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TOWN PLANNING AND DEVELOPMENT ACT 1928

CITY OF SOUTH PERTH

**TOWN PLANNING SCHEME
No. 6**

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME
City of South Perth
Town Planning Scheme No. 6

Ref: 853/2/11/8

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of South Perth Town Planning Scheme No. 6 on 6 April 2003, the Scheme Text of which is published as a Schedule annexed hereto.

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CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6

Preamble

The Council of the City of South Perth, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928, hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

The City of South Perth Town Planning Scheme No. 6 consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read in conjunction with the Local Housing Strategy and Local Commercial Strategy for the City, Heritage List, Precinct Plans and other Planning Policies.

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

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

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PART I—Preliminary

*NOTES:***1.1 Citation**

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

1.2 Responsible Authority

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

1.3 Scheme Area

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

1.4 Contents of Scheme

The Scheme comprises—

- (a) this Scheme Text; and
- (b) the Scheme Maps.

1.5 Supporting Documents

Upon completion of the requirements of clause 9.6, the following planning policy documents shall be planning policies for the purposes of the Scheme:

- (a) Local Housing Strategy;
- (b) Local Commercial Strategy;
- (c) Heritage List;
- (d) Precinct Plans 1 to 14; and
- (e) Planning Policies.

1.6 Scheme Objectives

(1) The overriding objective of the Scheme is to require and encourage performance-based development in each of the 14 precincts of the City in a manner which retains and enhances the attributes of the City and recognises individual precinct objectives and desired future character as specified in the Precinct Plan for each precinct.

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

- (a) Maintain the City's predominantly residential character and amenity;
- (b) Introduce performance-based controls supported by planning policies and Precinct Plans;
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;
- (d) Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;
- (e) Ensure community aspirations and concerns are addressed through Scheme controls;
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;
- (g) Protect residential areas from the encroachment of inappropriate uses;
- (h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities;
- (i) Create a hierarchy of commercial centres according to their respective designated functions, so as to meet the various shopping and other commercial needs of the community;
- (j) In all commercial centres, promote an appropriate range of land uses consistent with—
 - (i) the designated function of each centre as set out in the Local Commercial Strategy; and
 - (ii) the preservation of the amenity of the locality;
- (k) Recognise and preserve areas, buildings and sites of heritage value; and
- (l) Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning.

NOTE ON

CLAUSE 1.6 —

Refer also to clause 7.5 (a)

1.7 Revocation of Existing Schemes

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

1.8 Relationship to Metropolitan Region Scheme

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

1.9 Relationship to Local Laws

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

1.10 Definitions and Interpretation

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

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

NOTE ON

CLAUSE 1.10 —

Refer to Schedule 1.

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

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

(5) Headings, notes, footnotes, and instructions, are not part of the Scheme.

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

Part II—Reserves

2.1 Metropolitan Region Scheme Reserves

Land shown as 'Metropolitan Region Scheme Reserves' on the Scheme Maps is reserved under the Metropolitan Region Scheme and is shown on the Scheme Maps in order to comply with the Metropolitan Region Town Planning Scheme Act, 1959, as amended. Such land is not reserved by this Scheme. The provisions of the Metropolitan Region Scheme continue to apply to such land.

2.2 Local Scheme Reserves

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

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

(2) With respect to Local Scheme Reserves—

- (a) A person must not change the use of, or commence or carry out development on, any such Reserve, without first having obtained planning approval under Part VII.
- (b) In determining an application for planning approval, the Council shall have regard to—
 - (i) the matters set out in clause 7.5; and
 - (ii) the ultimate purpose intended for the Reserve.
- (c) In the case of land reserved for the purposes of a Government agency, the Council shall consult with that agency before determining an application for planning approval.

(3) If a Local Road is closed and disposed of by the Crown, then, subject to notice being served in accordance with clause 7.3 upon the owners and occupiers of the lots potentially affected by the proposed use or development, and following full consideration of any resulting submissions, the Council may grant planning approval for that land to be developed or used only for the same purposes for which any immediately adjoining land is zoned or reserved.

Part III—Zones, Precincts and Use of Land

3.1 Zones

(1) The Scheme creates the following zones—

- (a) Residential;
- (b) District Centre Commercial;
- (c) Mends Street Centre Commercial;
- (d) Neighbourhood Centre Commercial;
- (e) Highway Commercial;
- (f) Mixed Use Commercial;
- (g) Local Commercial;
- (h) Public Assembly;
- (i) Private Institution; and
- (j) Technology Park.

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

3.2 Precincts

The Scheme creates 14 precincts within the Scheme area as indicated on the respective sheets comprising the Scheme Maps which are named as follows—

- (a) Precinct 1 : Mill Point;
- (b) Precinct 2 : South Perth Central;
- (c) Precinct 3 : South Perth Civic;
- (d) Precinct 4 : Hurlingham;
- (e) Precinct 5 : Arlington;
- (f) Precinct 6 : Kensington;
- (g) Precinct 7 : Collier;
- (h) Precinct 8 : Como Beach;
- (i) Precinct 9 : Como;
- (j) Precinct 10 : McDougall Park;
- (k) Precinct 11 : Karawara;
- (l) Precinct 12 : Manning;
- (m) Precinct 13 : Salter Point; and
- (n) Precinct 14 : Waterford.

3.3 Land Use Control within Zones

**NOTE ON
CLAUSE 3.3 —**
Refer to Table 1.

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

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

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

- ‘P’ indicates a Permitted Use and means, subject to the provisions of sub-clause (4), that the Use is permitted by the Scheme.
- ‘D’ indicates a Discretionary Use and means that the Use is not permitted unless the Council has exercised its discretion by granting planning approval.
- ‘DC’ indicates a Discretionary Use with Consultation and means that the Use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 7.3.
- ‘X’ indicates a Prohibited Use and means that the use is not permitted by the Scheme.

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

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

(5) In respect of a Discretionary Use or a Discretionary Use with Consultation, in exercising its discretion as to whether or not planning approval ought to be granted, the Council shall have regard to the Scheme objectives listed in clause 1.6 and to any objectives for the precinct as stated within the relevant Precinct Plan and to such matters referred to in clause 7.5 as Council considers to be relevant in the circumstances.

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

(7) A use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the Uses defined in Schedule 1 may only be approved if notice of the development is first given in accordance with clause 7.3.

(8) Notwithstanding that a proposed use of land is a Permitted Use or a Discretionary Use, the Council may require the development of the land for that Use to be the subject of consultation in accordance with the provisions of clause 7.3, if the Council considers that the proposed Use or development may significantly affect the amenity of an adjoining property.

**NOTE ON
CLAUSE 3.3(4) —**
*Refer also to clause
6.11 relating to
heritage places.*

3.4 Additional Uses

- (1) (a) Land may be used for a purpose not otherwise permitted under Table 1, if such use is identified as a permitted Additional Use for such land within Schedule 2.
- (b) Where Schedule 2 identifies one or more Additional Uses for particular land, development of that land may incorporate any of those Additional Uses, with or without any of the Uses permitted under Table 1.
- (2) (a) In addition to any other requirements prescribed elsewhere in the Scheme, development of land for an Additional Use shall comply with the requirements specified in Schedule 2.
- (b) The maximum plot ratio prescribed in Schedule 2 is not additional to the maximum plot ratio for that land prescribed elsewhere in the Scheme.
- (c) Where the plot ratio prescribed for an Additional Use is higher than that prescribed elsewhere in the Scheme for the land, nothing in the Scheme shall prevent the development of the land for that Additional Use to the higher prescribed plot ratio.

**NOTE ON
CLAUSE 3.4 —**
Refer to Schedule 2.

Part IV—Development Requirements for Residential Uses

4.1 Residential Design Codes

- (1) For the purpose of this Scheme 'Residential Design Codes', or 'Codes', means the Residential Design Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.
- (2) A copy of the Residential Design Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- (3) Unless otherwise provided in the Scheme the development of land for any of the residential purposes dealt with by the Residential Design Codes shall conform to the provisions of those Codes.
- (4) The Residential Design Codes density coding applicable to land within the Scheme area shall be determined by reference to the Residential Design Codes density coding number superimposed on the particular areas shown on the Scheme Maps as being contained within the density coding boundaries or where such an area abuts another area having a Residential Planning Code density coding, as being contained within the centre-line of those boundaries.

**NOTE ON
CLAUSE 4.1 —**
Refer also to provisions of Codes for relevant requirements not otherwise specified in the Scheme.

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

- (1) Where land has dual density coding numbers indicated on the Scheme Maps, development shall not exceed the lower density coding unless the Council is satisfied that the minimum number of performance criteria prescribed for that dual density coding, are met.
- (2) The performance criteria referred to in sub-clause (1) are contained within Schedule 3.
- (3) If a tree which is retained in order to satisfy performance criterion (m) in Schedule 3 does not survive to the end of its natural life expectancy, that tree shall be replaced by another appropriate tree located either—
 - (a) on the development site; or
 - (b) on a street verge or a Park and Recreation reserve, as close to the development site as the Council considers practicable, in a location to be determined by the Council.

**NOTE ON
CLAUSE 4.2 —**
Refer to Schedule 3.

4.3 Special Application of Residential Design Codes—Variations

- (1) The following provisions constitute variations from the provisions of the Residential Design Codes with respect to the kinds of development dealt with by those Codes—
 - (a) Where a lot contains an existing approved development which exceeds the prescribed density coding, the Council may permit redevelopment of that lot with a greater number of dwellings or a higher plot ratio than permitted by the Codes, subject to compliance with the provisions of clause 6.1.
 - (b) Where a lot has a lesser area than the minimum area prescribed in Table 1 of the Codes, a Single House may be erected on the lot provided that, in the opinion of the Council, all other relevant objectives and provisions of the Scheme and Precinct Plan are satisfied.

- (c) The Council may permit a cantilevered balcony or a balcony supported by columns to extend not more than 2.0 metres forward of the prescribed setback from the street alignment, provided that any such balcony shall be set back not less than 1.5 metres from a street boundary.
 - (d) Notwithstanding other provisions of the Scheme, the Council may permit a portico or a porte-cochère to be located forward of the prescribed setback from the street boundary, provided that such a structure shall be set back not less than 1.5 metres from a street boundary.
 - (e) In Precinct 11—Karawara, other than within the Karawara Redevelopment Area identified in Schedule 4, the following provisions shall apply—
 - (i) an outbuilding appurtenant to a dwelling may be located within the setback area from the street alignment if the Council is satisfied that such outbuilding will be aesthetically desirable and will be visually compatible with buildings in close proximity; and
 - (ii) a Single House, a Grouped Dwelling and any associated outbuilding shall be set back an average of 6.0 metres from the boundary of an open space reserve provided that the minimum setback shall be not less than 3.0 metres.
 - (f) In respect of Lots 500, 221 to 226 inclusive, 22, 21 and 229 to 240 inclusive (Nos. 15 to 57) Swanview Terrace, South Perth, the setback from the rear boundary adjoining the Regional Parks and Recreation reserve comprising Sir James Mitchell Park, shall be not less than 6.0 metres. Averaging of the rear setback is not permitted for development on these lots, and the side and rear setbacks may not be interchanged.
 - (g) In certain streets greater setbacks than those prescribed in the Codes shall apply as prescribed by clause 4.7 and Table 2.
 - (h) The area of any land adjacent to a lot which, in the opinion of the Council, is contained within the abutting road reserve as a corner truncation—
 - (i) shall be deemed to be included within the area of the lot for the purposes of determining—
 - (A) the maximum permissible number of dwellings;
 - (B) the maximum plot ratio;
 - (C) the minimum lot frontage; and
 - (D) the open space requirements; and
 - (ii) may, at the discretion of the Council, be deemed to be included within the area of the lot for the purposes of any setback requirement.
 - (i) Dimensions of car parking bays shall be as prescribed in Schedule 5.
 - (j) Notwithstanding any other provisions of this Scheme, the Council may permit unroofed car parking bays to be provided within a street setback area if the Council is satisfied that—
 - (i) the parking bays and associated accessways are screened by dense landscaping at least 1.5 metres in width; and
 - (ii) such bays and accessways will not have an excessively dominant visual impact on the streetscape or adjoining properties; and
 - (iii) pedestrian access from the street is not impeded, provided that the Council shall have discretion to determine the number of such bays which may be permitted within the street setback area.
 - (k) Where an application for planning approval relates to a place on the Heritage List, the Council may permit development which does not conform to those provisions of the Codes referred to in paragraph (a) of clause 6.11 (8), subject to compliance with the provisions of paragraph (b) of that clause.
- (2) For the purposes of the Codes, land which is shown on the Scheme Maps as having—
- (a) a density coding of R80 or R100; or
 - (b) a dual density coding of R60/80, and the land may be developed to an R80 density pursuant to clause 4.2,

is deemed to have density coding of both A and B as provided for in the Codes and may be developed in accordance with the provisions relating to either the A or the B standards.

