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PLANNING AND DEVELOPMENT ACT 2005

CITY OF VINCENT

**LOCAL PLANNING
SCHEME No. 2**

PREAMBLE

This Town Planning Scheme of the City of Vincent consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read in conjunction with the Local Planning Strategy for the City.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning direction for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies which set out the general policies of the local government on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

SCHEME DETAILS

The City of Vincent

Town Planning Scheme No. 2

The City of Vincent under the powers conferred by the *Planning and Development Act 2005* makes the following Town Planning Scheme.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF VINCENT

LOCAL PLANNING SCHEME No. 2

CONTENTS

Preamble
Scheme Details

PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Scheme revoked
4. Notes do not form part of the Scheme
5. Responsibility for Scheme
6. Scheme area
7. Contents of Scheme
8. Purposes of Scheme
9. Aims of Scheme
10. Relationship with local laws
11. Relationship with other local planning schemes
12. Relationship with region planning scheme

PART 2—RESERVES

13. Regional Reserves
14. Local reserves
15. Additional uses for local reserves

PART 3—ZONES AND THE USE OF LAND

16. Zones
17. Zoning table
18. Interpreting zoning table
19. Additional uses
20. Restricted uses
21. Special use zones
22. Non-conforming uses
23. Changes to non-conforming use
24. Register of non-conforming uses

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes
26. Modification of R-Codes
27. State Planning Policy 3.6 to be read as part of Scheme
28. Modification of State Planning Policy 3.6
29. Other State planning policies to be read as part of Scheme
30. Modification of State planning policies
31. Environmental conditions
32. Additional site and development requirements
33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan
34. Variations to site and development requirements
35. Restrictive covenants

PART 5—SPECIAL CONTROL AREAS

36. Special control areas

PART 6—TERMS REFERRED TO IN SCHEME*Division 1—General definitions used in Scheme*

37. Terms used

Division 2—Land use terms used in Scheme

38. Land use terms used

SCHEDULE 1—SUPPLEMENTAL PROVISIONS

85A Transitional arrangements for local planning policies

85B Planning instruments in course of preparation

SCHEDULE 13—DEVELOPMENT CONTRIBUTION AREAS**SCHEDULE 14—STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL**

Council Resolution to Support Scheme for Approval

PLANNING AND DEVELOPMENT ACT 2005

CITY OF VINCENT

LOCAL PLANNING SCHEME No. 2

PART 1—PRELIMINARY

1. Citation

This local planning scheme is the *City of Vincent Local Planning Scheme No. 2*.

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—

<i>Name</i>	<i>Gazettal date</i>
City of Vincent Town Planning Scheme No.1	4 December 1998
City of Stirling District Planning Scheme No.2	13 September 1985
East Perth Redevelopment Scheme No. 1	18 December 1992
City of Perth City Planning Scheme No. 2	9 January 2004

4. Notes do not form part of the 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 Vincent 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);
- (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, activity centre 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 provisions 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 cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;
- (b) to protect and enhance the health, safety and general welfare of the City's inhabitants and the social, environmental and cultural environment;
- (c) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which—
 - (i) recognises the individual character and needs of the five community precincts within the Scheme area; and
 - (ii) can respond readily to change;
- (d) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of the community precincts;
- (e) to promote and safeguard the economic well-being and functions of the City;
- (f) to co-ordinate and ensure that development is carried out in an efficient, sustainable and environmentally responsible manner which—
 - (i) makes optimum use of the City's growing infrastructure and resources;
 - (ii) promotes an energy efficient environment;
 - (iii) respects the natural environment;
 - (iv) is congruent with the community's vision as set out in *Vincent Vision 2024*;
 - (v) reduces the City's carbon footprint;
- (g) to promote and safeguard the cultural heritage of the City by—
 - (i) identifying, conserving and enhancing those places which are of significance to Vincent's cultural heritage;
 - (ii) encouraging development that is in harmony with the cultural heritage value of an area; and
 - (iii) promoting public awareness of cultural heritage generally;
- (h) to ensure planning at the local level is consistent with the Metropolitan Region Scheme;
- (i) to encourage and provide opportunities for affordable housing to ensure that a diverse range of housing choices are available to a broad spectrum of the community;
- (j) to provide a diverse range of employment opportunities such as retail, commercial, entertainment, knowledge based professions and tourism, to ensure a sustainable economy, as well as generating employment self-sufficiency and self-containment;
- (k) to improve access around the City to ensure safe and convenient movement of people including pedestrians, cyclists, public transport users and motorists;
- (l) to maintain and enhance the City's public open space areas to cater for active and passive recreation, consistent with the needs of the community;
- (m) to achieve high quality urban design outcomes for public and private areas; and
- (n) to ensure that land uses are appropriately integrated with the transport system throughout the City.

