	D	D	D	
Multiple dwelling	P	D	P	D	P	
Independent living complex	P	D	P	P	P	
RESIDENTIAL USES (OTHER)						
Family day care	P	P	P	P	P	Refer

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Private clubs, institutions and places of worship	Mixed Use	Local Commercial	Commercial	Centre
Home store	D	D	D	P	P	clause 18(6)
Residential aged care facility	D	D	D	D	D	
Residential building	D	D	D	D	D	
Student accommodation facility	D	D	D	A	D	
Home business	A	A	A	A	A	
Home occupation	D	D	D	D	D	
Caretakers dwelling	P	D	D	D	D	
NON-RESIDENTIAL USES (COMMERCIAL & SERVICE)						
Animal establishment	X	X	A	X	X	Refer clause 18(6)
Art gallery	X(1)	D	D	D	P	
Betting agency	X	X	D	X	P	
Brewery	X	X	A	X	A	
Bulky goods showroom	X	X	A	X	D	
Car park	X	D	A	X	P	
Commercial vehicle parking	X	X	A	X	A	
Garden centre	X	X	A	X	D	
Exhibition centre	X	A	D	D	P	
Recreation - Private	X	D	D	X	D	
Motor vehicle, boat or caravan sales	X	X	A	X	A	
Motor vehicle wash	X	X	A	X	A	
Nightclub	X	X	A	X	X	
Office	X	X	P	D	P	
Restricted premises	X	X	X	X	X	

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Private clubs, institutions and places of worship	Mixed Use	Local Commercial	Commercial	Centre
Service station	X	X	A	X	A	
Trade display	X	X	D	X	A	
Veterinary centre	X(2)	X	A	A	P	
NON-RESIDENTIAL USES (HEALTH)						
Consulting rooms	D	D	P	P	P	Refer clause 18(6)
Hospital	X	P	X	X	D	
Medical centre	X	D	P	A	P	
NON-RESIDENTIAL USES (RETAIL & ENTERTAINMENT)						
Amusement parlour	X	X	A	X	P	Refer clause 18(6)
Cinema/theatre	X	A	A	A	P	
Convenience store	X	X	D	A	P	
Fast food outlet/lunch bar	X	X	D	A	P	
Funeral parlour	X	D	D	X	D	
Home store	D	D	D	D	D	
Liquor store – large	X	X	X	X	X	
Liquor store –small	X	X	A	A	A	
Market	X	A	X	X	D	
Restaurant/café	X(1)	A	P	A	P	
Shop	X(1)	X(1)	D	P	P	
Small bar	X	X	D	A	D	
Tavern	X	X	A	X	A	
NON-RESIDENTIAL USES (SHORT-TERM ACCOMMODATION)						
Bed and breakfast accommodation	D	D	D	D	D	Refer



USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Private clubs, institutions and places of worship	Mixed Use	Local Commercial	Commercial	Centre
Caravan park	X	X	X	X	X	clause 18(6)
Holiday accommodation	D	X	D	X	P	
Holiday house	D	X	D	X	D	
Hotel	X	X	A	X	P	
Motel	X	X	D	X	P	
Serviced apartment	D	X	D	X	D	
Tourist development	A	X	D	X	P	
NON-RESIDENTIAL USES (CIVIC, COMMUNITY, CLUBS AND INSTITUTIONS)						
Child care premises	D	P	P	A	P	Refer clause 18(6)
Civic use	A	X	D	A	P	
Club premises	X	P	A	X	D	
Community purpose	D	P	D	D	D	
Corrective institution	X	X	X	X	X	
Educational establishment	A	D	D	D	D	
Place of worship	A	P	X	X	X	
Research and development	X	P	D	X	D	
NON-RESIDENTIAL USES (INDUSTRIAL AND INFRASTRUCTURE)						
Industry	X	X	A	X	D	Refer clause 18(6)
Industry – light	X	X	A	X	X	
Industry – service	X	X	P	D	D	
Public utility	D	P	P	P	P	
Trade supplies	X	X	X	X	X	
Transport depot	X	X	X	X	X	

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Private clubs, institutions and places of worship	Mixed Use	Local Commercial	Commercial	Centre
Warehouse/storage	X	X	A	X	A	
Telecommunications infrastructure	D	D	D	D	D	
Motor vehicle repair	X	X	A	X	D	

- (1) Where the use does not exceed 100m<sup>2</sup> net lettable area that land use shall be considered a discretionary ('A') land use.
- (2) Where the number of veterinary practitioners is limited to not more than two the use shall be considered a discretionary ('D') land use.

## 18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings -
- P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
  - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
  - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
  - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
  - X means that the use is not permitted by this Scheme.

### Note:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.

2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
  3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
  - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -
    - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
    - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
    - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
  - (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
  - (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
    - (a) a structure plan; or,
    - (b) a local development plan;

## 19. Additional uses

- (1) Table 5 sets out -
  - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.

**Table 5 – Specified additional uses for zoned land in Scheme area**

No.	Description of land	Additional use	Conditions
1.	Lot 44 (#27) Fortune Street, South Perth	Car Park	Car Park is a Permitted use.
2.	Lot 101 (#38) Ranelagh Crescent, South Perth	Medical Centre	Medical Centre is a Permitted use.
3.	Lot 1 (#3) Third Avenue, Kensington	Recreation – Private	Recreation - Private is a Permitted use.
4.	Lot 387 (#20) Allen Street, South Perth (known as the Burch Street Car Park)	Car Park	Car Park is a Permitted use.
5.	S/L 1 of Lot 340, Lot 12, Lot 11 and Lot 342 (#49, 51, 51A & 53) Bickley Crescent, and S/L 2 of Lot 340 and Lot 10 (#17 & 19) Pether Road, Manning	Shop; Office	<p>1. Shop and/or Office shall be a discretionary ('D') use when provided in conjunction with an Independent Living Complex.</p> <p>2. Additional uses are to be oriented towards either Bickley Crescent or Manning Road only.</p>

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

## 20. Restricted uses

- (1) Table 6 sets out –
- (a) restricted classes of use for specified land that apply instead of the classes of use that are permitted in the zone in which the land is located;
  - (b) the conditions that apply to that restricted use.

No.	Description of land	Restricted use	Conditions
1.	Land bounded by Manning Road, Conlon Street, Curtin University and McKay Street, Waterford (known as the Waterford Triangle).	<p>Grouped Dwelling – 'X'</p> <p>All other land uses determined in accordance clause 18 and Table 4.</p>	1. Restriction relating to Grouped Dwellings does not apply to alterations and additions to existing buildings.

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

## **21. Special use zones**

There are no Special Use zones which apply to this Scheme.

## **22. Non-conforming uses**

- (1) Unless specifically provided, this Scheme does not prevent -
  - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
  - (b) the carrying out of development on land if -
    - (i) before the commencement of this Scheme, the development was lawfully approved; and
    - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
  - (a) the non-conforming use of the land is discontinued; and
  - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
  - (a) purchases the land; or
  - (b) pays compensation to the owner of the land in relation to the non-conforming use.

## **24. Register of non-conforming uses**

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
  - (a) a description of each area of land that is being used for a non-conforming use;
  - (b) a description of any building on the land;
  - (c) a description of the non-conforming use;

- (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government
  - 
  - (a) must ensure that the register is kept up-to-date; and
  - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.
- (3A) Subclause (3)(b) is an on-going publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.

## Part 4 - General development requirements

### 25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement of the purpose of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if -
  - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
  - (b) a provision of this Scheme provides that the R-Codes apply to the area.

### 26. Modification of R-Codes

There are no modifications to the R-Codes.

### 27. State Planning Policy 3.6 to be read as part of Scheme

- (1) *State Planning Policy 3.6 - Development Contributions for Infrastructure*, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.

### 28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

### 29. Other State planning policies to be read as part of Scheme

There are no State planning policies that are to be read as part of the Scheme.

### 30. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

### 31. Environmental conditions

There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme.

### 32. Additional site and development requirements

- (1) Table 10 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plan, local development plans or State or local planning policies.

**Table 10 – Additional requirements that apply to land in Scheme area**

No.	Description of land	Requirements																											
1.	All land zoned or reserved under this Scheme.	<p><b>Building height</b></p> <p>(1) Unless otherwise provided for in this Scheme, or set out in an adopted Precinct Structure Plan, Precinct Plan or Local Development Plan, the height of any building on a site with an R-Code as identified on the Scheme Map, shall not exceed the following requirements:</p> <table border="1"> <thead> <tr> <th>Density code</th><th>Maximum wall height</th><th>Maximum building height</th></tr> </thead> <tbody> <tr> <td>R15, R20, R25, R30, R35, R40</td><td>7.0 metres</td><td>9.0 metres</td></tr> <tr> <td>R50 &amp; R60</td><td>10.0 metres</td><td>12.0 metres</td></tr> <tr> <td>R80, R100</td><td>N/A</td><td>15.0 metres</td></tr> <tr> <td>R160</td><td>N/A</td><td>18.0 metres</td></tr> <tr> <td>R-AC4</td><td>N/A</td><td>12.0 metres</td></tr> <tr> <td>R-AC3</td><td>N/A</td><td>21.0 metres</td></tr> <tr> <td>R-AC2</td><td>N/A</td><td>24.0 metres</td></tr> <tr> <td>R-AC1</td><td>N/A</td><td>30.0 metres</td></tr> </tbody> </table> <p>(2) Notwithstanding (1), the local government may permit variations to the maximum height requirements where the variation is consistent with matters set out in a local planning policy.</p> <p><b>Ground levels</b></p> <p>(3) Development approval shall not be granted to new buildings unless the finished floor level of any habitable rooms is at least 500 millimetres above the 1 in 100 (1%) annual exceedance probability (AEP) flood event level, inclusive of any forecast sea level rise.</p> <p>(4) Notwithstanding (3), the local government may grant development approval to a building with finished floor levels lower than that prescribed in (3) in instances</p>	Density code	Maximum wall height	Maximum building height	R15, R20, R25, R30, R35, R40	7.0 metres	9.0 metres	R50 & R60	10.0 metres	12.0 metres	R80, R100	N/A	15.0 metres	R160	N/A	18.0 metres	R-AC4	N/A	12.0 metres	R-AC3	N/A	21.0 metres	R-AC2	N/A	24.0 metres	R-AC1	N/A	30.0 metres
Density code	Maximum wall height	Maximum building height																											
R15, R20, R25, R30, R35, R40	7.0 metres	9.0 metres																											
R50 & R60	10.0 metres	12.0 metres																											
R80, R100	N/A	15.0 metres																											
R160	N/A	18.0 metres																											
R-AC4	N/A	12.0 metres																											
R-AC3	N/A	21.0 metres																											
R-AC2	N/A	24.0 metres																											
R-AC1	N/A	30.0 metres																											