4.4 Corner Lot Subdivisions in Certain Circumstances

(1) In respect to subdivision for the purpose of creating lots for Single Houses, Council generally will not recommend to the Western Australian Planning Commission that variations from the minimum land area prescribed in the Residential Design Codes be approved unless, in the Council's opinion, the following criteria are met—

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

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

4.5 General Design Guidelines

In considering an application for planning approval for any residential development in any zone, the Council shall have regard to any planning policy adopted under clause 9.6 relating to the design of residential development.

4.6 Residential Development in Non-Residential Zones

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

4.7 Setbacks from Specified Streets for Residential Uses

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

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

4.8 Student Housing

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

- (a) The setbacks shall conform to the requirements applicable to Single Houses.
- (b) The plot ratio shall not exceed 0.35.
- (c) At least 50% of every lot shall be designed, developed and maintained as open space.

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

- (a) Only a Single House or a Grouped Dwelling may be used for such purpose.
- (b) No more than 40% of the number of dwellings in any one street may be used for such purpose.
- (c) The plot ratio, setbacks, and open space shall conform to the provisions of the Residential Design Codes applicable to the density coding assigned to the land.

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

- (a) the number of occupiers' cars parked on the lot is limited to the number determined by the Council when granting planning approval in respect of the lot;
- (b) occupiers of the building do not park their cars on a street or verge abutting land used for a residential purpose within a radius of 500 metres of the building;

NOTES ON CLAUSE 4.7 —

- (1) Refer to clause 4.3 (1)(g) and Table 2.
- (2) Also refer to clause 4.3 (1)(f) for minimum rear setback for certain lots in Swanview Terrace.

- (c) the number of parking bays for visitors' cars provided on the lot is as prescribed in Table 6; and
- (d) the lot and all buildings on the lot are, in the opinion of the Council, well presented and maintained at or above the standard of presentation and maintenance of the other buildings and lots in the same street.

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

4.9 Noise Attenuation for Dwellings in Canning Highway

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

- (a) design measures such as minimising the number and size of major openings to habitable rooms in order to minimise noise disturbance within those rooms; and
- (b) structural measures such as double glazing or insulation within roofs, ceilings or walls.

4.10 General Requirements for Residential Uses

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

Part V—Development Requirements for Non-Residential Uses

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

**NOTE ON
CLAUSE 5.1 —**
Refer to Table 3.

- (1) All Mixed Development and other non-residential Uses in non-residential zones shall comply with the requirements prescribed in Table 3.
- (2) Within the Highway Commercial and the Local Commercial zones, in the case of additions to an existing building, notwithstanding the maximum plot ratio prescribed in Table 3 with respect to those zones, where the proposed additions involve an increase in floor area of more than 10%, such development will only be approved if the existing building is upgraded to a standard which the Council considers to be equivalent to the new additions.
- (3) Within the Mixed Use Commercial zone—
 - (a) any Mixed Development shall contain at least 2 dwellings; and
 - (b) in the case of Mixed Development, the Council may grant planning approval permitting a development with a plot ratio of up to 1.0, if the following criteria have been met—
 - (i) the development site has an area of 1,700 square metres or more;
 - (ii) the residential and the non-residential portions of the development shall each comprise not less than 40% of the total floor area calculated according to the definition of plot ratio contained in Schedule 1;
 - (iii) visual articulation to the street elevations of the building is provided by way of balconies or other design elements in order to enhance the appearance of the building to the satisfaction of the Council; and
 - (iv) outstanding landscaping is provided in accordance with the provisions of clause 6.14(1).
- (4) Notwithstanding the minimum setbacks prescribed in Table 3—
 - (a) in any non-residential zone where a development site has a common boundary with land in the Residential zone—
 - (i) the Council may require a building on the development site to be set back a greater distance from the street than the setback prescribed in Table 3, in order to protect the amenity of the adjoining land in the residential zone. In such cases, the setback area in front of the building shall contain landscaping visible from the adjoining residential site; and
 - (ii) the setback from that common boundary shall be the same as that prescribed for Grouped Dwellings on the adjoining residential land, unless otherwise prescribed by the Council;

- (b) in the District Centre Commercial zone, the Mends Street Centre Commercial zone and the Highway Commercial zone, the rear setback may be reduced, subject to provision being made to the satisfaction of the Council for loading and off-loading of delivery vehicles and the removal of rubbish from the site without the need for vehicles to reverse from or to a street; and
 - (c) in the Neighbourhood Centre Commercial zone, the prescribed street setback may be reduced to nil where, in the opinion of the Council, this would achieve the objectives of the relevant Precinct Plan.
- (5) Notwithstanding the minimum landscaped area prescribed in Tables 3 and 4, the Council may permit a lesser landscaped area, if the developer provides outstanding landscaping in accordance with the provisions of clause 6.14(1), together with landscaping within the street reserve adjacent to the development site to a standard considered by the Council to be exceptional.

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

- (1) Unless otherwise provided in the Scheme, all non-residential Uses in the Residential zone shall comply with the requirements prescribed in Table 4.
- (2) For the purpose of determining the relevant provisions of Table 4 in the case of land having a dual density coding, the applicable code shall be deemed to be the lower coding.

**NOTE ON
CLAUSE 5.2—**
Refer to Table 4.

5.3 Setbacks from Specified Streets for Non-Residential Uses

- (1) Subject to the provisions of sub-clause (2), in the case of the streets listed in Table 5, street setbacks for non-residential Uses shall be as prescribed in that table.
- (2) In the case of Canning Highway and Manning Road (west of Ley Street), where a lot has been subdivided in order to excise land for future road widening, the setbacks prescribed in Table 5 shall be measured from the street boundary which existed immediately prior to such excision.

**NOTE ON
CLAUSE 5.3—**
Refer to Table 5.

5.4 Development Requirements for Certain Sites

- (1) (a) In this sub-clause, 'Site A' means Lot 188 (No. 19) Bowman Street and No. 11 Labouchere Road corner of Judd Street, South Perth.
- (b) In respect of Site A:
 - (i) all buildings on that site shall be of an integrated design;
 - (ii) both that site and the adjacent part of the Judd Street Reserve (being that part of the Reserve directly opposite Site A extending from the property boundary of that site to the south-bound Freeway on-ramp) shall be landscaped by the owner of Site A to a standard considered by the Council to be outstanding and shall be subsequently maintained by the owner of that site at that same standard;
 - (iii) notwithstanding the provisions of clause 6.14 (1)(b), the outstanding landscaping referred to in paragraph (b)(ii) shall include some sculpture or other urban artwork and ornamental water features, in addition to any other landscaping component considered by Council to contribute to its outstanding quality;
 - (iv) any building situated on the site shall not cause a reduction of more than 27 degrees in the angle of existing views of the Perth Central Business District from a living room or a main bedroom of a dwelling within the building known as 'South Mill Centre' situated on Lot 35 (No. 9) Bowman Street, South Perth; and
 - (v) the site shall contain a Café/Restaurant.
- (2) (a) In this sub-clause, 'Site B' means Lot 10 (No. 1) Preston Street, Como.
- (b) Notwithstanding anything contained in this Scheme or in the Codes, the Council, in respect of Site B, may grant planning approval permitting a development with a maximum plot ratio of 1.2 and a maximum building height of 14 metres if it is satisfied that—
 - (i) all of the buildings on that site are of an integrated design;

**NOTES ON
CLAUSE 5.4—**
(1) Site A—
*Lot 188
Labouchere
Road/Bowman
Street/Judd
Street*

(2) Site B—
*Lot 10 Preston
Street / Melville
Parade*

- (ii) both the footpaths and verges of the portion of Preston Street situated between Mary Street and Melville Parade will be or have been paved and landscaped at the expense of the owner of Site B in accordance with the streetscape improvement plan approved by the Council on 24 July 2001;
- (iii) both the footpaths and verges of the portion of Melville Parade abutting Site B will be or have been paved and landscaped at the expense of the owner of that site in accordance with the streetscape improvement plan approved by the Council on 24 July 2001;
- (iv) within the portions of Preston Street and Melville Parade referred to in sub-paragraphs (ii) and (iii), the roadways will be or have been reconstructed at the expense of the owner of Site B to formally provide on-street parking bays and islands, including street trees, in accordance with the streetscape improvement plan approved by the Council on 24 July 2001;
- (v) the landscaping referred to in sub-paragraphs (ii) and (iii), or the landscaping of Site B, includes sculpture or other urban artwork and ornamental water features, in addition to any other landscaping component considered by Council to contribute to the visual quality of the streetscape;
- (vi) development of Site B will not cause more than 50% of an adjoining lot to be in shadow at noon on June 21, save with the approval of the Council; and
- (vii) car parking will be provided for all Offices, Shops and residential dwellings strictly in accordance with the provisions of the Scheme, with no reciprocity of use or other form of concession in respect of the number of parking spaces provided.
- (3) (a) In this sub-clause, 'Site C' means Lot 46 (No. 64-68) South Terrace, corner of Coode Street, South Perth.
- (b) In respect of a development on Site C for Mixed Development:
- (i) notwithstanding the provisions of Table 3, a maximum plot ratio of 0.75 shall apply provided that the floor area used for purposes other than residential dwellings shall not exceed a plot ratio of 0.35;
- (ii) each residential dwelling shall be provided with—
- (A) a private balcony with a maximum area of 10 square metres opening directly from a living room; and
- (B) an enclosed storage area with a minimum area of 1.5 square metres.
- (4) (a) In this sub-clause, 'Site D' means all the land comprised in:
- (i) Lot 409 (No. 56) Ley Street, Como ('Lot 409');
- (ii) Lot 408 (No. 2) Downey Drive corner Ley Street, Como ('Lot 408'); and
- (iii) Lot 407 (No. 4) Downey Drive, Manning ('Lot 407').
- (b) None of the land comprised in Lot 407 may be used for the purposes of—
- (i) non-residential development;
- (ii) Mixed Development;
- (iii) Grouped Dwellings; or
- (iv) Multiple Dwellings;
- unless such use is part of an integrated development encompassing all of the lots comprised in Site D.
- (c) None of the land comprised in Lot 408 may be used for the purposes referred to in paragraph (b) unless such use is part of an integrated development encompassing—
- (i) both Lot 408 and Lot 409; or
- (ii) all of the lots comprised in Site D.
- (d) In respect of a development on Site D or on a site comprising Lots 408 and 409, the following development requirements shall apply—
- (i) Notwithstanding the provisions of Table 3, the maximum plot ratio applicable to Shops shall not exceed—
- (A) 0.12 if development comprises Lots 407, 408 and 409; or
- (B) 0.165 if development comprises Lots 408 and 409; or
- (C) 0.35 if development comprises Lot 409 only.
- (3) Site C—**
Lot 46 South Terrace/Coode Street
- (4) Site D—**
*Lots 407, 408, 409
Ley Street/
Downey Drive*

- (ii) Every dwelling shall be provided with:
 - (A) a private balcony with a minimum area of 10 square metres, opening directly from a living room; and
 - (B) an enclosed storage area of a minimum internal area of 1.5 square metres.
- (e) In respect of a development on Site D or on a site comprising Lots 408 and 409, the Council shall have regard to the following:
 - (i) the development should be designed so that the front of the building or buildings face Ley Street, Downey Drive and the junction of these two streets;
 - (ii) the building setback from the northern boundary should be confined to the minimum necessary for functional driveway access and associated landscaping;
 - (iii) the ground floor portion of the building fronting Ley Street should be developed for non-residential purposes only;
 - (iv) residential development should preferably be situated on the Downey Drive frontage of the building and the upper floor of the Ley Street frontage of the building in the case of a two storey development;
 - (v) car parking bays should not be located between the building and the street alignment;
 - (vi) a landscaping strip at least 2.0 metres in width should be provided along the eastern and northern boundaries and between the street alignment and any parking area; and
 - (vii) a brick screen fence 1.8 metres in height should be constructed along the eastern boundary.