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 Vincent 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 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*;

(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—

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical community infrastructure.

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 THE USE OF LAND

16. Zones

(1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.

The objectives of each zone are as follows—

Table—Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development. To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling. To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas. To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles. To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.
Mixed Use	<ul style="list-style-type: none"> 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. To allow for the development of a mixed 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. To provide for a compatible mix of high density residential and commercial development. To promote residential use as a vital an integral component of these mixed use zones. To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including, but not limited, to solar passive design, energy efficiency and water conservation. To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.
Local Centre	<ul style="list-style-type: none"> To provide services for the immediate neighbourhoods which do not expand into or adversely impact on adjoining residential areas. To encourage high quality, pedestrian-friendly, street-orientated development.
District Centre	<ul style="list-style-type: none"> To provide a community focus point for people, services, employment and leisure that are highly accessible and do not expand into or adversely impact on adjoining residential areas. To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of each District Centre, and to develop areas for public interaction. To ensure levels of activity, accessibility and diversity of uses and density is sufficient to sustain public transport and enable casual surveillance of public spaces.

Zone name	Objectives
	<ul style="list-style-type: none"> • To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation. • To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, high density residential and tourist accommodation, to meet the diverse needs of the community. • To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre. • To encourage the retention and promotion of uses including but not limited to specialty shopping, restaurants, cafes and entertainment. • To ensure that the City's District Centres are developed with due regard to State Planning Policy 4.2—Activity Centres for Perth and Peel.
Regional Centre	<ul style="list-style-type: none"> • To provide a range of services and uses to cater for the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment; • To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre. • To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of the Regional Centre, and to develop areas for public interaction. • To ensure levels of activity, accessibility and diversity of uses and density is sufficient to sustain public transport and enable casual surveillance of public spaces. • To provide residential opportunities within the Regional Centre including high density housing, affordable housing, social and special needs housing, tourist accommodation and short term accommodation • To ensure that the centres are developed with due consideration to State Planning Policy 4.2—Activity Centres for Perth and Peel.
Commercial	<ul style="list-style-type: none"> • To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City. • To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation. • To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Special Use	<ul style="list-style-type: none"> • To facilitate categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 1—Zoning table

USE CLASS	ZONES				
	Residential	Mixed Use	Local Centre	District Centre / Regional Centre	Commercial
Aged or dependent persons dwellings *	P	P	P	D	D
Amusement parlour	X	A	D	D	D
Betting agency	A	A	A	A	D
Bulky goods showroom	X	A	A	A	P
Caravan park	X	A	A	A	A
Caretakers' dwelling	P	P	P	P	P
Car park	X	A	D	D	D
Child care premises	A	D	D	D	D