		<p>where adequate protection against sub-soil water seepage and a 1 in 100 (1%) AEP flood event is provided.</p> <p>(5) For any portion of a site raised in accordance with (3), the natural ground level of the site shall be determined to be 500 millimetres above the 1 in 100 (1%) AEP flood event level.</p> <p>(6) Where a development involves a facility that requires functioning during a 1 in 100 (1%) AEP flood event, such as but not limited to a Hospital, the local government shall not grant development approval unless it can be demonstrated that the functionality and safety of the facility can be maintained during the flood event.</p>
2.	Land set out in Schedule B or Schedule C of this Scheme.	<p><b>Site and development requirements</b></p> <p>(1) Development shall comply with any site or development requirement set out in Schedule B or Schedule C of this Scheme.</p>
3.	Land involving the development of Residential Uses (Other), or Non-Residential land use as set out in Table 4.	<p><b>Design of Residential (Other) and Non-Residential buildings</b></p> <p>(1) Unless otherwise varied by an adopted Precinct Structure Plan, Precinct Plan, Local Development Plan or local planning policy, building(s) designed in accordance with the Residential Design Codes, as if the building(s) contained dwellings, in respect to plot ratio, street and lot boundary setbacks, open space and landscaping (as relevant).</p> <p>(2) Buildings designed in accordance with (1) above as follows:</p> <p>(a) Where the site is coded R40 or greater, in accordance with Volume 2 of the R-Codes; or,</p> <p>(b) Otherwise in accordance with Volume 1 of the R-Codes.</p>
4.	All land involving a Home Business	<p><b>Home Business</b></p> <p>(1) Notwithstanding the term outlined in clause 38 of this Scheme:</p> <p>(a) A Home Business shall not involve the calling of more than fifteen (15) clients per week and more than three (3) clients per day to the land.</p> <p>(b) A Home Business shall not involve:</p> <p>(i) the storage, preparation or sale of foodstuffs;</p> <p>(ii) the breeding, keeping or selling of any animal; or,</p> <p>(iii) the storage of goods, merchandise, materials, equipment or supplies other than within a building.</p>

5.

Land involving the development of Residential Uses (Other), or Non-Residential land use as set out in Table 4.

Minimum Parking

(1) Development shall comply with the on-site parking requirements set out in the table below:

	Minimum vehicles parking spaces	Minimum bicycle parking spaces
Zone		
Centre	In accordance with an adopted structure plan, precinct structure plan or local development plan	
Mixed Use	1:25sqm NLA	1:200sqm NLA
Commercial	1:25sqm NLA	1:200sqm NLA
Local Commercial	1:30sqm NLA	1:100sqm NLA
Private Clubs, Institutions and Places of Worship	1:25sqm NLA	1:100sqm NLA
Residential	As determined by the local government.	
Land Use		
Non-residential (Short-term accommodation land use)	0.5 bays per accommodation suite. 10% of required bays for visitors	1 per accommodation suite.
Non-residential (Civic, community, clubs and institutions land use)	In accordance with a Parking Needs Assessment.	
Residential aged care facility, Residential building, Student accommodation facility	In accordance with a Parking Needs Assessment.	

(2) In addition to the parking required under (1), parking for motorbikes/scooters shall be provided at a rate of 0.5 bays per ten (10) vehicle spaces provided.

		<p>(3) Where a class of land use is set out in the table in (1) above, the requirements specific to that land use class shall apply over any parking requirement for the relevant zone.</p> <p><b>End-of-trip facilities</b></p> <p>(4) Where development is required to provide bicycle parking spaces in accordance with (1), the following end-of-trip facilities shall also be provided:</p> <table><tr><th>Number of bicycle parking spaces required</th><th>Number of change rooms (inclusive shower) facilities</th></tr><tr><td>Up to ten (10) bicycle parking spaces</td><td>Nil</td></tr><tr><td>More than ten (10) bicycle parking spaces</td><td>1 Female and 1 Male, or 2 unisex facilities for every ten (10) spaces</td></tr></table> <p><b>Design of spaces and facilities</b></p> <p>(5) The design of any vehicle, bicycle and motorcycle/scooter parking spaces and end-of-trip facilities shall be designed in accordance with any relevant Australian Standards and any adopted local planning policy.</p>	Number of bicycle parking spaces required	Number of change rooms (inclusive shower) facilities	Up to ten (10) bicycle parking spaces	Nil	More than ten (10) bicycle parking spaces	1 Female and 1 Male, or 2 unisex facilities for every ten (10) spaces
Number of bicycle parking spaces required	Number of change rooms (inclusive shower) facilities							
Up to ten (10) bicycle parking spaces	Nil							
More than ten (10) bicycle parking spaces	1 Female and 1 Male, or 2 unisex facilities for every ten (10) spaces							
6.	All land with frontage to Canning Highway that is north of Cale Street, Como.	<p><b>Rationalisation of vehicle access to Canning Highway</b></p> <p>(1) In this table ‘<b>street block</b>’ means all lots fronting Canning Highway, bound by two public street(s) or existing public right-of-way(s).</p> <p>(2) For the land not subject to Special Control Area 1, the local government shall not grant approval to development or recommend support of an application for subdivision of a lot(s) unless:</p> <ul style="list-style-type: none"><li>(a) The subject lot(s) or site is provided with legal access to a public road or right-of-way other than Canning Highway; and,</li><li>(b) The subdivision and/or development does not prevent the ability for any other lot within the same street block from obtaining access from a public street or right-of-way other than Canning Highway.</li></ul> <p>(3) If the subject lot(s) or site adjoins an existing right-of-way, the local government shall not grant approval to development unless the right-of-way is, or is made to be at least 6.0 metres wide.</p> <p>(4) At the time of developing or subdividing, land the</p>						

		<p>subject of clause (3) shall be:</p> <p>(a) Ceded to the local government free of cost; and;</p> <p>(b) Constructed to the satisfaction of the local government.</p> <p>(5) The local government shall not apply the requirements of clause (2) or (3) of this table where an application relates to alterations or additions to an existing building, a change of use, or to the development of a Single House.</p>
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- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

### 33. Additional site and development requirements for areas covered by structure plan or local development plan

There are no additional requirements that apply to this Scheme.

### 34. Variations to site and development requirements

- (1) In this clause -

*additional site and development requirements* means requirements set out in clauses 32 and 33.

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirement.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development, the local government must –
- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
  - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an

application for development approval as set out in clause 67(2) of the deemed provisions; and

- (b) the non-compliance with the additional site and development requirement 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.

(6) The power conferred by this clause shall not apply to any development or site requirement set out in Schedule B or Schedule C.

### **35. Restrictive covenants**

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant:
  - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
  - (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

## Part 5 - Special control areas

### 36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.

**Table 12 – Special control areas in Scheme area**

Name of area	Purpose	Objectives	Additional provisions
SCA1 – Canning Highway	To ensure a Local Development Plan is prepared to coordinate and rationalise vehicle access to land in the Special Control Area.	<ul style="list-style-type: none"> <li>To provide vehicle access to land in the Special Control Area from roads other than Canning Highway.</li> <li>To allow for direct, rationalised access to Canning Highway in circumstances where alternative access cannot be achieved.</li> </ul>	<p>(1) The Local Government shall not grant approval to development or recommend support of the subdivision of land within the area designated as ‘SCA1’ on the Scheme Map unless a Local Development Plan has been adopted relating to the Special Control Area.</p> <p>(2) The Local Development Plan shall contain provisions relating to the coordination of vehicle access within the Special Control Area.</p> <p>(3) The local government may waive the need to prepare a Local Development Plan where:</p> <ol style="list-style-type: none"> <li>(a) The development is for alterations and additions to an existing building, a change of use or a Single House only; or,</li> <li>(b) The length of the street block frontage to Canning Highway is greater than 150 metres; and,</li> <li>(c) The development limits access points to the minimum number necessary to facilitate the functioning of the development; and,</li> <li>(d) Access point(s) do not adversely impact the functioning, safety or operational efficiency of the regional road network.</li> </ol> <p>(4) 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.</p>

## Part 6 - Terms referred to in Scheme

### Division 1 - General definitions used in Scheme

#### 37. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows –

<b>Aged or dependent person' dwelling</b>	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; (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, and also includes land or buildings 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.
<b>Australian Height Datum</b>	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.
<b>Boundary fence</b>	A structure situated on or within 1.0 metres of a common boundary that forms a barrier between land.
<b>Building envelope</b>	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
<b>cabin</b>	means a dwelling forming part of a tourist development or caravan park that is – (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests.
<b>chalet</b>	means a dwelling forming part of a tourist development or caravan park that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.
<b>Commercial vehicle</b>	means a vehicle, whether licenced or not, that has a

	gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
<b>Comprehensive new development</b>	means a development which is determined by the local government not to be an alteration or addition to an existing development.
<b>Floor area</b>	has meaning given in the Building Code.
<b>Gross floor area</b>	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.
<b>Gross floorplate area</b>	means the gross total area of one floor of a building including the area of any internal and external walls.
<b>Non-residential use</b>	for the purpose of this Scheme, means a use listed in Table 4 within the category entitled ‘Non-Residential Uses’.
<b>Podium</b>	means the base of a building upon which taller (tower) elements are positioned.
<b>Podium site cover</b>	means the area of the development site which is covered by the podium of the building.
<b>Precinct</b>	means a definable area where particular planning policies, guidelines or standards apply.
<b>Predominant use</b>	means the primary use of premises to which all other uses carried out on the premises are incidental.
<b>Residential use</b>	for the purpose of this Scheme, means a use listed in Table 4 within the category entitled ‘Residential Use (Dwellings)’ or Residential Use (Other).
<b>Retail</b>	means the sale or hire of goods or services to the public.
<b>Scheme commencement day</b>	Means the day on which this Scheme comes into effect under section 87(4) of the Act.
<b>Short-term accommodation</b>	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.
<b>Tower</b>	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.
<b>wholesale</b>	means the sale of goods or materials to be sold by



others.