5.4 Development Requirements for Certain Sites (continued)

- (5) (a) In this sub-clause, 'Site E' means Lot 19 (No. 296) Mill Point Road, South Perth.
- (b) Notwithstanding anything contained in this Scheme or in the Codes, with respect to Site E, the Council shall not grant planning approval for a development containing a plot ratio area which is greater than 2,000 square metres unless—
 - (i) the building which was used for the purpose of Tourist Accommodation on 23 October 2001, is demolished;
 - (ii) the proposed building is graduated in height, with lower portions situated towards the front of the site;
 - (iii) car parking for any proposed dwellings is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from the street boundary, and these bays are for the sole use of occupiers of the dwellings;
 - (iv) visitors' car parking for any dwellings on Site E is provided in excess of the number of bays required by the Codes;
 - (v) the development incorporates outstanding landscaping; and
 - (vi) any Café/Restaurant on the site shall—
 - (A) be restricted to a maximum plot ratio of 0.04; and
 - (B) be situated more than 45.0 metres from the rear boundary of the site.
- (6) (a) In this sub-clause, "Site F" means Lot 2 (No. 23) Bowman Street, South Perth.
- (b) In respect of Site F, the Council may grant planning approval for a Mixed Development with a maximum plot ratio of up to 1.0, subject to—
 - (i) compliance with the requirements of clause 5.1 (3) with the exception of paragraph (b)(ii);
 - (ii) the residential portion of the development comprising not less than 60% of the plot ratio of the building; and
 - (iii) the non-residential portion of the development comprising not less than 25% of the plot ratio of the building.

(5) Site E—

- (a) *Lot 19 (No. 296) Mill Point Road*
- (b) *The date referred to in clause 5.4 (5)b)(i) is the date of the relevant Council resolution deciding to amend Town Planning Scheme No. 5 (Amd No. 121)*

(6) Site F—

- Lot 2 Bowman Street NW enr Labouchere Road*

5.5 General Design Guidelines

In considering an application for planning approval for any non-residential development or Mixed Development in any zone or reserve, the Council shall have regard to any planning policy relating to the design of non-residential development or Mixed Development.

5.6 General Requirements for Non-Residential Uses

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

Part VI—General Development Requirements

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

(1) Notwithstanding the provisions of the Codes but subject to the provisions of sub-clause (3), if, on the date of gazettal of the Scheme a site contained a residential development that exceeded—

- (a) the density coding indicated on the Scheme Maps; or
- (b) the Building Height Limit; or
- (c) both the density coding and the Building Height Limit;

the Council may approve redevelopment of that site—

- (i) to the same density or height or both, and with the same use as those of the development which existed on the site on the date of gazettal of the Scheme; and
- (ii) with a plot ratio exceeding the maximum prescribed by the Residential Design Codes.

(2) Subject to the provisions of sub-clause (3), if, on the date of gazettal of the Scheme a site contained a non-residential development that exceeded either—

- (a) the plot ratio prescribed in Table 3; or
- (b) the Building Height Limit; or
- (c) both the plot ratio and the Building Height Limit;

the Council may approve redevelopment of that site to the same plot ratio and height or both, as those of the development which existed on the site on the date of gazettal of the Scheme.

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

- (a) in the opinion of the Council, the proposed development will contribute more positively to the scale and character of the streetscape, the preservation or improvement of the amenity of the area, and the objectives for the precinct than the building which existed on the site on the date of gazettal of the Scheme; and
- (b) except where proposed development comprises minor alterations to the existing development which, in the opinion of the Council, do not have a significant adverse effect on the amenity of adjoining land, advertising of the proposed development has been undertaken in accordance with the provisions of clause 7.3.

6.2 Building Height Limits

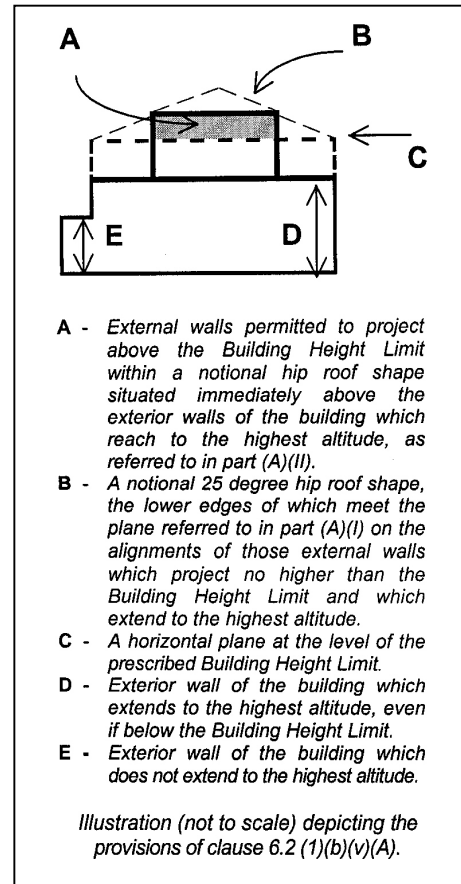
(1) The following provisions apply with respect to maximum permissible building height:

- (a) Subject to clause 6.1 and paragraphs (b) and (c), of this sub-clause, in respect of any land, a building shall not be erected or added to so as to exceed the Building Height Limit prescribed by the Scheme applicable to that land.
- (b) Notwithstanding the provisions of paragraph (a), any portion of a building which is not included in the measurement of its height pursuant to this paragraph, may project higher than the prescribed Building Height Limit. The height of a building shall be measured as follows:
 - (i) Subject to sub-paragraphs (ii) and (iii), the point at ground level on a lot from which height is measured shall be the highest point under the building, provided that in no case shall such point be closer to:
 - (A) a street boundary than 6.0 metres, where the ground level contours fall from that boundary;
 - (B) a rear boundary than 6.0 metres, where the ground level contours fall from that boundary; and
 - (C) a side boundary than the minimum setback prescribed by Tables 1, 2a and 2b and Figure 3 of the Residential Design Codes.

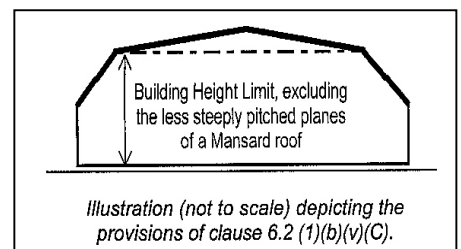
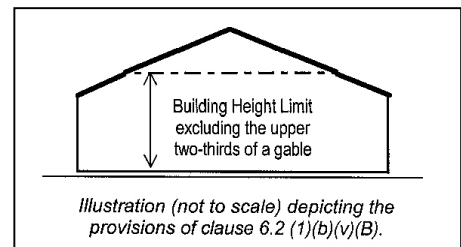
NOTES ON CLAUSE 6.2 —

Refer also to provision 3.7 Element 7 of the Codes for relevant building height requirements not otherwise specified in the Scheme.

- (ii) Notwithstanding the provisions of sub-paragraph (i), in cases where the topography would, in the opinion of the Council, cause the height of a building to be in conflict with the objectives of any planning policy relating to the design of residential buildings as referred to in clause 4.5, the Council shall determine the point at ground level from which height shall be measured.
- (iii) Notwithstanding sub-paragraph (i), in the case of lots having a frontage to South Perth Esplanade, the height of a building shall be measured from a level of 2.3 metres above Australian Height Datum.
- (iv) Subject to sub-paragraph (v), height shall be measured to the highest point of the external wall of the building which rises to the highest altitude.
- (v) Notwithstanding sub-paragraph (iv), the measurement of the height of a building shall not include the following—
- (A) any external wall projecting above the Building Height Limit, provided that such wall is contained within a space enclosed by—
- (I) a horizontal plane at the level of the prescribed Building Height Limit; and
 - (II) planes forming a notional 25 degree hip roof shape, the lower edges of which meet the plane referred to in part (I) on the alignments of those external walls which project no higher than the Building Height Limit and which extend to the highest altitude;
- (B) the upper two-thirds of the vertical height of a gable where the gable forms a triangular extension of the external wall;
- (C) the vertical height of the less steeply pitched plane of a mansard roof;
- (D) minor projections which extend outside the space referred to in sub-paragraph (v)(A), including, but without in any way restricting the generality of this provision, such structures as vertical glass planes within the roof structure, dormer and saw-toothed windows, and chimneys.
- (c) Notwithstanding the provisions of paragraph (a) and in addition to the extent of variation permitted in clause 6.1, in the case of additions to an existing Single House, the Council may permit the prescribed Building Height Limits to be exceeded by not more than 0.5 metres if the Council is satisfied that the increased height would be beneficial to the preservation of the existing character of the house, and that there would be no adverse impact upon adjoining neighbouring properties.



NOTES ON CLAUSE 6.2 (1) —



(2) In areas situated within Precinct 13—Salter Point which have been respectively assigned Building Height Limits of 3.0 metres, 3.5 metres and 6.5 metres, a person shall not erect or add to a building on any land unless—

- (a) drawings are submitted showing, to the Council's satisfaction—
- (i) the location of the proposed building in relation to existing buildings on lots potentially affected with respect to views of the Canning River;

- (ii) the finished floor levels and the levels of the highest parts of those existing and proposed buildings; and
 - (iii) sight lines demonstrating that views of the Canning River from any of those existing buildings will not be significantly obstructed;
- (b) notice has been served upon the owners and occupiers of the lots potentially affected in relation to views of the Canning River, in accordance with clause 7.3; and
- (c) the Council is satisfied that views of the Canning River from any buildings on neighbouring land will not be significantly obstructed.
- (3) The Council may impose a restriction on roof height where, in Council's opinion, the proposed height of a roof would have an adverse impact on, or be out of character with, development within the focus area.

6.3 Car Parking

- (1) Subject to sub-clause (4), in the case of Uses listed in Table 6, car parking bays shall be provided to the respective numbers prescribed in that table.
- (2) In the case of uses not listed in Table 6, car parking bays shall be provided to the number determined by the Council in each case, having regard to the likely demand.
- (3) Subject to sub-clause (4), where a development site is used for multiple purposes, the number of car parking bays to be provided shall be the sum of the numbers calculated for each Use separately.
- (4) Subject to paragraph (d), in the case of non-residential Uses, the Council may grant planning approval for a development having a lesser number of car parking bays than the number prescribed in Table 6, provided that the following requirements are met—
- (a) The Council is satisfied that the proposed number of bays is sufficient, having regard to the peak parking demand for different uses on the development site.
 - (b) In the Mends Street Centre Commercial zone, on land in the area bounded by Mends Street, Mill Point Road and Labouchere Road, a traffic and parking study is undertaken demonstrating to Council's satisfaction that traffic volumes can be accommodated without causing hazards or unreasonable congestion in surrounding streets.
 - (c) In the Highway Commercial and the Local Commercial zones, in the case of additions which do not increase the existing floor area by more than 10%, or 50 square metres, whichever is the greater, the Council is satisfied that sufficient public parking bays are available in the vicinity of the development site to cater for the proposed development.
 - (d) In the Mixed Use Commercial zone, where Mixed Development includes Offices, the number of visitor bays designated for the combined use of the dwellings and the Offices may be reduced by 25% provided that all visitors to those parts of the development have access to the designated bays at all times.
- (5) (a) For the purpose of this sub-clause, the term 'deficit bays' means the difference between—
- (i) the total number of car parking bays required to be provided on the development site pursuant to sub-clauses (1) and (2), or such lesser number of bays as the Council may require having regard to the provisions of sub-clause (4); and
 - (ii) the number of bays which an applicant proposes to provide on the development site with respect to a particular development.
- (b) When considering an application for planning approval relating to non-residential Uses, where the required minimum number of car parking bays referred to in paragraph (a) is not provided on the development site, the Council may accept a cash payment in lieu of the provision of some or all of those bays, subject to the following requirements:
- (i) The Council must have firm proposals to expand the capacity of public parking facilities in the vicinity of the development site, with the intention of implementing such proposals within five years from the date of granting planning approval. Such proposals may include one or more of the following—
 - (A) the provision of additional public parking bays in the vicinity of the development site;

NOTES ON

CLAUSE 6.3—

1. Refer to Table 6 and Schedule 5.
2. Refer also to provision 3.5 Element 5 of the Codes for relevant car parking and access design requirements not otherwise specified in the Scheme.
3. Refer also to AS 2890.1 for relevant car parking and access design requirements not otherwise specified in the Scheme or the Codes.