USE CLASS	ZONES				
	Residential	Mixed Use	Local Centre	District Centre / Regional Centre	Commercial
Cinema / theatre	A	A	A	P	P
Civic use	D	D	D	P	P
Club premises	A	A	A	A	A
Consulting rooms *	A	A	P	D	P
Convenience store	A	D	P	P	P
Corrective institution	A	A	A	D	D
Dwelling (grouped) *	P	P	D	D	D
Dwelling (multiple) *	P	P	D	D	D
Dwelling (single house) *	P	P	D	D	D
Educational establishment	D	D	D	D	D
Exhibition centre	A	D	P	P	D
Family day care	D	D	D	D	D
Fast food outlet	X	A	D	D	D
Fuel depot	X	A	D	D	D
Funeral parlour	X	A	A	A	D
Home business	A	D	D	D	D
Home occupation	P	P	P	P	P
Home office	P	P	P	P	P
Home store	A	A	A	A	A
Hotel	A	A	A	A	A
Industry—cottage	A	A	A	A	P
Industry—light	X	X	X	A	A
Industry	X	X	X	A	A
Lunch bar	X	D	P	P	P
Liquor store—large	X	A	X	D	D
Liquor store—small	D	D	D	P	P
Market	A	A	A	A	A
Medical centre *	A	A	D	D	D
Motel	A	A	A	A	A
Motor vehicle, boat or caravan sales	X	A	A	A	D
Motor vehicle repair	X	A	A	A	D
Motor vehicle wash	X	A	A	A	D
Nightclub	X	A	A	A	A
Office *	A	D	D	D	P
Park home park	A	A	A	A	A
Place of worship	D	D	D	D	D
Reception centre	X	A	A	D	D
Recreation—private	A	D	D	D	D
Residential building	P	P	D	D	D
Restaurant / cafe	A	A	D	P	P
Restricted premises	A	A	A	A	A
Serviced apartment	A	D	P	P	P
Service station	X	A	D	D	D
Shop	A	D	P	P	P
Small bar	A	A	A	D	A
Tavern	A	A	A	A	A
Trade display	X	D	D	D	P
Trade supplies	X	D	D	D	D
Transport depot	X	A	D	D	D
Veterinary centre	X	A	D	D	D
Warehouse / storage	X	A	A	D	D

* Refer to clause 32.

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 lists of 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 standard or 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 giving special notice 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. For development on land that do not require development approval see clause 61 of the deemed provisions.

2. In considering an application for development the local government will have regard to clause 67 of the deemed provisions.

(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 give notice 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 a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless—

(a) the development approval application relates to land that is being used for a non-conforming use; and

(b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

(7) 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;

(b) an activity centre plan;

(c) a local development plan.

19. Additional uses

(1) The Table 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

Specified additional uses for zoned land in the Scheme area

No.	Description of land	Additional use	Conditions
1.	71 (Lot 200) Edward Street, Perth	Concrete Batching Plant	1. The additional use will expire 30 June 2024
2.	120 (Lot 1001) Claisebrook Road, Perth	Concrete Batching Plant	1. The additional use will expire 30 June 2024

No.	Description of land	Additional use	Conditions
3.	Lots 8 (180) and 9 (178) Alma Road, North Perth	Industry—light	<ol style="list-style-type: none"> 1. Minimum residential land use component comprising 100m² lettable area shall be provided and maintained on the land; 2. The uses of Shop and/or Office are permitted uses where those uses are incidental to the predominant Industry—light use; 3. Any Shop shall have a maximum gross floor area of 50m² and only sell items produced on site; 4. Any Office shall have a maximum gross floor area of 100m²; 5. The Additional Use shall operate in accordance with a Management Plan approved by the Council, prior to the issuing of a planning approval and must comprise information relating to— <ol style="list-style-type: none"> (i) parking and access; (ii) noise; (iii) streetscape amenity; and (iv) operational procedures including business operating hours and delivery schedules. 6. The Management Plan shall be made publicly available to all owners and occupiers within the locality; and 7. The Management Plan may be amended and updated as required subject to the consent of both the council and the proponent.

(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

There are no restricted uses that apply to this Scheme.

21. Special use zones

(1) The Table sets out—

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) the classes of special use that are permissible in that zone;
- (c) the conditions that apply in respect of the special uses.

Table
Special use zones in Scheme area

No.	Description of land	Special use	Conditions
			•
			•
3.	51 (Lot 192) Albert Street, North Perth	Club Premises Child Care Premises	Nil
2.	169-173 (Lot 99) Scarborough Beach Road, Mount Hawthorn (Coogee Street frontage)	Car Park	Nil
3.	50-52 (Lots 4 and 5) Flinders Street, Mount Hawthorn	Car Park	Nil
4.	69 (Lot 55) Angove Street, North Perth	Place of Worship	Nil
5.	399 (Lot 144) Lord Street, Mount Lawley	Community Purpose	Nil

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.

23. Changes to non-conforming use

- (1) A person must not, without development approval—
- (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use of land; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use—
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

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 make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local government.
- (4) 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.