- (2) A word or expression that is not defined in this Scheme –
  - (a) has the meaning it has in the Planning and Development Act 2005; or
  - (b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.

## Division 2 - Land use terms used in Scheme

### 38. Land use terms used

- (1) If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows –

<b>Amusement parlour</b>	means premises – (a) that are open to the public; and, (b) that are used predominantly for amusement by means of amusement machines including computers; and, (c) where there are 2 or more amusement machines.
<b>Animal establishment</b>	Means premises used for the breeding, boarding, training or caring of animals for commercial purposes, but does not include animal husbandry – intensive or veterinary centre.
<b>Art gallery</b>	means premises – (a) that are open to the public; and, (b) where artworks are displayed for viewing or sale.
<b>Bed and breakfast</b>	means a dwelling – (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and, (b) containing not more than 2 guest bedrooms.
<b>Betting agency</b>	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
<b>Brewery</b>	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
<b>Bulky goods showroom</b>	means premises – (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes – (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools, or,

	<ul style="list-style-type: none"> <li>(b) used to sell goods and accessories by retail if – <ul style="list-style-type: none"> <li>(i) a large area is required for the handling, display or storage of the goods; or</li> <li>(ii) vehicular access is required to the premises for the purpose of collection of purchased goods.</li> </ul> </li> </ul>
<b>Caravan park</b>	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
<b>Caretakers dwelling</b>	means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
<b>Car park</b>	<p>means premises used primarily for parking vehicles whether open to the public or not but does not include –</p> <ul style="list-style-type: none"> <li>(a) any part of a public road used for parking or for a taxi rank; or,</li> <li>(b) any premises in which cars are displayed for sale.</li> </ul>
<b>Child care premises</b>	<p>means premises where –</p> <ul style="list-style-type: none"> <li>(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> Section 5(1), other than a family day care service as defined in that section, is provided; or,</li> <li>(b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.</li> </ul>
<b>Cinema/theatre</b>	means premises where the public may view a motion picture or theatrical production.
<b>Civic use</b>	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
<b>Club premises</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest.
<b>Commercial vehicle parking</b>	<p>means premises used for parking of one or 2 commercial vehicles but does not include –</p> <ul style="list-style-type: none"> <li>(a) any part of a public road used for parking or for a taxi rank; or</li> <li>(b) parking of commercial vehicles incidental to the predominant use of the land.</li> </ul>
<b>Community purpose</b>	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
<b>Consulting Rooms</b>	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

<b>Convenience store</b>	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m <sup>2</sup> net lettable area.
<b>Corrective institution</b>	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
<b>Educational establishment</b>	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
<b>Exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
<b>Family day care</b>	means premises where a family day care service as defined in the <i>Education and Care Services National Law</i> (Western Australia) is provided.
<b>Fast food outlet/lunch bar</b>	means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten – (a) without further preparation; and (b) primarily off the premises.
<b>Funeral parlour</b>	means premises used: (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services.
<b>Garden centre</b>	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
<b>Holiday accommodation</b>	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
<b>Holiday house</b>	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.

**Home business**

means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and,
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and,
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and,
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

**Home occupation**

means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 30m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; and,
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and,
- (f) does not –
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; an
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

<b>Home office</b>	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation – (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.
<b>Home store</b>	means a shop attached to a dwelling that – (a) has a net lettable area not exceeding 100m <sup>2</sup> ; and, (b) is operated by a person residing in the dwelling.
<b>Hospital</b>	means premises used as a hospital as defined in the <i>Health Services Act 2016</i> section 8(4).
<b>Hotel</b>	Means a premises subject of a hotel license other than a small bar or tavern licence granted under the provisions of the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
<b>Independent living complex</b>	A development with self-contained independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.
<b>Industry</b>	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes – (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
<b>Industry – light</b>	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
<b>Industry - service</b>	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.
<b>Liquor store – large</b>	means premises: (a) the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m <sup>2</sup> . (b) Where the area used to display and sell packaged liquor has a net lettable area of more than 300 square metres.

<b>Liquor store –small</b>	means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300m <sup>2</sup> .
<b>Market</b>	means premises used for the display and sale of goods from stalls by independent vendors.
<b>Medical centre</b>	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
<b>Motel</b>	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.
<b>Motor vehicle, boat or caravan sales</b>	means premises used to sell or hire motor vehicles, boats or caravans.
<b>Motor vehicle repair</b>	means premises used for or in connection with – (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres.
<b>Motor vehicle wash</b>	means premises primarily used to wash motor vehicles.
<b>Nightclub</b>	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
<b>Office</b>	means premises used for administration, clerical, technical, professional or similar business activities.
<b>Place of worship</b>	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
<b>Student accommodation facility</b>	a facility – (a) whose predominant purpose is to accommodate: (i) students while studying at a tertiary education institution; and, (ii) staff of a tertiary institution or visiting staff to a tertiary education institution. (b) That is designed and managed to facilitate the predominant purpose; (c) That typically provides students with a principal place of residence for 3 months or more; and, (d) That may have shared facilities, such as a communal living room, kitchen and amenities.
<b>Recreation - private</b>	means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.

<b>Research and development</b>	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 design and equipped for such activities.
<b>Residential aged care facility</b>	<p>A residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation,</p> <p>(a) appropriate staffing to meet the nursing and personal care needs of residents;</p> <p>(b) meals and cleaning services;</p> <p>(c) furnishings, furniture and equipment;</p> <p>This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.</p>
<b>Resource recovery centre</b>	means premises other than a waste disposal facility used for the recovery of resources from waste.
<b>Restaurant/café</b>	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
<b>Restricted premises</b>	<p>means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of –</p> <p>(a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); and</p> <p>(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; or</p> <p>(c) smoking-related implements.</p>
<b>Serviced apartment</b>	<p>means a group of units or apartments providing –</p> <p>(a) self-contained short-stay accommodation for guests; and</p> <p>(b) any associated reception or recreational facilities.</p>
<b>Service station</b>	<p>means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –</p> <p>(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or</p> <p>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.</p>
<b>Shop</b>	means premises other than a bulky goods showroom, a liquor store – large or 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.



<b>Small bar</b>	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
<b>Tavern</b>	means premises the subject of a tavern licence granted under the Liquor Control Act 1988.
<b>Telecommunications infrastructure</b>	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
<b>Tourist development</b>	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – <ul style="list-style-type: none"> <li>(a) short-term accommodation for guests; and</li> <li>(b) onsite facilities for the use of guests; and</li> <li>(c) facilities for the management of the development;</li> </ul>
<b>Trade display</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement.
<b>Trade supplies</b>	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises – <ul style="list-style-type: none"> <li>(a) automotive repairs and servicing;</li> <li>(b) building including repair and maintenance;</li> <li>(c) industry;</li> <li>(d) landscape gardening;</li> <li>(e) provision of medical services;</li> <li>(f) primary production;</li> <li>(g) use by government departments or agencies, including local government.</li> </ul>
<b>Transport depot</b>	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including – <ul style="list-style-type: none"> <li>(a) any ancillary maintenance or refuelling of those vehicles; and</li> <li>(b) any ancillary storage of goods brought to the premises by those vehicles; and</li> <li>(c) the transfer of goods or persons from one vehicle to another.</li> </ul>
<b>Veterinary centre</b>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
<b>Warehouse/storage</b>	means premises including indoor or outdoor facilities used for: <ul style="list-style-type: none"> <li>(a) the storage of goods, equipment, plant or materials; or</li> <li>(b) the display or the sale by wholesale of goods.</li> </ul>