- (B) the acquisition of land for the purpose of providing such additional bays;
 - (C) the construction or installation of facilities which will regulate the permissible duration of stay of a vehicle occupying an existing bay; and
 - (D) the implementation of measures designed to encourage the full capacity use of existing public parking bays in the vicinity of the development site.
- (ii) The cash payment shall be—
- (A) not less than the amount the Council estimates to be the cost to the owner of providing and constructing a car park containing the deficit bays, in addition to the value, as estimated by the Valuer-General, of the land which would have been occupied by those deficit bays; and
 - (B) paid into a special fund to be used for any of the purposes referred to in sub-paragraph (i).
- (c) Notwithstanding paragraph (b), when considering an application for planning approval relating to land in the Local Commercial zone, where the development involves additions to an existing building and there is insufficient space either on the site or within the adjacent street reserve to accommodate the required number of car parking bays, the Council may permit the applicant to fund the provision of additional car parking bays within the street reserve in the vicinity of the development site. The provisions of this paragraph may only be invoked if the proposed development has been advertised in accordance with the provisions of clause 7.3.
- (6) When considering an application for planning approval for development in respect of which car parking bays are required to be provided under the Scheme, the Council shall have regard to, and may impose conditions as to—
- (a) the location of any existing and proposed public or private footpath or way and any vehicle crossings;
 - (b) the effect the location of the bays and accessways is likely to have on pedestrian and vehicular movement both on the development site and in the adjacent street;
 - (c) the suitability and adequacy of proposed screening or natural planting in relation to the bays and accessways; and
 - (d) the number of bays which shall be provided with roof cover and the design and materials to be used for any such roof cover and supporting structures.
- (7) No person shall alter the location and layout of car parking bays and accessways provided pursuant to this Scheme without first having applied for and obtained the planning approval of the Council.
- (8) Car parking bays and associated accessways shall not be of lesser dimensions than those prescribed in Schedule 5 measured clear of the face of any column or pier and shall be increased by 0.3 metres where a wall, column, pier or fence abuts a side of a car parking bay.
- (9) Where car parking bays are situated under cover and the Council is of the opinion that any column or pier may reduce the manoeuvrability of vehicles using the bays, the Council may require the width of any accessway to be increased by up to 0.6 metres.
- (10) Car parking bays and accessways shall be—
- (a) constructed of hard-standing, dust-free surfaces;
 - (b) graded and drained in such a way as to prevent water flowing therefrom onto adjoining land, or into garages or carports on the site, or onto any street, except in the latter instance, to the extent approved by the Council;
 - (c) clearly marked on site in accordance with an approved plan; and
 - (d) maintained in good condition at all times.
- (11) Where visitor car bays are required to be provided for non-residential Uses, such bays shall be provided, marked and permanently retained for the exclusive use of visitors to the site.
- (12) In the case of non-residential Uses, any continuous line of unroofed car parking bays shall be provided with reticulated planting areas, including shade trees approved by the Council, at the rate of 1 per 8 car parking bays.

**NOTE ON
CLAUSE 6.3 (10) —**
*Refer also to clause
6.10(2) for driveway
gradient
requirements.*

6.4 Bicycle Parking

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

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

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

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

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

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

6.5 Multiple Street Boundaries and Irregularly Shaped Lots

For the purpose of determining—

- (a) applicable setbacks from boundaries; and
- (b) the height of a building calculated in accordance with the provisions of clause 6.2 (1)(b);

in the case of irregularly shaped lots or lots with 2 or more street boundaries, the Council shall determine which is—

- (i) the primary street boundary;
- (ii) the side boundaries; and
- (iii) the rear boundary, if any.

6.6 Canning Highway and Manning Road

(1) In the case of lots abutting Canning Highway, where proposed development is required to be referred to Main Roads Western Australia or determined by the Western Australian Planning Commission, the Council shall not support such development unless vehicular access to and from those lots is—

- (a) confined to the minimum necessary in the opinion of the Council for orderly traffic movement; and
- (b) designed in such a manner as to facilitate entry onto the Highway in a forward gear.

(2) Vehicular access to and from lots which abut Manning Road shall be—

- (a) confined to the minimum necessary in the opinion of the Council for orderly traffic movement; and
- (b) designed in such a manner as to facilitate entry onto the road in a forward gear.

(3) In respect of a lot having a boundary to Canning Highway or Manning Road, the portion of that lot required for road widening purposes shall be deemed to be excluded from the area of the lot for the purposes of determining—

- (a) minimum land area per dwelling;
- (b) maximum plot ratio;
- (c) minimum required open space or landscaped area; and
- (d) the siting of any building and car parking bay.

6.7 Fence Heights

A fence shall not exceed 1.8 metres in height without the approval of the Council and the Council shall not give its approval unless it is satisfied that the fence will not adversely affect the amenity of any property in the locality and will not clash with the exterior designs of buildings in the precinct. The fence height at any point shall be measured from the level of the ground adjacent to the fence. If the level of the ground at any point along the lot boundary is higher on one side of the fence than the level on the other side, the fence height at that point shall be measured from the higher side.

**NOTE ON
CLAUSE 6.4 —**
Refer to Table 6.

6.8 Sewerage and Drainage

(1) A building having a bathroom, laundry, toilet, shower, sink, hand wash basin or the like shall not be erected in any zone unless—

- (a) it is connected; or
- (b) the Council is satisfied that adequate provision has been made for it to be connected,

to the main sewer of the Water Corporation of Western Australia for the disposal of sewage and waste water.

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

6.9 Minimum Ground and Floor Levels

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

(2) Subject to sub-clause (3), the following minimum levels for floors in buildings or additions to buildings erected in the Scheme area are prescribed:

- (a) the floors of habitable rooms shall be not less than 2.3 metres above Australian Height Datum;
- (b) the floors of non-habitable rooms shall be not less than 1.75 metres above Australian Height Datum;
- (c) the floors of any part of a building used for car parking shall be not less than 1.75 metres above Australian Height Datum.

(3) The Council may permit land to be developed with lower levels than prescribed in sub-clauses (1) and (2), if—

- (a) provision is made in the design and construction of the floor and walls of the building for adequate protection against subsoil water seepage;
- (b) the applicant provides the Council with certification from a consulting engineer that adequate water-proofing has been achieved; and
- (c) the applicant satisfies the Council in such manner as the Council may specify that the proposed levels are acceptable having regard to the 100 year flood levels applicable to the lot.

6.10 Maximum Ground and Floor Levels

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

- (a) Such level may be raised by up to 100 millimetres;
- (b) The Council may permit or require the floor level to be varied to the extent necessary to comply with the following—
 - (i) In no case shall the floor level be lower than required by clause 6.9.
 - (ii) The floor shall not be at a level which, in the Council's opinion, would cause the building to unreasonably adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.
 - (iii) The Council may require the floor level to be varied where necessary in the Council's opinion to achieve a visually balanced streetscape, having regard to the floor levels of buildings on adjoining lots.

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

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

- (a) The site shall not be filled to a level which, in the Council's opinion, would unreasonably adversely affect the amenity of neighbouring properties in relation to visual impact and overshadowing.
- (b) Portions of the site beyond the external walls of the building shall be filled to a level which, in the Council's opinion, is necessary to

NOTE ON

CLAUSE 6.9 —

Refer also to provision 3.6 Element 6 of the Codes for relevant site works requirements not otherwise specified in the Scheme.

NOTE ON

CLAUSE 6.10 —

Refer also to provision 3.6 Element 6 of the Codes for relevant site works requirements not otherwise specified in the Scheme.

maintain visual privacy for the occupiers of any adjoining lot, consistent with the provisions of any planning policy.

6.11 Heritage Places

(1) The objectives of these provisions are—

- (a) to facilitate the conservation of places of cultural heritage significance nominated on the City of South Perth Heritage List; and
- (b) to ensure as far as possible that development occurs with due regard to cultural heritage significance.

(2) Pursuant to clause 9.6, the Council shall prepare a Heritage List of places considered by the Council to be of cultural heritage significance and to be worthy of conservation.

(3) The Heritage List shall be held by the Council with the Scheme documents for public inspection during normal office hours.

(4) The Heritage List may be amended in the manner prescribed in clause 9.6.

(5) Where a place is entered on the Heritage List, planning approval is required in relation to the demolition, erection, construction, or alteration of, or addition to, any building or structure on the land, including any act or thing that—

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building.

(6) The following provisions apply in relation to the Council's consideration of any application for planning approval involving a place on the Heritage List—

- (a) In considering any application for planning approval or other proposal which may affect a place within the Heritage List, the Council shall have regard to—
 - (i) the provisions of the Scheme;
 - (ii) the relevant Precinct Plan; and
 - (iii) any planning policy.
- (b) The Council may, in considering any application that may affect a place in Management Category A or B of the Heritage List, solicit the views of the Heritage Council of Western Australia and any other relevant bodies, and shall take those views into account when determining the application.
- (c) Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to considering an application for planning approval for any proposed development affecting a place in Management Category A, B or C of the Heritage List.
- (d) Development involving demolition or significant alteration to a place in Management Category A or B of the Heritage List shall not be permitted. Where development is proposed on a Category C place, such development shall not be permitted unless a heritage assessment is first carried out and the assessment determines that the place is not of such cultural heritage significance as to warrant retention.

(7) In addition to any other requirement of the Scheme, where proposed development may affect a place in Management Category A or B of the Heritage List, the Council may require an applicant seeking planning approval to provide one or more of the following to assist the Council in its determination of the application—

- (a) street elevations showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application;
- (b) a plan of the proposed development site showing existing and proposed ground levels, and the location, type and height of all existing structures and of all existing vegetation exceeding 2.0 metres in height, and identifying any existing structures and vegetation proposed to be removed;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and

**NOTE ON
CLAUSE 6.11 (5) —**
Refer also to clause 3.3(4) relating to use of land.

- (d) any other information which the Council indicates that it considers relevant.
- (8) (a) Where desirable to facilitate the conservation or enhancement of a place on the Heritage List, the Council may, when considering an application for planning approval, grant a variation from any provision of the Codes or the Scheme relating to—
 - (i) plot ratio;
 - (ii) setbacks;
 - (iii) open space;
 - (iv) car parking;
 - (v) landscaping; and
 - (vi) average and minimum site area per dwelling;and may permit residential Uses not otherwise permitted.
- (b) The Council shall not grant any such variation, unless—
 - (i) the Council is satisfied that the proposed development adequately safeguards the integrity of that place;
 - (ii) an assessment has been undertaken to determine the extent of restoration work required with respect to the listed place;
 - (iii) where restoration work is required, the planning approval is conditional upon that work being undertaken by the owner who would benefit from such variation; and
 - (iv) the proposal has been advertised in accordance with clause 7.3 and the Council is satisfied that the variation will not adversely affect the amenity of the locality.
- (9) Where the Council grants a variation under sub-clause (7), the Council may enter into an agreement with an owner who would benefit from the variation. The agreement shall specify the owner's obligations and may require memorials to be noted on the relevant Certificate of Title.

6.12 Signs

- (1) For the purpose of this Scheme, the erection, placement or display of signs or the use of land or buildings for any such purpose is development requiring, except as otherwise provided in sub-clause (2), planning approval in addition to any licence required pursuant to Council's Local Law relating to Signs, Blinds, Awnings, Advertisement Hoardings and Bill Posting.
- (2) Subject to the provisions of the Main Roads (Control of Advertising) Regulations, 1996, planning approval is not required in respect of signs which are—
 - (a) 'for sale' or 'to let' signs;
 - (b) erected on construction sites to provide details of the proposed development and of the building designers and contractors;
 - (c) not visible from any street;
 - (d) temporary as determined by Council;
 - (e) required by Government agencies;
 - (f) of a size not considered by the Council to necessitate approval; or
 - (g) deemed by a planning policy not to require approval.
- (3) Roof-mounted signs are prohibited.
- (4) Applications for planning approval for any sign shall be accompanied by such details as may be specified in a planning policy.
- (5) Signs which—
 - (a) were lawfully erected, placed or displayed prior to the gazettal of this Scheme; or
 - (b) are permitted to be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the gazettal of this Scheme,may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval.
- (6) When determining an application for planning approval for a sign, the Council shall examine the application in the light of the objectives of the Scheme and the precinct, and with particular regard to the character, amenity, historic or landscape significance and traffic safety, within the locality.
- (7) For the purpose of this clause, the term 'the advertiser' means the landowner, occupier, licensee or other person or body having an interest in or drawing benefit from the display of the sign concerned.

(8) Where, in the opinion of the Council, a sign has deteriorated to a point where it has an unacceptable impact on amenity or it ceases to be effective for the purpose for which it was erected or displayed, the Council may by notice in writing require the advertiser to repair, repaint or otherwise restore the sign to a standard specified by the Council in the notice, or to remove the sign.

(9) Any notice served in exceptional circumstances pursuant to sub-clause (8) shall be served upon the advertiser and shall specify—

- (a) the sign(s) the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
- (c) the period, being not less than 60 days, within which the action specified shall be completed by the advertiser.