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 the Scheme.
- (2) The local government—
- (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (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 the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

- (1) Within the areas coded R30/40 in the North Perth Precinct, development will only be permitted to R40 standards where the existing house is retained.
- (2) For corner sites, on the corner of two (2) dedicated roads, within areas coded R20, R30 and R40, the Local Government may grant a reduction in the average site area of up to 20% and a decrease in the minimum site area specified in the Residential Design Codes by 10%, where the existing house is retained. This does not apply to land subject to subclause 26(1).
- (3) Within the area coded R60-R100 along Charles Street in the North Perth Precinct, development will only be permitted to R100 standards where the development site area is greater than 2 000 square meters.

(4) Within the area coded R60-R100 along Fitzgerald Street in the North Perth Precinct, development will only be permitted to R100 standards where the development site area is greater than 2 000 square meters.

(5) Notwithstanding the R-Codes, the Local Government may impose maximum residential car parking requirements as outlined in the relevant Local Planning Policy.

(6) Within the areas coded R40 bounded by Vincent Street, Beaufort Street, Walcott Street and Fitzgerald Street, a maximum of two dwellings will be permitted per lot.

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—

- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

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 other 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) The Table sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

Table
Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
2.	Land zoned District Centre and Regional Centre.	The following uses are not permitted on the ground floor or at grade level with the street— consulting rooms dwellings (multiple) medical centre office
3.	Land zoned Local Centre.	The following use is not permitted on the ground floor or at grade level with the street— dwelling (multiple)
4.	Land zoned Commercial bounded by Mitchell Freeway, Loftus Street and Newcastle Street in West Perth.	Dwelling (multiple) is not permitted unless the local government has exercised its discretion by granting development approval.
5.	Area coded R50 bounded by Vincent, Beaufort, Lincoln and William Street in Mount Lawley and Highgate.	Notwithstanding any other provisions in this scheme, multiple dwellings are not permitted.
6.	Area coded R50 and R25 between Cleaver and Beaufort Street in Perth	Notwithstanding any other provisions in this scheme, multiple dwellings are not permitted.

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre 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, activity centre 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 requirements.

(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 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 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 of users of the development, the inhabitants of the locality or the likely future development of the locality.

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 gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5—SPECIAL CONTROL AREAS

36. Special control areas

There are no special control areas which apply to this Scheme.

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—

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

building height in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.

cabin 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;

chalet 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;

commencement day means the day this Scheme comes into effect under section 87(4) of the Act;

commercial vehicle 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);

floor area has meaning given in the Building Code;

frontage in relation to a building

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

minerals has the meaning given in the *Mining Act 1978* section 8(1);

net lettable area or **nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas—

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floors;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;

non-conforming use has the same meaning as it has in section 172 of the *Planning and Development Act 2005*;

plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

precinct means a definable area where particular planning policies, guidelines or standards apply;

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental;

retail means the sale or hire of goods or services to the public;

short-term accommodation 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;

wall height, in relation to a wall of a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

wholesale 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

amusement parlour 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;

art gallery means premises—

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

bed and breakfast 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;

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia 2003*;

brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

bulky goods showroom 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 childrens' goods, including play equipment and accessories;
- (xi) sporting, cycling, leisure, fitness goods and accessories;
- (xii) swimming pools;
- and
- (b) used to sell by retail goods and accessories by retail if—
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

car park means premises used primarily for parking vehicles whether open to the public or not but does not include—

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

child care premises means premises where—

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;

cinema/theatre means premises where the public may view a motion picture or theatrical production;

civic use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest;

commercial vehicle parking means premises used for parking of one or 2 commercial vehicles but does not include—

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

community purpose means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

consulting rooms 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;

convenience store means premises—

- (a) used for 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 300m² net lettable area;

corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

educational establishment 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;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

fast food outlet 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.

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used—

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used—

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services.

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

holiday house 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 50m²; 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 of 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—

- (a) does not employ 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 20m²; and
 - (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
 - (e) does not involve the retail sale, display or hire of 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 of more than 4.5 tonnes tare weight; and
 - (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (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;

home office 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;

home store means a shop attached to a dwelling that—

- (a) has a net lettable area not exceeding 100m²; and
- (b) is operated by a person residing in the dwelling.

hospital means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1);

hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes 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;

industry—cottage means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area

industry—light 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.

liquor store—large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m²;

liquor store—small 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 300m²;

lunch bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

marina means—

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment;
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;

marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

market means premises used for the display and sale of goods from stalls by independent vendors

medical centre means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human ailments and for general outpatient care;

motel means premises, which may be licensed under the *Liquor Control Act 1988*—

- (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;