## Schedule A - Supplemental provisions to the deemed provisions

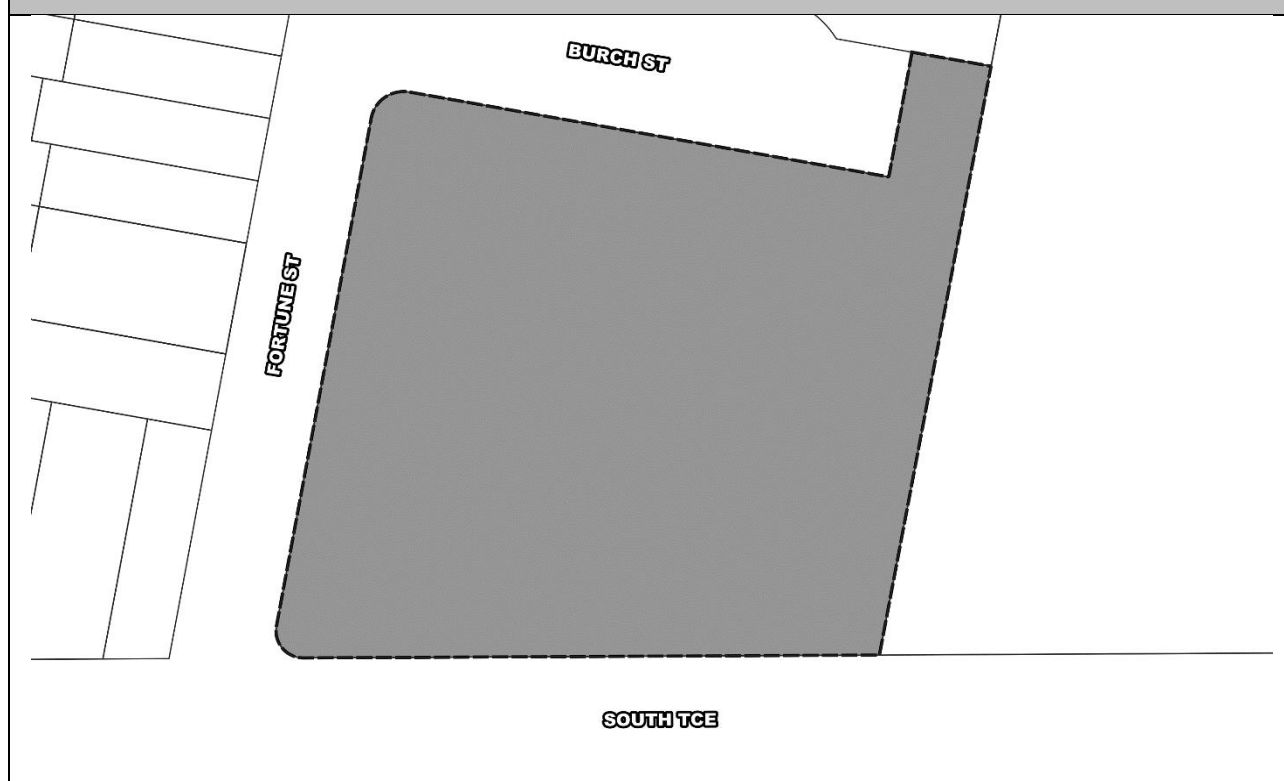
These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Deemed Provisions	Supplemental Provisions
Clause 77 - Amending or cancelling development approval	<p>(5) (a) The local government may at any time after the granting of development approval for a Home Occupation or Home Business, revoke the approval where it is of the opinion that the development:</p> <ul style="list-style-type: none"> <li>(i) is causing, or has caused a nuisance to neighbours or owners or occupiers of land in the neighbourhood; or</li> <li>(ii) is having, or has had, an adverse effect on the residents or amenity of other property in the neighbourhood;</li> </ul> <p>(b) Where the local government determines to revoke a development approval as outlined in sub-clause (a) above, the local government must give the applicant written notice of its decision.</p>
<b>Part 3 – Heritage Protection</b> Clause 13A Significant Tree Register	<p>(2) The local government must establish and maintain a significant tree register to identify trees within the Scheme area that are of worthy of preservation.</p> <p>(3) The significant tree register —</p> <ul style="list-style-type: none"> <li>(a) must set out a description of each tree, its location and the reason for its entry in the significant tree register; and</li> <li>(b) must be available, with the scheme documents, for public inspection during business hours at the offices of the local government; and</li> <li>(c) may be published on the website of the local government.</li> </ul> <p>(4) The local government must not enter a tree in, or remove a tree from, the significant tree register or modify the entry of a tree in the significant tree register unless the local government —</p> <ul style="list-style-type: none"> <li>(a) notifies in writing each owner and occupier of the land which contains the tree and provides each of them with a description of the tree and the reason for its proposed entry; and</li> <li>(b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and</li> <li>(c) carries out any other consultation the local government considers appropriate; and</li> <li>(d) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register.</li> </ul> <p>(5) If the local government enters a place in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree.</p> <p>(6) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the</p>

	significant tree register.										
<b>Part 7 – Requirement for development approval</b> Clause 60 Requirement for development approval	60A(1) No person shall cause or permit the cutting, pruning or removal of a tree, or undertake works that may damage a tree, which is included on the Significant Tree Register unless development approval has been granted in accordance with Part 8 of the Deemed Provisions.  60A(2) No person shall cause or permit the removal, destruction, or damage to any tree of a height greater than 8.0 metres, unless development approval has been granted in accordance with Part 8 of the Deemed Provisions.										
Clause 61 – Development for which development approval is not required.	(3) – <table border="1"> <thead> <tr> <th></th><th>Use</th><th>Zones</th><th>Conditions</th></tr> </thead> <tbody> <tr> <td>(9)</td><td>Home Occupation</td><td>All Zones</td><td>A Home Occupation shall not involve the attendance of more than fifteen (15) clients per week and more than three (3) clients per day to the land.</td></tr> </tbody> </table>				Use	Zones	Conditions	(9)	Home Occupation	All Zones	A Home Occupation shall not involve the attendance of more than fifteen (15) clients per week and more than three (3) clients per day to the land.
	Use	Zones	Conditions								
(9)	Home Occupation	All Zones	A Home Occupation shall not involve the attendance of more than fifteen (15) clients per week and more than three (3) clients per day to the land.								

## Schedule B – Additional requirements that apply to land in the Scheme area

### Area 1 - South Perth Hospital, Lot 60 (No. 26) Fortune Street, South Perth

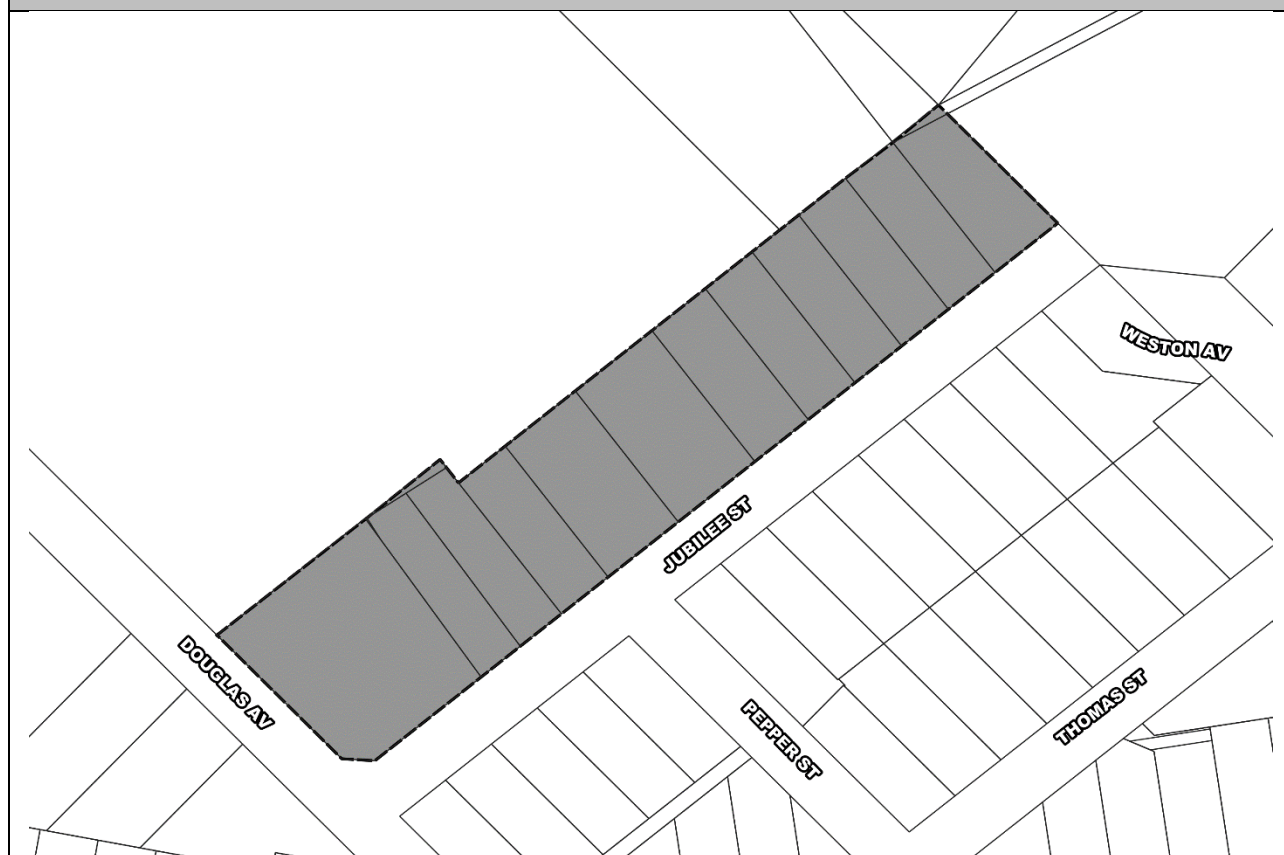


- (1) The maximum wall height of buildings on the site(s) shall be no greater than 7.0 metres.
- (2) Notwithstanding (1), the local government may grant development approval for a building to a maximum height of 22.5 metres, where it is satisfied that all of the following requirements are met:
  - (a) The site is developed in accordance with the height and setback requirements depicted in Figure 1. Minor projections may be permitted within the specified setback areas to a maximum of 1 metre; and
  - (b) A Local Development Plan is adopted that outlines provisions for (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
  - (c) The Local Development Plan shall be accompanied by an appropriately detailed assessment of traffic impacts and parking demand resulting from development, to be prepared by a qualified traffic engineer.



*Figure 1: Height and setback requirements.*

**Area 2 - No. 2 Douglas Avenue & No. 6A-28 Jubilee Street, South Perth**



- (1) The maximum height of buildings on the site(s) shall be no greater than 3 storeys and 12.0 metres.

**Area 3 - Lot 19 (No. 296) Mill Point Road, South Perth**



- (1) The maximum height of buildings on the site(s) shall be no greater than 10.0 metres wall height and 12.0 metres building height, except for portions of the site within 50 metres of the rear boundary, which may be permitted to a maximum building height of 18.0 metres.