(10) Any person upon whom a notice is served pursuant to this clause may within a period of 60 days from the date of service of the notice, appeal in accordance with Part V of the Act and pursuant to clause 9.5, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known by the Council and thereafter the notice shall have effect according to that decision.

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

6.13 Tree Preservation

(1) In this clause, unless the context otherwise requires—

‘cut’ includes prune, lop, damage, injure or, interfere with; and

‘tree’ includes a group of trees or other vegetation.

(2) In addition to any trees which are required to be preserved pursuant to a condition of planning approval—

- (a) the Council may order the preservation and maintenance of a tree pursuant to this clause, having regard to the tree’s—
 - (i) aesthetic quality;
 - (ii) historical association;
 - (iii) rarity; or
 - (iv) other characteristic which in the opinion of the Council makes the tree worthy of preservation; and
- (b) the Council may, from time to time, amend or repeal an order made under this sub-clause.

(3) (a) The Council shall record, in a Register of Tree Preservation Orders, a list of the trees subject to orders under this clause.

(b) A copy of the Register shall be—

- (i) kept at the offices of the Council; and
- (ii) made available for public inspection during office hours.

(4) Where, under this clause—

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

- (i) give notice of the proposed order, or the proposed amendment or repeal of the order, to the owner and occupier of the land on which the tree is located; and
- (ii) invite the owner and occupier of that land to make written submissions to the Council about the proposed order, or the proposed amendment or repeal of the order, within 14 days or such further period as the Council may determine;

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

(c) the Council makes or amends an order under paragraph (b), the Council, as soon as practicable, shall—

- (i) give notice of the order or amended order to the owner and occupier of the land on which the tree is located; and
- (ii) invite the owner and occupier to make written submissions to the Council about whether the order or amended order should be retained, amended or repealed.

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

- (a) cut, remove or otherwise destroy; or
- (b) cause or permit to be cut, removed or otherwise destroyed;

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

- (6) (a) An application for Council's consent for the purposes of sub-clause (5), shall—
- (i) be in writing;
 - (ii) be signed by the owner or occupier of the land upon which the tree is situated;
 - (iii) where the Council considers it necessary and so requires, be accompanied by a report regarding the condition of the tree prepared by a tree surgeon or expert holding qualifications or having experience acceptable to the Council; and
 - (iv) specify the work proposed to be done to the tree.
- (b) In respect of an application under paragraph (a), the Council, subject to paragraph (c) may—
- (i) grant consent with or without conditions; or
 - (ii) refuse to grant consent.
- (c) The Council shall not grant consent for work of the kind specified in sub-clause (5) which, if carried out, might result in the destruction of, or permanent harm to, a tree which is the subject of an order, or amended order, under this clause unless—
- (i) the Council certifies in writing that the tree is dangerous; or
 - (ii) the Council or a public authority considers that it is necessary to cut, remove or destroy the tree to provide a public utility or service.
- (d) A consent given by the Council under this clause shall—
- (i) be in writing;
 - (ii) specify the tree to which the consent relates;
 - (iii) specify the work authorised by the consent; and
 - (iv) specify the conditions, if any, to which the consent is subject.
- (e) A copy of a consent by the Council under this clause shall be sent to the owner and occupier of the land on which the tree is located.

6.14 Landscaping Requirements

- (1) Where outstanding landscaping is required under this Scheme or pursuant to a condition imposed by Council on a planning approval—
- (a) such landscaping shall be designed, developed and completed to a standard considered by the Council to be outstanding;
 - (b) such landscaping shall comprise planting and at least one of the following decorative features:
 - (i) rockeries;
 - (ii) water features;
 - (iii) sculpture or other urban artwork; or
 - (iv) other decorative features considered by the Council to enhance the visual quality of the streetscape;
 - (c) such landscaping shall not—
 - (i) be paved other than for vehicular or pedestrian access; or
 - (ii) form part of a private courtyard;
 - (d) such landscaping shall occupy the portion of the site between the primary street boundary and the principal building on that site;
 - (e) no fencing of any kind shall be erected between such landscaping and the primary street boundary. However, the Council may permit appropriate fencing forward of the proposed building along the side boundaries of the site.
- (2) Subject to sub-clause (3), where planning approval has been granted and a minimum area of open space or landscaped area is required, a landscaping plan shall be submitted to the Council showing—
- (a) the location of every building on the site;
 - (b) the layout and location of pedestrian spaces, pavements, grassed areas, areas covered with ground cover planting, organic or inorganic materials, shrubs and garden beds and the location of existing and proposed trees;

NOTES ON CLAUSE 6.14 —

1. Refer also to provision 3.4 Element 4 of the Codes for relevant open space and landscaping requirements not otherwise specified in the Scheme.
2. Refer also to clause 5.1(5) for possible landscaping concession for non-residential uses in non-residential zones.

- (c) the quantity of shrubs to be planted in each landscaped area and the types of existing and proposed trees, specifically identifying those trees recorded in the Register of Tree Preservation Orders;
 - (d) compliance with any prerequisite performance criteria relating to vegetation or landscaping referred to in clause 4.2 and Schedule 3, or any requirement relating to landscaping prescribed in clause 5.4;
 - (e) details of any alterations or proposed alterations to the natural contours of the landscaped areas; and
 - (f) retention of any existing trees or other vegetation or any new planting or other site improvements required pursuant to a condition of planning approval.
- (3) Notwithstanding the provisions of sub-clause (2), in the case of a Single House or minor additions to existing commercial development a landscaping plan is not required unless—
- (a) a planning approval contains a condition relating to the landscaping of the site;
 - (b) compliance with a performance criterion relating to a dual density coding relies upon provision or retention of landscaping of exceptional quality including trees or other nominated features;
 - (c) the development site contains a tree which is registered in accordance with clause 6.13; or
 - (d) the Council wishes to approve the landscaping of the site for any other reason.
- (4) When making a determination on a landscaping plan, the Council may—
- (a) grant approval with or without conditions; or
 - (b) refuse to grant approval.
- (5) Where a landscaping plan is required to be submitted, a person shall not occupy or use any land or building for the approved purpose until—
- (a) the Council has approved the landscaping plan; and
 - (b) the landscaping of the open space or landscaped areas has been completed in accordance with the approved plan.
- (6) Every open space area or landscaped area shall be maintained in good order and condition and in accordance with the landscaping plan approved by the Council. No person shall alter the landscaping depicted on the approved plan without first having applied for and obtained written approval from the Council.

6.15 Telecommunications Infrastructure

On any land—

- (a) Mobile telephone towers and associated equipment buildings shall be sited not less than 300 metres from the nearest residential buildings.
- (b) Mobile telephone towers and associated equipment buildings shall not be sited in undeveloped areas in their natural state unless the applicant is able to satisfy the Council, by way of a management plan, that procedures to be implemented during construction, maintenance and operation of the proposed facility will result in minimal environmental impact.
- (c) Any Telecommunications Infrastructure which does not constitute a low impact facility for the purposes of the Telecommunications Act, 1997 (Commonwealth) shall be installed on or within other existing Telecommunications Infrastructure that is currently used, or intended to be used, for connection to a telecommunications network unless the Council is satisfied that such installation would result in inadequate radio frequency coverage having regard to the carrier's existing network.
- (d) Above ground telecommunications cabling shall not be permitted due to its adverse visual impact. Any telecommunications cabling shall be located underground.

Part VII—Applications for Planning Approval and Procedure for Dealing with Applications

7.1 Requirements for Planning Approval

(1) Subject to clause 7.12, in order to give full effect to the provisions and objectives of this Scheme, all development, including the installation of a Telecommunications Infrastructure or a change in the use of land, except

as otherwise provided, requires the prior planning approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.

(2) The planning approval of the Council is not required for the following development of land—

- (a) The use or development of land reserved pursuant to the Metropolitan Region Scheme.
- (b) The erection of a fence except as otherwise required by the Scheme.
- (c) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
- (d) The carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building unless the building is listed in Management Category A or B of the Heritage List.
- (e) The carrying out of works urgently necessary in the interest of public safety or for the safety or security of plant or equipment or for the maintenance of essential services.
- (f) The construction of a pergola or a swimming pool where no part of the pool is more than 600mm above the surrounding ground level.
- (g) A Home Office.

(3) Notwithstanding that any development by reason of this Scheme does not require the planning approval of the Council, an application must nevertheless be submitted to the Council for referral to the Commission for determination in accordance with the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act, 1959, if the land the subject of the application is wholly or partly within an area duly declared by the Commission to be a planning control area pursuant to Section 35C of the Metropolitan Region Town Planning Scheme Act.

7.2 Application for Planning Approval

(1) Every application for planning approval shall be made on the form contained in Schedule 6 or in the manner prescribed by the Metropolitan Region Scheme and shall be accompanied by such plans and other information as is required by the Scheme, together with the prescribed fee. The application for planning approval must be signed by the owner(s) of the land the subject of the application and by the applicant.

(2) Unless Council waives any particular requirement every application for planning approval shall be accompanied by—

- (a) a plan or plans to a scale of not less than 1:100 showing—
 - (i) street names, lot number(s), north point and the dimensions of the site;
 - (ii) the location and proposed use of the site, including any existing building to be retained and proposed buildings to be erected on the site;
 - (iii) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) the location, number, dimensions and layout of all car parking bays intended to be provided;

NOTE ON

CLAUSE 7.2—

Refer to Schedule 6.

NOTES ON CLAUSE 7.1 (3)—

(1) Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within a regional reserve shall be referred by the Council to the Commission for determination, together with the Council's recommendation thereon. No separate determination of the application shall be made by the Council.

(2) An application for planning approval in respect of land which is wholly within the management area of the Swan River Trust shall be referred by the Council to the Swan River Trust for determination in accordance by the Minister responsible for the Swan River Trust Act, 1988, together with the Council's recommendation thereon. No separate determination of the application shall be made by the Council.

(3) An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is—

- (a) affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme;

- (b) within or partly within a planning control area duly declared by the Commission under Section 35C of the Metropolitan Region Town Planning Scheme Act, 1959, or Section 37B of the Western Australian Planning Commission Act, 1985;
- (c) partly within the management area of the Swan River Trust or which abuts waters that are in that area; or
- (d) affected by a notice of delegation published in the Gazette by the Commission under Section 20 of the Western Australian Planning Commission Act, 1985, and is not a type which may be determined by the Council under that notice;

shall be referred by the Council to the Commission in accordance with the requirements of the Metropolitan Region Scheme and Notice of Delegation. Separate determinations are made by the Council under the Scheme and the Commission under the Metropolitan Region Scheme. Where that Notice of Delegation requires the application to be determined by the Commission, the procedure is as follows—

- (i) One copy of the application and supporting papers submitted by the applicant shall, within seven days of receipt of the application, be forwarded by the Council to the Commission for determination by the Commission pursuant to the provisions of the Scheme and the Metropolitan Region Scheme or the Metropolitan Region Town Planning Scheme Act, 1959; and
- (ii) The Council shall retain the other copy of the application and supporting papers and determine the application in accordance with the provisions of the Scheme; and
- (iii) The Council may, within 42 days of receipt of that application (or such further period as the Commission may allow) forward to the Commission its recommendation as to the manner in which the application should be determined.

NOTES—

- (v) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
- (vi) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
- (vii) the nature and extent of any open space and landscaping proposed for the site and of any existing trees of a height of 2.0 metres or higher;
- (viii) the following details of existing development on adjoining land—
 - (A) the location of any buildings and the location of all windows facing the proposed development;
 - (B) the location of any vehicular accessway, driveway or crossover which Council considers might have an amenity impact on the proposed development;
 - (C) the ground levels of the adjoining land adjacent to the side boundary and the floor levels of buildings located on the adjoining land;
- (ix) the existing contours and proposed finished ground levels of the land relative to the levels of adjoining land, streets, footpaths and street and other vehicle carriageways;
- (x) the floor levels of proposed buildings;
- (xi) details of any retaining walls or embankments required to support any proposed cutting or filling of the existing ground surface;
- (xii) in relation to an application for a building with a boundary wall—
 - (A) details (including elevations and sections) of the proposed wall showing—
 - (I) the length and height of the proposed wall above ground level;
 - (II) the relationship between the proposed wall and the adjoining property, including details of adjoining windows, and areas of private open space; and
 - (B) a shadow diagram showing the effect of the proposed wall on the adjoining property; and
- (xiii) in relation to visual privacy:
 - (A) details of the proposed building, showing all windows or balconies from which an adjoining residential property could be subjected to overlooking;

- (B) details of existing and proposed ground and floor levels, and of elevated outdoor living or pedestrian areas from which an adjoining residential property could be subjected to overlooking;
 - (C) the position of any sensitive areas of an adjoining residential property which could be subjected to overlooking; and
 - (D) details of all screening and other measures proposed to protect visual privacy;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
 - (c) any other plan or information that the Council may reasonably require to enable the application to be determined.