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans

motor vehicle repair 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.

motor vehicle wash means premises primarily used to wash motor vehicles;

nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

office means premises used for administration, clerical, technical, professional or similar business activities;

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;

place of worship means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

reception centre means premises used for hosted functions on formal or ceremonial occasions;

recreation—private means premises that are—

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

restaurant / café 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 licensed under the *Liquor Control Act 1988*;

restricted premises 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—

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); or

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or

(c) smoking-related implements;

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for—

(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or

(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

serviced apartment means a group of units or apartments providing—

(a) self-contained short stay accommodation for guests; and

(b) any associated reception or recreational facilities;

shop means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

telecommunications infrastructure 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;

tourist development 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—

(a) short-term accommodation for guests; and

(b) onsite facilities for the use of guests; and

(c) facilities for the management of the development;

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement;

trade supplies 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 the following purposes including goods which may be assembled or manufactured off the premises—

(a) automotive repairs and servicing;

(b) building including repair and maintenance;

(c) industry;

(d) landscape gardening;

(e) provision of medical services;

(f) primary production;

(g) use by government departments or agencies, including local government;

transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including—

(a) any ancillary maintenance or refuelling of those vehicles; and

(b) any ancillary storage of goods brought to the premises by those vehicles; and

(c) the transfer of goods or persons from one vehicle to another;

veterinary centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

warehouse/storage means premises including indoor or outdoor facilities used for—

(a) the storage of goods, equipment, plant or materials; or

(b) the display or sale by wholesale of goods;

SCHEDULE 1—SUPPLEMENTAL PROVISIONS

61A(1)(k) works to remove, destroy and/or interfere with any tree(s) where it is not listed on the City of Vincent Trees of Significance Inventory.

67(cz) any advice of the Design Advisory Committee.

85A Transitional arrangements for local planning policies

Where a local planning policy has been prepared in accordance with the requirements of Town Planning Scheme No. 1, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under Local Planning Scheme No. 2.

85B Planning instruments in course of preparation

Any step taken under Town Planning Scheme No. 1 before commencement day in the preparation of a planning instrument is to be taken to be a step taken in the preparation of a planning instrument of that type under this Scheme.

SCHEDULE 13—DEVELOPMENT CONTRIBUTION AREAS

There are no Development Contribution Areas that apply to the Scheme.

SCHEDULE 14—STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL

Gross realisation

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

ASSESSED STATUTORY CONTRIBUTION PER SPP 3.6 (22+23) \$

The Static Feasibility Model is based upon—

- (i) *The number of lots yielded from the land will have a gross sale price which, when multiplied by the number of lots created, establishes the Gross Realisation (i).*
- (ii) *GST will be calculated by the standard/normal method.*
- (iii) *Selling, marketing, advertising and settlement fees expressed as a percentage shall be added and then expressed as a total percentage against the gross realisation.*
- (iv) *The adjusted risk component applied in the model is the established market profit and risk at the date of valuation less the fixed 10 per cent profit applied in SPP 3.6.*
- (v) *Development costs will be established as an appropriate servicing cost per lot at the date of valuation, multiplied by the lots realised from the land.*
- (vi) *Interest against the development costs will be established by the application of bank lending rates for such projects at the date of valuation.*
- (vii) *Interest against the land in development will be established by the application of bank lending rates for such development acquisitions at the date of valuation.*

- (viii) *Rates and taxes will be applied for the full term of acquisition, development and sale.*
(ix) *Stamp Duty will be applied at the statutory rate as applicable at the date of valuation.*
(x) *GST will be applied at the appropriate rate adopted at the date of valuation.*

Council Resolution to Support Scheme for Approval

Council resolved to support approval of the draft Scheme of the City of Vincent at the Special Meeting of Council held on the 18 November 2014.

The Common Seal of the City of Vincent was hereunto affixed by authority of a resolution of the Council in the presence of—

LEN KOSOVA, Chief Executive Officer.
EMMA COLE, Mayor.

WAPC Recommended for Approval—

LEE O'DONOHUE,
Delegated under S.16 of the *Planning and Development Act 2005*.

Date: 7 March 2018.

Approval Granted—

BEN WYATT, A/Minister for Planning.
(Vincent Scheme No. 2)

Date: 4 April 2018.