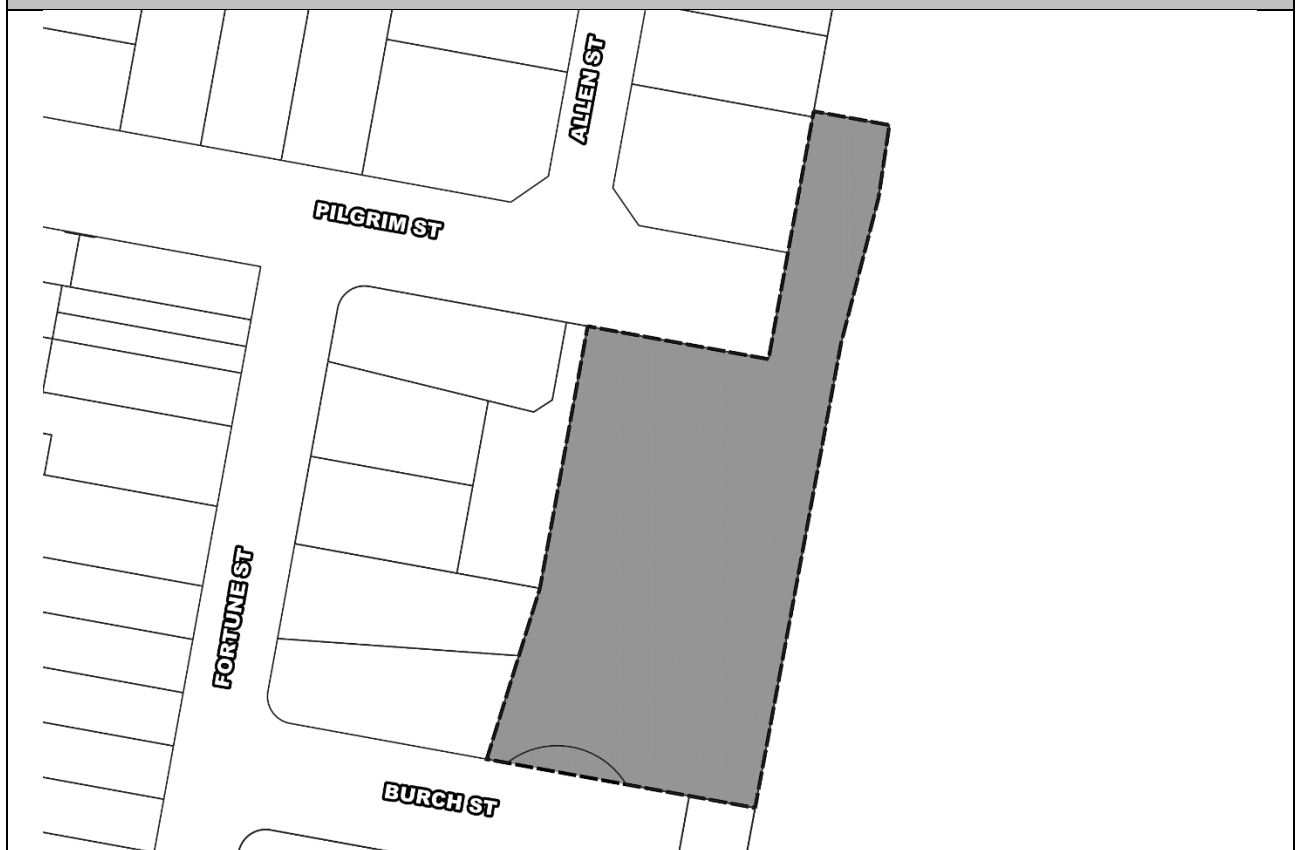
**Area 4 - Lot 50 (No. 32) Jubilee Street, South Perth**



- (1) Vehicle parking areas to be concealed from view from Sir James Mitchell Park.
- (2) Buildings shall be setback a minimum of 6.0 metres from the south-western boundary of the site. Land within this setback area shall provide a landscaped corridor between Jubilee Street/Weston Avenue and Sir James Mitchell Park.
- (3) Buildings, inclusive of balconies shall be no closer to the boundary with Sir James Mitchell Park than that established by forming a line between the building alignment of dwelling(s) on No. 28 (Lot 12) Jubilee Street and No. 44 (Lot 102) Ranelagh Crescent, South Perth, or 7.0 metres, whichever is the lesser.
- (4) Notwithstanding the R-Codes, buildings on the site shall not reduce open space to less than 60% of the site area.
- (5) Development shall retain any tree on the site that;
  - (a) is of a height greater than 4.0 metres and achieves a canopy diameter of at least 4.0 metres; and,
  - (b) is a healthy specimen with on-going viability and is not of a species included on the State or local area weed register.
- (6) An application for approval to commence development that proposes substantial redevelopment shall be accompanied by reports prepared by suitably qualified person(s) demonstrating how the development mitigates impacts relating to:
  - (a) Urban water management, de-watering and water sensitive design; and,
  - (b) Any service infrastructure (namely sewer) within and nearby to the site; and,
  - (c) Acid sulphate soils.

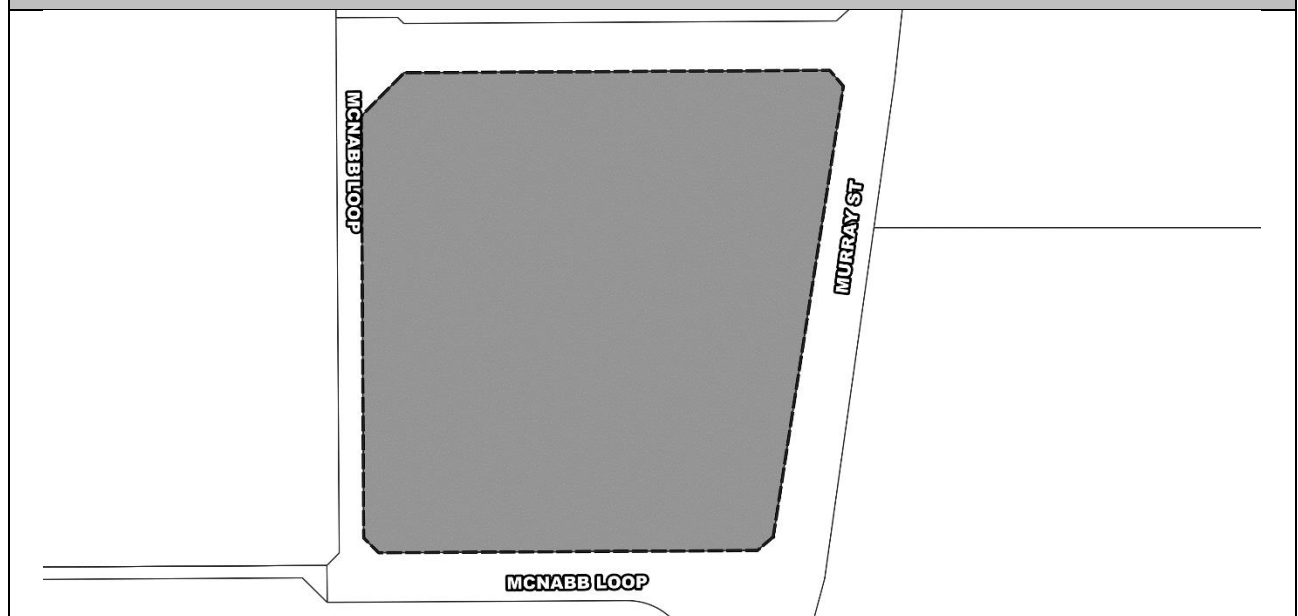


**Area 5 - No. 20 Allen Street, South Perth (Burch Street Car Park)**



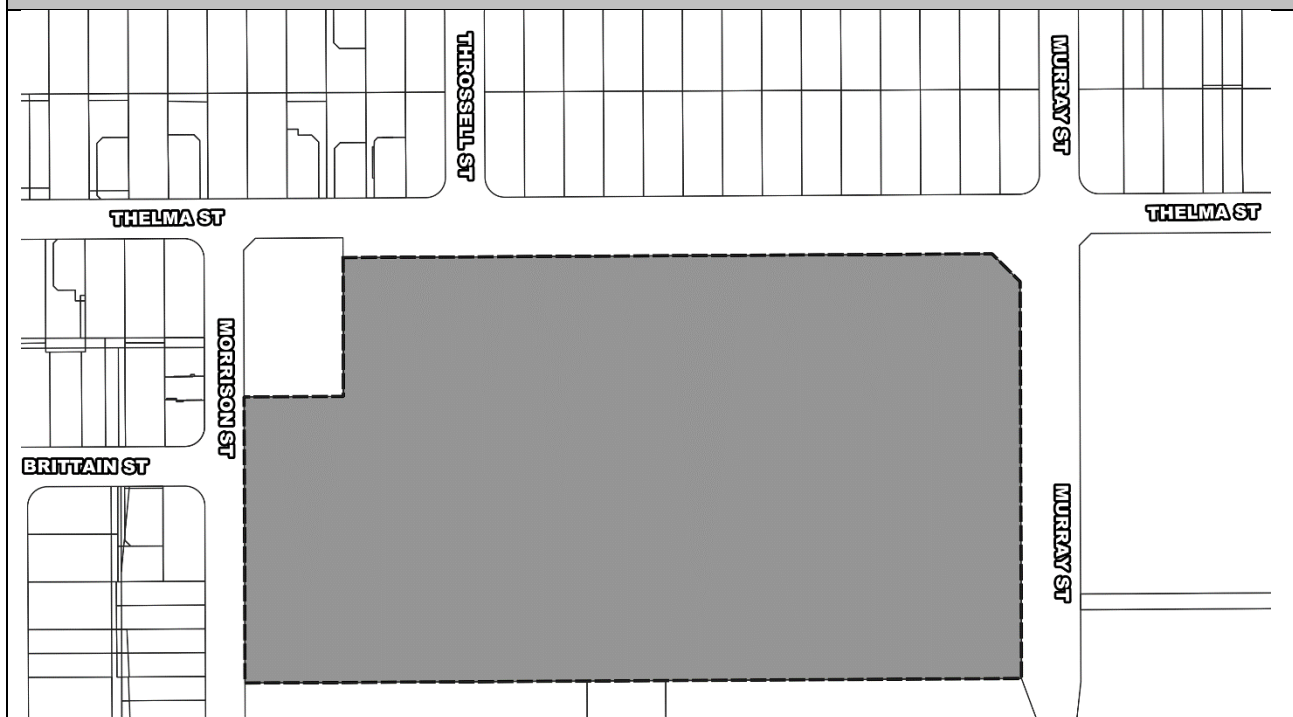
- (1) The Local Government shall not grant approval to new buildings on the site prior to the adoption of a Local Development Plan.
- (2) Any prepared Local Development Plan shall be accompanied by a Parking Needs Assessment that identifies any existing or future public vehicle parking demand generated by land use in the surrounding area.
- (3) The Local Development Plan shall set out site and development requirements relating to access, parking, building height, setbacks and the interface with adjacent residential dwellings and public open space.
- (4) The Local Development Plan shall incorporate provisions that ensures any future development on the site incorporates sufficient, publicly accessible vehicle parking as identified in the accompanying Parking Needs Assessment.