7.3 Advertising of Applications

(1) Where an application is made for planning approval to commence or carry out development which involves a Discretionary Use with Consultation, or where the Council has determined through planning policy or resolution that advertising of a development is required prior to determination, or where advertising is required by any provision of the Scheme, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause (2) of this clause.

(2) Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or both of the following to be carried out—

- (a) Notice of the proposed development to be served on the owners and occupiers likely to be affected by the granting of planning approval stating that submissions may be made to the Council within fourteen days of the service of such notice;
- (b) A sign or signs giving notice of the proposed development to be displayed in a conspicuous position on the land for a period of not less than fourteen days from the date of service of the notice referred to in paragraph (a) of this sub-clause.

(3) The notice referred to in sub-clause (2)(a) shall be in the form prescribed in Schedule 7 with such modifications as circumstances require.

(4) After the expiration of fourteen days from the serving of notice of the proposed development, or the display of a sign or signs, whichever is the later, the Council shall determine the application after having fully considered any submissions resulting from the advertising and all other matters referred to in clause 7.5.

7.4 Consultation with Other Authorities and with Committees

(1) In determining any application for planning approval the Council may consult with any other statutory, public or planning authority and with any other party it considers appropriate.

(2) In the case of land reserved under the Scheme for the purposes of a public authority, the Council shall consult that authority before making its determination.

(3) To assist with determining the merits of a development application made pursuant to this Scheme or the Metropolitan Region Scheme, the Council may establish Committees of specialist or community representatives to provide comment on specific aspects of certain applications.

(4) Where a Committee is established by the Council under this clause and the Council refers an application to that Committee, the Council shall be made aware of and have due regard to the recommendations of the Committee before determining the application.

7.5 Matters to be Considered by Council

In considering an application for planning approval, the Council shall have due regard to, and may impose conditions with respect to, such of the following matters, as are, in the opinion of the Council, relevant to the proposed use or development the subject of the application—

- (a) the objectives and provisions of this Scheme, including the objectives and provisions of a Precinct Plan and the Metropolitan Region Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment which has been granted consent for public submissions to be sought;

NOTE ON CLAUSE 7.3 —

Refer to Schedule 7.

- (c) the provisions of the Residential Design Codes and any other approved Statement of Planning Policy of the Commission prepared under Section 5AA of the Act;
- (d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;
- (e) any approved environmental protection policy under the Environmental Protection Act, 1986;
- (f) any planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;
- (g) in the case of land reserved under the Scheme, the purpose of the reserve;
- (h) the preservation of any object or place of heritage significance that has been entered in the Register within the meaning of the Heritage of Western Australia Act, 1990, or which is included in the Heritage List under clause 6.11, and the effect of the proposal on the character or appearance of that object or place;
- (i) the preservation of the amenity of the locality;
- (j) all aspects of design of any proposed development, including but not limited to, height, bulk, orientation, construction materials and general appearance;
- (k) the potential adverse visual impact of exposed plumbing fittings in a conspicuous location on any external face of a building;
- (l) the height and construction materials of retaining walls on or near lot boundaries, having regard to visual impact and overshadowing of lots adjoining the development site;
- (m) the need for new or replacement boundary fencing having regard to its appearance and the maintenance of visual privacy upon the occupiers of the development site and adjoining lots;
- (n) the extent to which a proposed building is visually in harmony with neighbouring existing buildings within the focus area, in terms of its scale, form or shape, rhythm, colour, construction materials, orientation, setbacks from the street and side boundaries, landscaping visible from the street, and architectural details;
- (o) the cultural significance of any place or area affected by the development;
- (p) any social issues that have an effect on the amenity of the locality;
- (q) the topographic nature or geographic location of the land;
- (r) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (s) whether the proposed access and egress to and from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvre and parking of vehicles on the site;
- (t) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) any relevant submissions received on the application, including those received from any authority or committee consulted under clause 7.4;
- (x) any other planning considerations which the Council considers relevant.

7.6 Impact Assessment Report

Before considering an application for planning approval, the Council may require an Impact Assessment Report addressing any or all of the matters referred to in clause 7.5 and any issues in the relevant Precinct Plan. Any such Impact Assessment Report is required to demonstrate that the application for planning approval is complying with the objectives for the precinct in which the development will be situated.

7.7 Redesign and Additional Information

Having considered the matters referred to in clause 7.5 and any Impact Assessment Report which may be required pursuant to clause 7.6, the Council may, in respect of an application for planning approval—

- (a) request revisions to the design of, or additional information relating to the proposal, addressing any aspects which are not to the Council's satisfaction; and
- (b) defer further consideration and determination of the application pending receipt of the revised design or additional information.

7.8 Discretion to Permit Variations from Scheme Provisions

(1) (a) Subject to sub-clause (2), if a development the subject of an application for planning approval does not comply with site requirements prescribed by the Scheme with respect to—

- (i) minimum lot area;
- (ii) plot ratio;
- (iii) setbacks;
- (iv) open space;
- (v) car parking;
- (vi) landscaping; and
- (vii) related matters;

the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

(b) The power conferred by this sub-clause may only be exercised if the Council is satisfied that—

- (i) approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;
- (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and
- (iii) the proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct Plan for that precinct.

(2) The power conferred by sub-clause (1) of this clause shall not be exercised by the Council with respect to—

- (a) Building Height Limits referred to in clause 6.2;
- (b) development requirements for certain lots referred to in clause 5.4; and
- (c) the requirements prescribed under the Residential Design Codes.

7.9 Determination of Applications for Planning Approval

(1) Planning approval shall not be granted for any proposed development of land unless the Council considers that the proposal will be satisfactory in relation to the matters referred to in clause 7.5 which the Council considers to be relevant.

(2) In determining an application for planning approval, after having given due consideration to the matters referred to in clause 7.5 the Council may—

- (a) grant planning approval with or without conditions; or
- (b) refuse to grant planning approval.

(3) As soon as practicable after making a determination in relation to an application for planning approval, the Council shall convey its determination to the applicant in the form prescribed in Schedule 8 and the date of that determination shall be the date recorded on the Schedule 8 Notice as the date of the Council's determination.

(4) Where the Council grants planning approval, that approval—

- (a) shall require substantial commencement of the development within 24 months from the date of approval or such other period as Council may nominate;
- (b) shall lapse if the development is not substantially commenced within the time period referred to in paragraph (a).

(5) Subject to sub-clause (6), where Council has granted planning approval, that approval shall have unlimited validity if the development is substantially commenced within the nominated time period.

**NOTE ON
CLAUSE 7.9 —**
Refer to Schedule 8.

- (6) (a) If, at any time after the granting of planning approval for a Home Occupation or for an application for Student Housing, the Council is of the opinion that the development—
- (i) has not been, or is not being, carried out in accordance with—
 - (A) the planning approval;
 - (B) a condition of planning approval; or
 - (C) this Scheme;
 - (ii) is causing, or has caused, a nuisance or annoyance to neighbours or owners or occupiers of land in the neighbourhood; or
 - (iii) is having, or has had, an adverse effect on the residents or amenity of other property in the neighbourhood,
- the Council may give to the owner or occupier of the premises a notice in writing requiring the owner or occupier, or both, within the period specified in the notice, to take or refrain from taking the action set out in the notice.
- (b) If the notice referred to in paragraph (a) is not complied with within the period specified in the notice, the Council may, without further notice to the owner or occupier, amend or revoke the planning approval.
- (7) (a) Where a planning approval has been issued under this Scheme and remains current, an application in writing may be made requesting the Council to reconsider that approval in relation to—
- (i) varying the conditions of the approval; or
 - (ii) extending the period of validity of the approval nominated pursuant to sub-clause (4) with the maximum permissible extension of that period being 12 months,
- without the need for a new application for planning approval to be lodged.
- (b) Where, pursuant to paragraph (a), the Council reconsiders a planning approval, the appeal provisions of the Act and clause 9.5 of the Scheme shall apply from the date on which the Council determines that request for reconsideration.

7.10 Informal Preliminary Support for Proposed Development

- (1) If an applicant requests informal preliminary support for a proposed development, that request shall be regarded as such and shall not constitute an application for planning approval for the purposes of clause 7.2 or any other provision of the Scheme.
- (2) A request for informal preliminary support for a proposed development—
- (a) shall be submitted in the form of a letter addressed to a delegated officer together with any plans and supporting information; and
 - (b) shall not be submitted in the form prescribed in Schedule 6.
- (3) The Council may consider and respond to a request for informal preliminary support for a proposed development and such response—
- (a) shall be issued in the form of a letter addressed to the applicant; and
 - (b) shall not be issued in the form prescribed in Schedule 8.
- (4) In a response issued pursuant to sub-clause (3), the Council may indicate—
- (a) its informal preliminary support for the proposed development;
 - (b) matters which the applicant should consider prior to the submission of an application for planning approval pursuant to clause 7.2; or
 - (c) its opposition to the proposed development.
- (5) Any response by the Council in relation to a request for informal preliminary support for a proposed development—
- (a) shall not constitute a planning approval for the purposes of clause 7.9 or any other provision of the Scheme;
 - (b) shall not constitute a consent, permission, approval or other authorisation for the purposes of section 8A or any other provision of the Act; and
 - (c) shall not be subject to appeal pursuant to clause 9.5 of the Scheme or section 8A or any other provision of the Act.
- (6) Any response by the Council in relation to a request for informal preliminary support for a proposed development shall not in any way bind

the Council or fetter its discretion when dealing substantively with an application for planning approval concerning the same development as proposed in the request for informal preliminary support for that proposed development.

7.11 Deemed Refusal

(1) Subject to sub-clause (2), an application for planning approval shall be deemed to have been refused for the purpose of generating a right of appeal pursuant to clause 9.5 where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the Council's receipt of the application.

(2) An application for planning approval which is the subject of a notice under clause 7.3 shall be deemed to have been refused for the purpose of generating a right of appeal pursuant to clause 9.5 where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the Council's receipt of the application.

(3) Notwithstanding that an application for planning approval may be deemed to have been refused under sub-clauses (1) or (2), the Council may issue a determination in respect of the application at any time after the expiry of the 60 day or 90 day period as the case may be, prescribed by those sub-clauses.

7.12 Approval of Existing Development

(1) The Council may grant planning approval to a development already commenced or completed regardless of when it was commenced or completed. Such planning approval shall have the same effect for all purposes as if it had been granted prior to the commencement or completion of the development. However, planning approval shall not be granted pursuant to this clause unless or until the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the requirement for prior approval imposed by clause 7.1.

(2) The application to the Council for approval under sub-clause (1) shall be made in the form prescribed in Schedule 6.

(3) A development which was not permissible under this Scheme at the time it was commenced or completed may be approved if at the time of approval under this clause it is permissible.

7.13 Temporary Use

(1) Notwithstanding any other provision of the Scheme, the Council may grant planning approval for land to be used temporarily for a purpose not otherwise permitted by the Scheme provided that—

- (a) notice has been served in accordance with clause 7.3, advising of the nature of, and the time limitation on, the proposed use;
- (b) the Council is satisfied that the proposed temporary use will not have any adverse effect on the residents or amenity of the properties in the precinct; and
- (c) any proposed building to be erected or placed on the land is, in the opinion of the Council, of a temporary or transportable nature.

(2) A planning approval granted by the Council for a temporary use shall be for a period specified by the Council and may contain such conditions as the Council considers necessary to ensure that there is no adverse effect on the amenity of the precinct.

(3) A person shall not undertake the temporary use of land other than in accordance with the provisions of this clause.

(4) If the Council grants planning approval for a temporary use, then upon expiry of the period specified by the Council under sub-clause (2)—

- (a) the temporary use shall cease immediately; and
- (b) any temporary or transportable buildings erected or placed on the land pursuant to the Council's approval shall be immediately removed from the land.