**Area 6 - Lot 3298 (No. 2) McNabb Loop, Como**



- (1) All buildings setback at least 7.5 metres from the western boundary of the site with the exception of minor structures and buildings necessary for the functioning of the development.
- (2) Buildings up to an external wall height of 7.0 metres and 9.0 metres overall height where between 7.5 metres and 15.0 metres of the western boundary of the site.
- (3) Buildings up to a maximum height of 15.0 metres where setback at least 15.0 metres from the western boundary of the site.
- (4) Any buildings on the site shall achieve visual articulation of elevations facing the western boundary to McNabb Loop by way of balconies or other design elements in order to enhance the appearance of the building and reduce building bulk.
- (5) Provision of parking on the site shall be determined in accordance with a Parking Needs Assessment, having regard to peak parking demand for the different use(s) on the site.

**Area 7 - Penrhos College, Lot 2199 (No. 101) Thelma Street, Como**

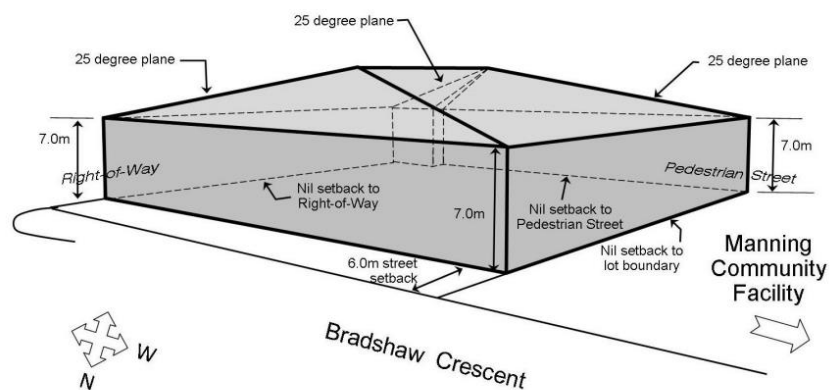


- (1) The height of buildings fronting Morrison Street or Thelma Street on the site shall be contained beneath an angle plane established by extending a line from:
  - (a) a height of 1.6 metres measured at the street boundary of any property directly opposite the site; to,
  - (b) a height of 7.0 metres measured 7.5 metres inside the boundary to Morrison Street or Thelma Street on the site.
- (2) Notwithstanding (1) above, the maximum height of any building on the site shall not exceed 15.0 metres.
- (3) Applications for development approval on the site shall be supported by a landscaping plan that demonstrates how landscaping positively:
  - (a) Contributes to the visual quality of the streetscape surrounding the site; and,
  - (b) Maintains balance between buildings of varying heights on the site and neighboring sites.

**Area 8 - Lot 801 (No 9) Bradshaw Crescent, Manning**



- (1) Buildings shall not extend beyond any portion of the three-dimensional building envelope depicted in Figure 1.



*Figure 1: Three-dimensional building envelope.*

- (2) Awnings, canopies, balconies and the like structures/buildings are permitted to extend beyond the envelope established under (1).
- (3) All vehicle parking shall be provided below street level, in an undercroft car park arrangement accessed through the adjoining undercroft car park serving the Manning Community Facility.

**Area 9 - South Care, Lot 10 Pether Road and Lot(s) 11, 12, 340 & 352 Bickley Crescent, Manning**



- (1) The local government may grant planning approval permitting a development with a maximum building height of 15.0 metres, if it is satisfied that all of the following requirements are met;
- (a) The site is developed only for the purposes of a Residential Aged Care Facility, Independent Living Complex, Civic Use or Community Purpose.
  - (b) Buildings in accordance with the maximum height and setback requirements set out in Figure 1 below.

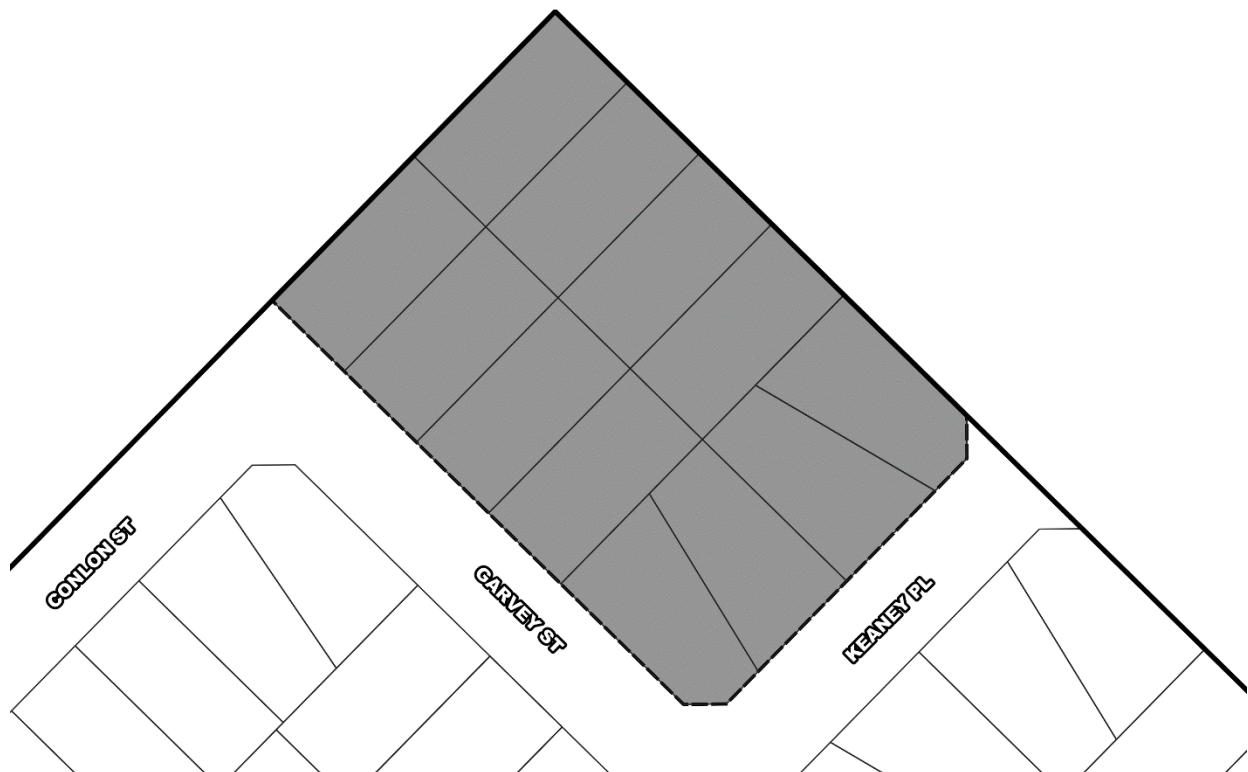


*Figure 1: Height requirements.*

- (c) Where indicated on Figure 1, buildings shall be contained beneath a 25 degree angled plane extending southwards into the site from a height of 7 metres measured at a distance of 7.5 metres from the Pether Road boundary of the site, up to a maximum building height of 14.0 metres.
- (d) Visual articulation to the elevation of any building facing Pether Road, Bickley Crescent or Manning Road shall incorporate suitable design elements in order to enhance the appearance of the building and reduce the impact of building bulk on the street.
- (e) Landscaping on Bickley Crescent 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.
- (f) The Development Application is supported by a Transport Impact Assessment and a Parking Needs Study. The Parking Needs Study is to relate to all proposed uses in the completed development. Transport Impact Statement and Parking Needs Study are to include, but are not limited to, analysis and recommendations adequately addressing the following;
  - (i) vehicular traffic approaches to the site and any traffic management techniques recommended to be implemented in order to minimise any potential points of

- vehicle and pedestrian conflict in streets in the vicinity of the site;
  - (ii) the existing and likely increase in parking demand on the site having regard to the proposed land use; and
  - (iii) a design for Bickley Crescent between Pether Road and Manning Road, including any required vehicle crossovers to the site, formal paved parking bays, any proposed alfresco area, and landscaping within the road reserve.
- (g) Subject to paragraph (e)(iii), the number of parking bays to be provided on the site shall be not less than the minimum number required to meet demand based on the findings of the Parking Needs Study.
- (h) In conjunction with the development of the site, 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 the site 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;
- (i) the optimum number of formal on-street parking bays;
  - (ii) landscaped islands, including shade trees;
  - (iii) any other landscaping within the road reserve; and,
  - (iv) any alfresco area.
- (i) 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.