Part VIII—Non-Conforming Use

8.1 Non-Conforming Use Rights

(1) Except as otherwise provided in this Part, no provision of the Scheme shall prevent—

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or

- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit lawfully required to authorise the development to be carried out, was duly obtained and is current.
- (2) A person shall not alter or extend a Non-Conforming Use or erect, alter or extend a building used in conjunction with a Non-Conforming Use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions, objectives and requirements contained in the Scheme.
- (3) Notwithstanding any other provisions of the Scheme, the Council may grant planning approval for the change of use of any land from a Non-Conforming Use to another use not otherwise permitted by this Scheme if the proposed use, in the opinion of the Council, does not detract from the amenity of the locality.
- (4) Any proposal under sub-clause (3) shall be advertised in accordance with the provisions of clause 7.3.
- (5) When a Non-Conforming Use of any land or building has been discontinued for a period of six months or more, such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme, unless the Council determines that an alternative use not otherwise permitted by this Scheme may be approved which meets the objectives of the precinct in which the land is situated. Planning approval for any such alternative use shall not be granted until the proposed use has been advertised in accordance with the provisions of clause 7.3.
- (6) The Council may effect the discontinuance of a Non-Conforming Use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.
- (7) Except where provided for by the Scheme including within a Precinct Plan, if any building is, at the gazettal date, being used for a Non-Conforming Use, and is subsequently destroyed or damaged to an extent of 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the building shall not be repaired or rebuilt, altered or added to for the purpose of being used for a Non-Conforming Use or in a manner or position not permitted by the Scheme, except with the planning approval of the Council.
- (8) Notwithstanding the provisions of sub-clause (7), where the destruction of a building previously being used for a Non-Conforming Use occurs on a site where the lawful uses are substantially different from the Non-Conforming Use, the Council may, at its discretion, consider the redevelopment of the site as if it were a change of use under sub-clause (3) if the Council has been provided with sufficient information to be satisfied that—
- (a) there would be substantial financial hardship associated with redevelopment of the site from the Non-Conforming Use to a use which may otherwise be permitted by this Scheme; and
 - (b) the proposed development is not justifiably opposed by affected residents; and
 - (c) the unique nature, location or circumstances of the site warrant approval; and
 - (d) the development meets the Scheme objectives.

Part IX—Administration

9.1 Powers of the Council

- (1) In implementing the Scheme the Council has the following powers—
- (a) The Council may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
 - (b) The Council may acquire any land or buildings within the Scheme area pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- (2) A delegated officer may at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

9.2 Offences

A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area—
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

9.3 Compensation

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

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

9.4 Election to Purchase and Valuation

(1) If, where compensation for injurious affection is claimed under the Act, the Council elects to purchase or take the land compulsorily the Council shall give written notice to that effect to the claimant within 3 months of the claim for compensation being made.

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

9.5 Rights of Appeal

(1) Subject to sub-clause (2), an applicant aggrieved by a determination of the Council in respect of the exercise of a discretionary power under the Scheme may appeal under Part V of the Act.

(2) The right of appeal referred to in sub-clause (1) does not apply with respect to any determination of the Council made for the purposes of clause 7.10.

9.6 Planning Policies

(1) The Council may prepare a planning policy which may make a provision for any matter related to the planning or development of the Scheme area and which may be prepared so as to apply—

- (a) generally or in a particular class of matter or in particular classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind a planning policy so prepared.

(2) A planning policy shall become operative only after the following procedures have been completed—

- (a) The Council having prepared and adopted a draft planning policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme area giving details

NOTES ON CLAUSE 9.2—

Section 10(4) of the Act provides that a person who—

- (a) *contravenes or fails to comply with the provisions of a town planning scheme; or*
- (b) *commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,*

is guilty of an offence.

Penalty: \$50 000, and a daily penalty of \$5 000.

NOTE ON CLAUSE 9.4 —

Section 13 of the Act empowers the Council to purchase or compulsorily acquire land comprised in a Scheme.

- of where the draft planning policy may be inspected, the subject and nature of the draft planning policy, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
 - (c) The Council shall review the draft planning policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft planning policy with or without modification, or not to proceed with the draft planning policy.
 - (d) Following final adoption of a planning policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.
- (3) The Council shall keep copies of any planning policy with the Scheme documents for public inspection during normal office hours.
- (4) An amendment or addition to a planning policy may be made after the planning policy has become operative and shall be made in the same manner as provided for the making of a planning policy in sub-clause (2).
- (5) A planning policy may be rescinded by—
- (a) preparation or final adoption of a new planning policy pursuant to this clause, specifically worded to supersede an existing planning policy; or
 - (b) publication of a formal notice of rescission by the Council once in a local newspaper circulating in the district.
- (6) A planning policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the planning policy and the objectives which the planning policy is designed to achieve before making its decision.
- (7) Any planning policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.
- (8) For the purposes of this clause, the following shall be deemed to be planning policies made pursuant to this Scheme—
- (a) Local Housing Strategy;
 - (b) Local Commercial Strategy;
 - (c) Precinct Plans; and
 - (d) Heritage List.

9.7 Delegation

- (1) The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or to the Chief Executive Officer, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- (2) The Chief Executive Officer may delegate to any employee of the Council the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under sub-clause (1).
- (3) The exercise of the power of delegation under sub-clause (1) requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.
- (4) Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

9.8 Amendments to the Scheme

- (1) The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.
- (2) The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and the Town Planning Regulations, 1967, made pursuant to the Act and shall give consideration to any application to have the Scheme amended.
- (3) In the case of a proposed amendment to the zoning of land other than an amendment requested by the owner, the Council shall, before initiating any

NOTE ON

CLAUSE 9.7—

Sections 58 and 59 of the Interpretation Act, 1984, also apply to this power of delegation.

amendment to the Scheme, invite comment from the owner of the land concerned.

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

9.9 Notice for Removal of Certain Buildings and Unauthorised Uses

(1) Any notice given by the Council under Section 10(1) of the Act shall be a twenty-eight (28) days' written notice sent by registered post to the owner and the occupier (if any) of the land affected by the notice.

(2) The Council may recover expenses under Section 10(2) of the Act in any manner in which the Council is from time to time entitled to recover rates levied by the Council.

Table 1
Zoning—Land Use

Refer to Clause 3.3

ZONES	Residential	District Centre Commercial	Mends Street Centre Commercial	Neighbourhood Centre Commercial	Highway Commercial	Mixed Use Commercial	Local Commercial	Public Assembly	Private Institution	Technology Park
RESIDENTIAL USES										
Single House	P	X	X	X	X	P	D	P	P	D
Ancillary Accommodation	P	X	X	X	X	P	D	X	X	D
Grouped Dwelling	P	D	D	D	D	P	D	D	D	D
Multiple Dwelling -		D	D	D	D	P	X	D	D	D
—in areas coded R40 or lower	X									
—in areas coded R50 or higher	P									
Aged or Dependent Persons' Dwelling	D	X	D	X	X	P	X	D	P	D
Single Bedroom Dwelling	D	D	D	D	D	P	D	D	D	D
Residential Building	DC	D	D	D	D	P	X	D	P	D
Student Housing	DC	X	X	X	X	X	X	D	D	D
Bed and Breakfast Accommodation	DC	D	D	D	DC	P	DC	DC	DC	X
Home Business	X	X	X	X	X	X	X	X	X	X
Home Occupation	D	D	D	D	D	P	D	X	X	X
Home Office	P	P	P	P	P	P	P	P	P	X
NON-RESIDENTIAL USES										
Aged or Dependent Persons' Amenities	D	X	X	X	X	P	X	D	P	X
Café / Restaurant	DC	P	P	P	D	DC	DC	DC	DC	P
Child Day Care Centre	DC	D	D	X	X	DC	X	DC	P	P
Cinema / Theatre	X	D	D	DC	DC	X	X	DC	DC	D
Civic Use	DC	P	P	P	D	X	X	X	X	P
Club Premises	X	D	D	DC	DC	X	X	DC	P	DC
Consulting Rooms	DC	P	P	P	DC	D	DC	X	P	P

ZONES	Residential	District Centre Commercial	Mends Street Centre Commercial	Neighbourhood Centre Commercial	Highway Commercial	Mixed Use Commercial	Local Commercial	Public Assembly	Private Institution	Technology Park
	NON-RESIDENTIAL USES									
Convenience Store	X	P	P	D	D	X	X	X	X	X
Educational Establishment	DC	X	X	X	D	D	X	DC	P	D
Family Day Care	DC	X	X	X	X	DC	X	X	X	X
High Level Residential Aged Care Facility	DC	X	X	X	X	X	X	X	P	X
Hospital	DC	X	X	X	X	X	X	X	P	X
Hotel	X	D	D	DC	DC	X	X	X	X	X
Indoor Sporting Activities	X	D	D	DC	DC	X	X	DC	D	D
Industry—Light	X	X	X	X	DC	X	X	X	X	DC
Industry—Service	X	P	P	P	P	X	D	X	X	P
Local Shop	DC	P	P	P	D	DC	P	X	P	DC
Market	X	D	D	D	X	X	X	DC	DC	X
Mixed Development	D	D	D	D	D	D (1)	D	D	D	D
Motor Vehicle and Equipment Hire	X	X	X	X	DC	X	X	X	X	X
Motor Vehicle and Marine Sales Premises	X	X	X	X	DC	X	X	X	X	X
Motor Vehicle Wash	X	D	D	X	D	X	X	X	X	X
Night Club	X	D	D	X	DC	X	X	X	DC	X
Office	X	P	P	D	D	D	D	X	X	P
Public Parking Station	X	P	P	P	DC	X	X	X	X	X
Public Utility	D	P	P	P	P	P	P	P	P	P
Radio and Television Installation	X	D	D	D	D	DC	DC	DC	D	DC
Reception Centre	X	D	D	X	DC	X	X	X	DC	X
Religious Activities	DC	X	X	X	X	X	X	DC	DC	X
Research and Development	X	D	D	DC	DC	X	X	X	X	P
Restricted Premises	X	X	X	X	X	X	X	X	X	X
Service Station	X	D	D	DC	DC	X	X	X	X	X
Shop	X	P	P	D	D	X	D	X	X	DC
Showroom	X	D	D	D	D	X	X	X	X	X
Take-Away Food Outlet	X	P	P	P	DC	DC	DC	X	X	P
Tavern	X	D	D	DC	DC	X	X	X	X	X
Telecommunications Infrastructure	D	D	D	D	D	D	D	D	D	D
Tennis Court (Private)	DC	D	D	DC	X	DC	X	DC	D	D
Tourist Accommodation -		D	D	DC	DC	DC	X	X	X	X
—in areas coded R40 or lower	X									
—in areas coded R50 or higher	DC									
Veterinary Clinic	DC	D	D	D	DC	DC	DC	X	X	X

FOOTNOTES—

(1) Refer to clause 5.1(3)(a) for particular requirements relating to Mixed Development in the Mixed Use Commercial Zone.

NOTE (Refer to Clause 3.3 (3) —

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

Table 2
Setbacks from Specified Streets for
Residential Uses
Refer to Clauses 4.3(1)(g) and 4.7

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

NOTES —

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

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

Table 3
Development Requirements for
Non-Residential Uses in
Non-Residential Zones

Refer to Clause 5.1

Zone	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries (1), (2)	Minimum Landscaped Area (7) (% of site)
District Centre Commercial	Mixed Development— Residential component of Mixed Development: 0.50	1.75	Street - 1.5m Rear - 4.5m (3) Side - Nil
	Other Non-Residential	1.50	10%

Zone	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries (1), (2)	Minimum Landscaped Area (7) (% of site)
Mends Street Centre Commercial	Mixed Development: 1.75 Residential component of Mixed Development, other than in the area bounded by Mends Street, Mill Point Road and Labouchere Road: 0.5	Street - 1.5m Rear - 4.5m (3) Side - Nil	10%
	Other Non-Residential: 1.50		
Neighbourhood Centre Commercial	Mixed Development or other Non-Residential: 0.75	Street (4) - 1.5m average Other - Nil	15%
Mixed Use Commercial	New office building: 0.30	In R60/80: Street - 6.0m for a building less than 10.5m in height; or - 9.0m for a building more than 10.5m in height. Rear - As per Tables 2a and 2b and Figure 3 of the Codes (5) but not less than 4.0m. Side - As per Tables 2a and 2b and Figure 3 of the Codes (5) In R80/100: Street - 9.0m Other - As per Tables 2a and 2b and Figure 3 of the Codes (5)	20%
	Single House conversion for Office use with refurbishment: 0.50, or the plot ratio of the house, whichever is the greater.		
	Expansion and refurbishment of purpose-built Office building constructed prior to gazettal of the Scheme: 0.75		
	Mixed Development (6) : 0.75		
Highway Commercial	Mixed Development or other Non-Residential: 0.50	Street - Refer to Table 5 Rear - 4.5m (3) Side - Nil	15%
Local Commercial	Mixed Development or other Non-Residential: 0.50	Street - 1.5m Other - Nil	10%
Public Assembly	Mixed Development or other Non-Residential: 0.50	Street - 7.5m Other - 4.5m	25%
Private Institution	Mixed Development or other Non-Residential: 0.60	Street - 7.5m Other - 4.5m	25%
Technology Park	0.50	Street - 7.5m Other - 4.5m	25%

FOOTNOTES—

- (1) Refer to Table 5 for setbacks from specified streets for non-residential uses.
- (2) Refer to clause 5.1(4)(a) relating to setbacks where adjoining land in the Residential zone.
- (3) Refer to clause 5.1(4)(b) relating to possible setback reduction.
- (4) Refer to clause 5.1(4)(c) relating to possible street setback reduction.
- (5) Refer to the definition of 'habitable room' in Schedule 1.
- (6) Refer to clause 5.1(3) relating to possible plot ratio bonus.
- (7) Refer to clause 5.1(5) relating to possible reduction of landscaped area.