**Area 10 - Lot(s) 25-28 Garvey Street, Lot(s) 18-20 & 29 Keaney Place and Lot(s) 21-24 McKay Street  
Waterford**



- (1) The plot ratio requirements of the R-Codes do not apply.
- (2) The minimum setback to all street boundaries for developments shall be 6 metres.
- (3) The requirements of (2) above may be varied where the Element Objectives 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.
- (4) 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.
- (5) 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.
- (6) Notwithstanding the requirements of (5) 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.
- (7) 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.
- (8) The local government may grant development approval permitting a development with a maximum building height of 24.0 metres (7 storeys), if it is satisfied that all of the following



requirements are met:

- (a) The development site has a minimum site area of 3,000 square metres.
  - (b) 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.
  - (c) Portions of building above 18.0 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 the land, through a point 18.0 metres above ground level at a setback of 6.0 metres from the street boundary of the site.
  - (d) The ground floor gross floorplate area of all buildings on the site shall not exceed 60% of the site area.
  - (e) 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.
- (9) The local government may grant approval to a Student Accommodation Facility, having regard to the following:
- (a) The objectives and provisions of any local planning policy adopted by the local government for the purpose of providing guidance for development for this site.
  - (b) 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.
  - (c) The use generates a level of activity that provides an appropriate transition between the adjacent Bentley/Curtin Specialised Activity Centre and surrounding residential neighbourhood; and,
  - (d) 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.
- (10) In addition to (8) and (9), any Student Accommodation Facility shall meet the following criteria:
- (a) 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.
  - (b) Developments shall provide a variety of unit typologies. Units may comprise various levels of shared facilities including:
    - (i) Self-contained units with all amenities except laundry facilities.
    - (ii) Units with en-suite bathrooms and shared laundry and kitchen facilities; or,
    - (iii) Hostel type facilities where rooms are for sleeping, studying and storage only and shared laundry, kitchen and bathroom facilities are provided.
  - (c) Self-contained units shall be no smaller than 14 square metres.
  - (d) 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.
  - (e) 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.
  - (f) Other non-residential land uses other than ‘Student Accommodation Facility’ are permitted on the ground floor. The combined total area of these other non-residential land uses shall be no greater than 500 square metres in gross floor area.
  - (g) Notwithstanding the land use controls set out in Table 4, ‘Recreation – Private’ may be considered as a ‘D’ use, subject to sub-paragraph (vi) above.

**Area 11 - Land bound by Manning Road, Conlon Street, Garvey Street, Keaney Place and McKay Street, Waterford.**



- (1) For development on any lot set out in Table 1 below, the local government shall not grant approval to a comprehensive new development or recommend support of an application for subdivision unless:
- (a) 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,
  - (b) The subject lot(s) or site is legally amalgamated with at least one (1) of the lots set out in Column 2 of Table 1, so as to provide both of these lots with legal access to a public road or public right-of-way other than Manning Road:

Column 1: Subject site/lot(s)	Column 2: Amalgamation lot(s)
Lot 1 Garvey Street. Lots 2, 3 or 4 Manning Road. Lots 5 or 6 McKay Street.	Lots 2 or 3 Manning Road.
Lots 45-48 Manning Road. Lots 49 and 55-58 Garvey Street.	Lots, 46, 47 and 48 Manning Road.
Lot 38 Conlon Street. Lots 39-41 Manning Road.	Lot 40 Manning Road.

*Table 1: Site amalgamation requirements*

- (c) The local government may vary the requirements of (a) and (b) 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 any lot set out in Column 2 to achieve access to a public road or public right-of-way other than Manning Road.

- (d) Building accommodating multiple dwellings shall be setback from all street boundaries and all side/rear 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 relating to setbacks are met, to the satisfaction of the local government.

**Area 12 - Lot 288 Cygnus Parade, Waterford**



- (1) The maximum height of buildings on the site(s) shall be no greater than 3 storeys and 12.0 metres.

## Area 13 - Canning Highway Places 1 & 2



- (1) Development shall comply with the requirements of this schedule except for alterations and additions to existing buildings or the development of a Single House.

*Table 1: Additional development requirements*

Streetscape Type	Low-rise	Medium-rise		High Density Residential	Medium-rise urban centre
(1) Site Coding	R50	R60	R80	R100	R-AC3
(2) Maximum plot ratio	As per the R-Codes			1.5	2.0
(3) Maximum building height	12.0m	12.0m	15.0m	18.0m	21.0m
(4) Maximum number of storeys	As per the R-Codes			5	6
(5) Land use	Notwithstanding Table 4 of this Scheme, Grouped Dwellings are not permitted on sites with frontage to Canning Highway coded R80, R100 or R-AC3, 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.				
(6) Additional plot ratio	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 the development satisfactorily addresses the following criteria:				

	<p>(a) The architectural design of the development shall meet the relevant requirements of any policy and guidelines of the western Australian Planning Commission relating to design quality; and,</p> <p>(b) Development provides facilities of public benefit as determined by the local government, such as publicly accessible communal open space, public plazas or through-site links connecting two publicly accessible spaces that improve pedestrian connectivity or access to a public space.</p>	
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**Area 14 - Lots 6-17, 19-30, 105 & 7570 Canning Highway, South Perth**



- (1) The maximum height of buildings on the site(s) shall be no greater than 3 storeys and 12.0 metres.
- (2) Buildings greater than 3.0 metres in height shall be setback a minimum of 6.0 metres to any lot boundary of a site with frontage to Campbell Street, Kensington.

**Area 15 - Salter Point Escarpment, Salter Point**



- (1) The maximum height of buildings on the site(s) shall be no greater than set out in Figure 1.





*Figure 1: Specific Building Height Limits*

*Note: The boundaries of areas shown on the above maps are based on existing building height limits in previous Town Planning Scheme 6 and generally align with the cadastre boundary at the time of gazettal of this Scheme.*

- (2) Notwithstanding (1), any proposed development shall not, in the opinion of the local government, significantly obstruct views of the Canning River from buildings on adjoining lot(s).
- (3) In determining whether a view of the Canning River has been significantly obstructed, the local government shall have regard to the provisions of any local planning policy relating to obstruction of views to Canning River.
- (4) Projections above the maximum building height established under (1) of this schedule may be approved having regard to the provisions of any local planning policy relating to building heights in the area.

## Preston Street Neighborhood Centre, Como



1. Development on Site 'A' shall comply with the following requirements;
  - (a) The maximum height and setbacks of buildings shall be as per Figure 1 below.

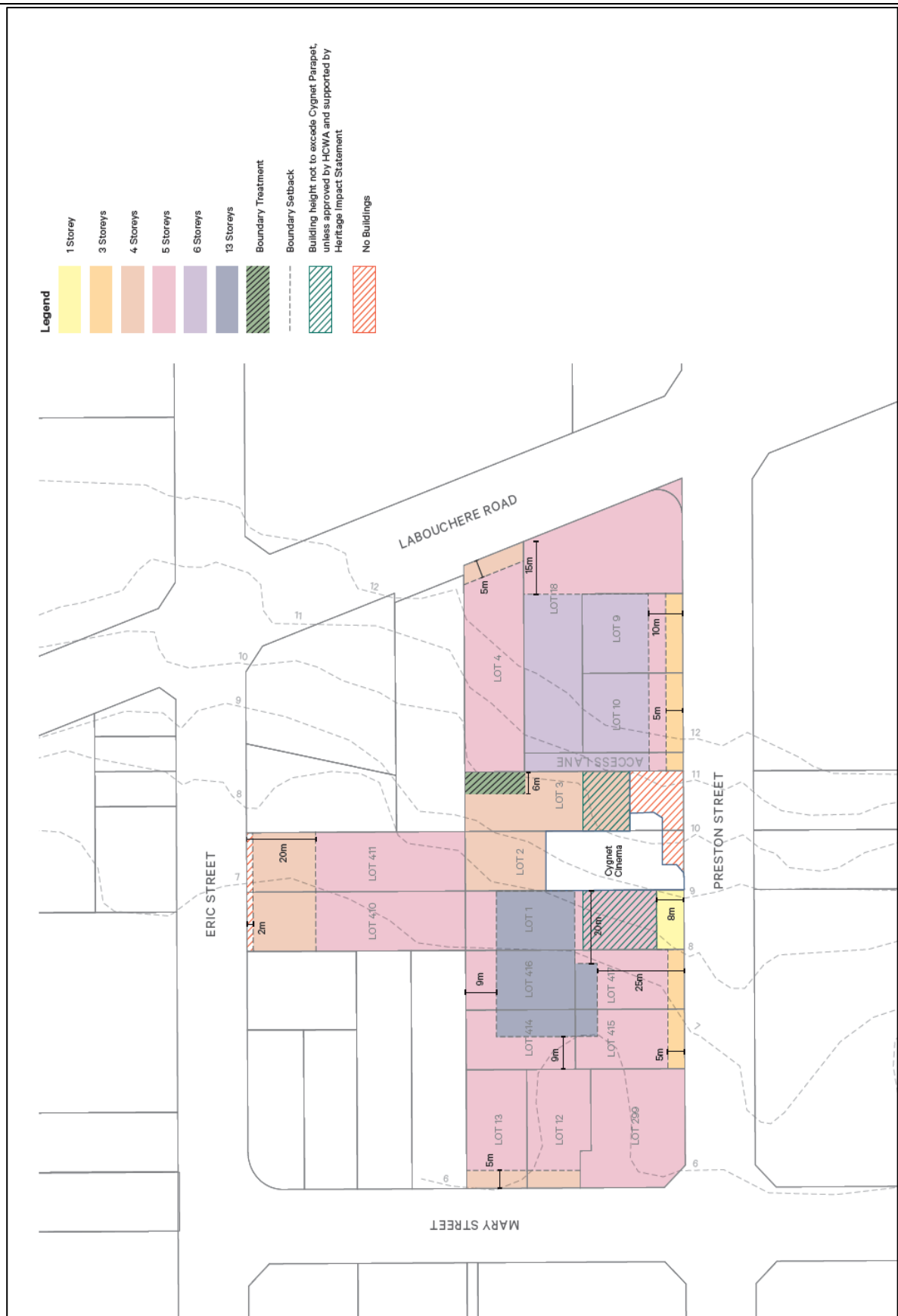


Figure 1: Maximum building height and setbacks on 'Site A'

- (b) The setback from street and lot boundaries at identified heights are depicted in Figure 1.
  - (c) The local government may, notwithstanding non-compliance with the setbacks shown in Figure 1, 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.
  - (d) 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 development approval for comprehensive new 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 1 as 'boundary treatment' and maintained by the owner thereafter.
  - (e) For all lots excluding Lots 410 and 411, a parapet wall may be permitted in accordance with State Planning Policy 7.3.
  - (f) Notwithstanding the height and setbacks in Figure 1, development on lots directly abutting the Cygnet Theatre must be in accordance with the advice received from the Heritage Council under section 75 of the *Heritage Act 2018*.
2. In respect of development on Site A, any comprehensive new development on the site shall provide the following public benefits:
- (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.
3. Development on Site 'B' shall comply with the following requirements:
- (a) 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 10 metres from the site corner truncation and up to a maximum height of 13.5 metres in total; and
  - (b) Buildings up to a maximum height of 3 storeys shall be setback a minimum of nil from the western boundary; and
  - (c) No buildings shall occur within 6 metres of the southern boundary above ground level. Development up to a maximum of 4 storeys shall be setback a minimum of 6 metres from the southern boundary and development up to a maximum of 8 storeys shall be setback a minimum of 16 metres from the southern boundary.
  - (d) 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;
    - (ii) 6 metres from the western; and,

Notwithstanding the setbacks detailed under (3)(d)(i) above, the local government may approve an application in 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.
  - (e) Development designed such that a shadow cast at midday on 21 June onto any adjoining property does not exceed 35% of the site area.
4. In respect of development on 'Site B', any comprehensive new development on the site shall provide the following public benefits:
- (a) The provision of a publically 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.
5. In respect of development on both 'Site A' or 'Site B', minimum car parking shall be varied from the provisions of this Scheme as follows:
- (a) Car parking for uses on on land zoned Commercial may be provided on land zoned Residential where located on the same certificate of title.
  - (b) Minimum on-site car parking and bicycle parking shall be varied from the provisions of this Scheme, as follows:
    - (i) Shop, Liquor Store (Small) – 4 bays per 100 square metres NLA;
    - (ii) Cinema/Theatre – 1 bay per 5 seats; and,
    - (iii) Restaurant, Tavern and Small Bar – 1 bay per 20 square metres NLA.
  - (c) Notwithstanding the above, or any other provision of this Scheme, the local government may approve a lesser number of vehicle, motorcycle/scooter or bicycle parking spaces/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 walkable neighbourhood;
    - (iii) The availability of public transport, bicycle parking and end-of-trip facilities.
6. In respect to development on either of Site A or Site B, notwithstanding Table 4 of this Scheme, the Liquor Store – Small land use shall be a 'P' (Permitted) land use on 'Site B'.
7. Any 'dual-key' dwellings proposed (accessed from the same front door) shall be assessed as one dwelling and not permitted to be further strata-titled.

## Schedule C – Additional requirements that apply to land in the Scheme area

### Area 1 - Civic Site – No. 1 Mends Street, South Perth



#### (1) Objectives and application of Development Requirements

1.1 The objectives of development on this site shall be to:

- (a) Promote a diverse range of land uses to provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station.
- (b) Promote an increased residential and temporary visitor population.
- (c) Promote a diversity of dwelling sizes in order to provide housing choice and accommodate a range of household types.
- (d) Create a high quality mixed-use development that contributes towards the creation of an inner-city urban character within the South Perth Activity Centre.
- (e) Promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents.
- (f) Promote a diversity in commercial and retail uses to promote economic development and contribute to retail character of the Mends Street precinct.
- (g) Allow for the development of the site to maximise river and city views while maintaining view corridors.
- (h) Preserve and protect the integrity of heritage places on this site.
- (i) Promote movement efficiency for pedestrian and cycle movement around and through the site.

1.2 Development requirements in this schedule shall not apply to:

- (a) alterations and/or additions within the approved building envelope;

- (b) renovations or repairs;
- (c) modifications to any heritage place;
- (d) change of use.

1.3 For the avoidance of doubt, new residential development shall be assessed in accordance with the R-Codes in all respects, except where modified by provisions of this schedule or the Scheme.

## **(2) Built Form Setbacks and Building Height**

2.1 Development shall occur in a coordinated manner and shall take the form of a podium with one or two towers built directly above the podium.

2.2 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 3.6 metres from the street boundaries is permitted in order to improve the pedestrian environment.

2.3 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.

2.4 All towers shall have a minimum setback of 4.0 metres from the street boundaries.

2.5 All towers shall be separated from each other in accordance with the Building Separation criteria of the R-Codes.

2.6 Notwithstanding 2.1, 2.2 and 2.4 one or both towers may be built to the ground and have a 2 metre setback for the entire height of the tower.

2.7 Notwithstanding 2.4, cantilevered balconies or decorative elements may be set back a minimum of 3.0 metres from the street boundaries where the local government.

2.8 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.

2.9 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.

2.10 Notwithstanding subclause 2.9, development 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.

2.11 In exercising discretion under subclauses 2.6, 2.7 or 2.9 above, the local government shall be 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.

### (3) Land Use

3.1 For development within the Civic Site, the following land use table applies:

Land use	Permissibility
<b>At Ground Level</b>	
Child care premises, Cinema/Theatre, Consulting rooms, Educational Establishment, Recreation – private, Office, Tavern	D
Convenience store, Holiday accommodation, Hotel, Industry – Service, Hotel, Restaurant/Café, Shop, Small Bar, Tourist Development.	P
<b>Above Ground Level</b>	
Cinema/theatre, Educational establishment, Medical centre, Car park, Tavern.	D
Child care premises, Consulting rooms, Convenience store, Hotel, Recreation – Private, Multiple Dwelling, Office, Industry – Service, Restaurant/Café, Shop, Small Bar, Holiday Accommodation, Tourist Development	P

3.2 Any land use not listed in this schedule is not permitted unless the use is consistent with the objectives listed in 1.1.

### (4) Parking

4.1 Residential vehicle parking provided in accordance with the table below:

Parking type		Minimum bays	Maximum bays
Car parking	1 bedroom dwelling	0.75 per dwelling	1 per dwelling
	2 bedroom dwelling	1 per dwelling	2 per dwelling
	+3 bedroom dwelling	3 per dwelling	5 per dwelling
	Visitor bays	1 per 12 dwellings	No maximum
Bicycle parking	Bicycle bays	1 per 3 dwellings	No maximum
	Visitor bicycle bays	1 per 10 dwellings	No maximum

4.2 Non-residential parking provided in accordance with the table below:

Parking type/land use		Minimum bays
Car parking	Holiday Accommodation	0.5 per suite
	Tourist Development	0.1 per suite
	Any other land use	1 per 50square meters of NLA
	Non-residential visitors	10% of required bays
Bicycle parking	Non-residential bicycle bays	1 per 200 square meters of NLA
	Non-residential end-of-trip facilities	1 secure locker per bay; 1 male and 1 female shower per 10 bicycle bays

4.3 A minimum of 0.5 motorcycle/scooter bays for every 10 car bays required by 4.1 and 4.2 above.

4.4 Notwithstanding subclauses 4.1, 4.2 or 4.3 above, 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.

4.5 All vehicle parking shall be designed, located, designated and made accessible in accordance with the R-Codes.

4.6 A minimum of 10% of the visitor car parking bays required by 4.1 and 4.2, 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. Of those bays required to be provided with capacity to charge electric cars, a minimum of 50% of the electric charging load must be accommodated within the developments maximum demand and electricity supply infrastructure. Remaining bays may be load managed by an intelligent load monitoring system.

#### **(5) Weather protection**

5.1 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.

#### **(6) Vehicle crossovers**

6.1 No crossovers shall be permitted to Mends Street or Mill Point Road.

6.2 Crossovers generally with a maximum width of 7.5 metres and otherwise designed and located in accordance with the R-Codes.

6.3 Any proposed development shall not have significant adverse impacts on traffic flow and safety in the immediate locality.

#### **(7) Heritage**

7.1 Applications for development affecting or adjoining a heritage place 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 development to the adjacent heritage places.

7.3 Development shall ensure a visual connection between the heritage places/buildings on the site is maintained.

7.4 In the case of a development which includes additions or alterations to a heritage place the proposed additions or alterations shall retain, re-use and maintain the integrity of the existing heritage place.

#### **(8) Design Quality**

8.1 The architectural design of any proposed 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.

8.2 In determining whether 8.1 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

- (c) providing advice on architectural design quality; and  
be satisfied that the 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
  - (v) 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.

#### **(9) Sustainability**

9.1 New development is to achieve either a 5-star Green Star rating, or demonstrate and equivalent rating. An application for development approval must be accompanied by advice from a suitably qualified sustainability consultant confirming that the building will achieve the required rating (or equivalent).

#### **(10) Landscape area**

10.1 Landscaping of not less than 40% of the site area shall be provided as part of 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 as shall be assessed in accordance with the R-Codes.

#### **(11) Public benefits**

11.1 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 provided.

11.2 Development shall provide for 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.

11.3 Any new development must include on-site public art to a value of 1% of the estimated construction cost of the development.

11.4 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:

Café/Restaurant, Cinema/Theatre, Child Day Care Centre, Consulting Rooms, Educational Establishment, Recreation – private, and any other land uses or facilities as determined by the local government.

#### **(12) Occupier benefit**

12.1 A minimum of 10% of the residential dwellings within the new development, rounded up to the next whole number, shall have three or more bedrooms.

12.2 Communal residential facilities in the form of at least three of the following shall be provided as part of a comprehensive new development:

Pool, Cinema/Theatrette, Gym, Wellness Centre, Outdoor Entertainment/Barbecue Area, Lounge Facilities, Games Room, Meeting Room, Library, Dining and/or Kitchen Facilities, any other appropriate facilities that provide a benefit to the building occupants, as determined by the local government.

**Area 2- Land subject to the South Perth Activity Centre Plan**

**NOTE: The City previously endorsed an amendment (Amendment 61) to Town Planning Scheme No. 6 relating to land within the South Perth Activity Centre.**

**This amendment is awaiting final approval from the Minister for Planning.**

**Local Planning Scheme 7 will be updated to include provisions that reflect the outcome of the amendment process.**

**More information about Amendment 61 is available on the City's website:**  
**<https://southperth.wa.gov.au/development/planning-projects/south-perth-activity-centre-plan>**

### **Area 3 - Land subject to the Bentley-Curtin Specialised Activity Centre Plan**

- (1) Where a site is coded R-AC0, in the absence of an adopted Local Development Plan relating to the site, the maximum external wall height of any building shall be 7.0 metres.
- (2) A Local Development Plan relating to a site subject to (1) above, shall include provisions relating to built-form including but not limited to building height, street setbacks, lot boundary setbacks, plot ratio, landscaping, and access.



# Local Planning Scheme 7





# Changes to coding TPS6 to LPS7