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

Refer to Clause 5.2

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area (1) (% of site)	Other Development Requirements
Café/Restaurant	0.5	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	25%	<ol style="list-style-type: none"> 1. Maximum permissible patrons' seating in areas coded R40 or lower : 30 seats. 2. Car parking : Refer to clause 6.3 and Table 6.
Child Day Care Centre	Not applicable	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	40%	<ol style="list-style-type: none"> 1. Maximum number of children : 30 unless otherwise approved by the Council. 2. Image and external appearance : To be in keeping with existing residential character of the street. 3. Car parking : Refer to clause 6.3 and Table 6. 4. Location : Child Day Care Centres will only be approved on land abutting the following designated streets (or portions thereof): <ol style="list-style-type: none"> (a) Angelo Street; (b) Barker Avenue (between Canning Highway and Talbot Avenue); (c) Canning Highway (between Henley Street and Gwentyfred Road) subject to requirement (7); (d) Challenger Avenue; (e) Coode Street (between South Terrace and Mill Point Road); (f) Douglas Avenue (between Canning Highway and George Street); (g) George Street; (h) Labouchere Road (between Judd Street and Alston Avenue); (i) Ley Street (between Paterson Street and Henley Street); (j) Mill Point Road (between Onslow Street and Way Road); (k) South Terrace (between Labouchere Road and Douglas Avenue); (l) Talbot Avenue; (m) Welwyn Avenue (between Manning Road and Hope Avenue).

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area (1) (% of site)	Other Development Requirements
Child Day Care Centre (...continued)				<ol style="list-style-type: none"> 5. Sites adjoining schools, public open space, or other non-residential uses are preferred. 6. Corner sites : In the case of any corner site which has a frontage onto a designated street and another street, such site will only be considered suitable for a Child Day Care Centre if the building faces the designated street. If the building faces the other street, the site will not be considered by Council to be located on a designated street except in the case of properties on Canning Highway. When considering any application involving a corner site, Council's assessment will place a strong emphasis on the effect of increased traffic and parking on the other street. 7. Canning Highway : Child Day Care Centres will generally not be permitted on sites having frontage to Canning Highway unless— <ol style="list-style-type: none"> (a) the site is a corner property; (b) vehicular access is confined to a street other than Canning Highway; and (c) the intersection is not controlled by traffic lights. 8. Suitable Premises : Converted Single House or purpose built building. 9. Minimum indoor playing space : as per the Community Services (Child Care) Regulations 1988 or guidelines (currently 3.25m² per child together with an additional 1m² for each child up to 2 years of age). 10. Minimum outdoor playing space : as per the Community Services (Child Care) Regulations 1988 or guidelines (currently 9.3m² per child). 11. Signs : No sign advertising a Child Day Care Centre is permitted other than one sign not more than 700mm wide and 500mm high attached to the front screen wall of the centre may be permitted. Signs for a Child Day Care Centre located on a corner site will only be permitted on the frontage which faces the designated street.
Civic Use	Not applicable	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	25%	Council shall determine in each case.

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area (1) (% of site)	Other Development Requirements
Consulting Rooms	Not applicable	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	25%	<ol style="list-style-type: none"> 1. Minimum lot area : 900m². 2. Minimum lot frontage : 20m. 3. Car parking : Refer to clause 6.3 and Table 6. 4. Maximum number of practitioners in areas coded R15 or R20 : 1. 5. Maximum number of practitioners in areas coded R25 and above : 2. 6. Consulting Rooms will not be approved on land abutting local roads. 7. Location : Consulting Rooms will only be approved on land abutting the following distributor roads (or portions thereof)— <ol style="list-style-type: none"> (a) Angelo Street; (b) Canning Highway subject to requirement (8) for this use; (c) Coode Street (between South Terrace and Mill Point Road); (d) Douglas Avenue (between Vista Street and Mill Point Road); (e) George Street; (f) Henley Street (between Robert Street and Clydesdale Street); (g) Labouchere Road (between Angelo Street and Thelma Street); (h) Ley Street; (i) Manning Road; (j) Mill Point Road (between Darley Street and Douglas Avenue); (k) South Terrace (between Campbell Street and Labouchere Road); (l) Welwyn Avenue (between Manning Road and Hope Avenue); 8. Consulting Rooms will not be permitted on sites having frontage to Canning Highway, unless— <ol style="list-style-type: none"> (a) the site is a 'corner' property; (b) vehicular access is confined to a side street only; and (c) in the case of sites located at traffic light controlled intersections, Council is satisfied that Consulting Room use will not give rise to vehicular conflict or disruption to existing traffic movements.

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area (1) (% of site)	Other Development Requirements
Educational Establishment	Not applicable	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	25%	Car parking : Refer to clause 6.3 and Table 6.
Family Day Care	Not applicable	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	40%	1. Suitable dwellings : Single House or Grouped Dwelling. 2. Maximum number of facilities per development : 1. 3. Minimum external playing space : 40m ² with a minimum dimension of 6m.
High Level Residential Aged Care Facility	R15 or R20 : 0.5 R25 or more: 0.75	Street - 6.0m Other - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	40%	Must be situated adjacent to a public park or recreation reserve or contain adequate recreational facilities on site as determined by Council.
Hospital	0.75	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	40%	Car Parking : Refer to clause 6.3 and Table 6.
Local Shop	Not applicable	Not applicable	Not applicable	Car Parking : Refer to clause 6.3 and Table 6.
Religious Activities	0.50	Street - 6.0m Rear - 6.0m Side - 4.5m	25%	Place of public worship or other places of public assembly : Noise attenuation may be required.
Tennis Court (Private) (continued...)	Not applicable	Not applicable	Not applicable	1. Lighting — (a) shall not be illuminated between the hours of 10.30pm and 7.00am on any day unless with the prior written permission of the Council;

Use	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area (1) (% of site)	Other Development Requirements
Tennis Court (Private) (...continued)				<p>(b) shall be installed, operated and maintained to the satisfaction of the Council so as to avoid detrimentally affecting adjoining premises by reason of light glare or spillage. No alternative or replacement lighting system shall be installed or operated unless it can be demonstrated to the satisfaction of the Council that such system will have no greater impact than the system originally permitted;</p> <p>(c) resulting from direct, reflected and other incidental light emanating from the site shall not exceed 10 lux measured in the horizontal plane 1.5m outside the boundary of the site.</p> <p>2. Prior to the commencement of use, the applicant shall provide written certification from a suitably qualified lighting engineer that the lights have been installed, baffled, focused and tested so as to ensure that they will perform as required.</p> <p>3. Use shall be confined strictly to private use by family members and invited guests.</p>
Tourist Accommodation (2)	R50 : 0.50 R60 : 0.55 R80 : 0.75 R100 : 1.00	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	25%	Car parking : Refer to clause 6.3 and Table 6.
Veterinary Clinic	Not applicable	Street - 6.0m Rear - 6.0m Side - As prescribed in Tables 2a and 2b and Figure 3 of the Codes for residential Uses	25%	<p>1. Car parking : Refer to clause 6.3 and Table 6.</p> <p>2. Maximum number of practitioners in areas coded R15 or R20 : 1.</p> <p>3. Maximum number of practitioners in areas coded R25 and above : 2.</p>

FOOTNOTES—

(1) Refer to clause 5.1 (5) relating to possible reduction of landscaped area.

(2) Refer to clause 5.2 (3) relating to prohibition of Tourist Accommodation in areas coded R40 or below.

Table 5
Setbacks from Specified Streets for
Non-Residential Uses

Refer to Clause 5.3

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

Table 6
Car and Bicycle Parking

Refer to Clauses 6.3 and 6.4

Uses	Minimum Required Parking Bays	
	Cars	Bicycles
District Commercial Centre* Industry—Service, Office, Shop	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Mends Street Commercial Centre * Industry—Service, Office, Shop	1 per 17m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Neighbourhood Commercial Centre * Industry—Service, Office, Shop	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Highway Commercial Centre * Industry—Service, Office, Shop	1 per 20m ² gross floor area	1 per 200m ² gross floor area for staff and / or visitors
Local Commercial Centre * Industry-Service, Office, Shop	1 per 25m ² gross floor area	1 per 100m ² gross floor area for staff and / or visitors
* Uses listed above within the specified Commercial Centres are subject to the respective parking requirement nominated for those Centres. Car parking for all other Uses in those Centres shall be provided in accordance with the requirements listed below.		
Café/Restaurant	1 per 5m ² of dining area	1 per 40m ² of dining area for visitors

Uses	Minimum Required Parking Bays	
	Cars	Bicycles
Child Day Care Centre	1 per required employee; plus 1 per 10 children permitted to receive care	Not applicable
Cinema/Theatre	1 per 5m ² of auditorium area	1 per 50m ² of auditorium area
Consulting Rooms	1 for every 19m ² of gross floor area with a minimum of 6; plus 1 for every person employed on the premises	1 per practitioner
Educational Establishment— Primary School Secondary School	1.5 per classroom	1 per 4 students 1 per 2 students
Family Day Care	Nil beyond normal residential parking provision	Not applicable
High Level Residential Aged Care Facility	1 per 3 beds	1 per 10 beds for staff and / or visitors
Hospital	1 per bed	1 per 10 beds, for staff and / or visitors
Hotel	1 per bedroom; plus 1 per 3m ² of public floor space used as bars, lounges, dining and function areas, beer gardens, and areas used predominantly for games	1 per 25m ² bar floor area; and 1 per 100m ² of lounge, dining and function areas, beer gardens, and areas used predominantly for games
Local Shop	1 per 25m ² gross floor area	1 per 25m ² gross floor area for visitors
Mixed Development— Dwellings designed for occupation by persons who would ordinarily occupy an Aged or Dependent Persons' Dwelling - Dwellings containing a living room and no more than one other habitable room which is possible to use as a bedroom— Other Dwellings - Non-residential uses -	1 per dwelling As prescribed by the Residential Design Codes for Single Bedroom Dwellings Occupiers: 2 per dwelling; plus Visitors: 1 per every 5 dwellings or part thereof, with a minimum of 2 bays; plus As prescribed elsewhere in this Table	Not applicable Not applicable Not applicable Not applicable As prescribed elsewhere in this Table
Motor Vehicles and Marine Sales Premises	1 per 100m ² of outdoor vehicle display area; plus 1 per 100m ² gross floor area	Not applicable
Night Club	1 per 5m ² gross floor area	Not applicable
Office	1 per 25m ² gross floor area of which not less than 10% with a minimum of 2 bays shall be reserved for visitors	Staff: 1 per 200m ² gross floor area; and Visitors: 1 per 750m ² gross floor area
Reception Centre	1 per 5m ² gross floor area	Not applicable
Religious Activities	1 per 5m ² gross floor area	1 per 40m ² gross floor area for visitors
Residential: Single House; Grouped Dwelling;	As prescribed by the Residential Design Codes	Not applicable

Uses	Minimum Required Parking Bays	
	Cars	Bicycles
Multiple Dwelling; Aged or Dependent Persons' Dwelling; Single Bedroom Dwelling.		
Student Housing	Residents: As determined by the Council. Visitors: Up to 2 dwellings: 2 3 to 5 dwellings: 3 6 to 8 dwellings: 4 9 to 13 dwellings: 5 14 dwellings and above: 1 per 4 dwellings	Not applicable
Tavern	1 per 3m ² of public floor space used as bars, lounges, dining and function areas, beer gardens, and areas used predominantly for games	1 per 25m ² bar floor area; and 1 per 100m ² of lounge, dining and function areas, beer gardens, and areas used predominantly for games
Tourist Accommodation	1 per unit or bedroom; plus 1 per 5m ² of dining area	1 per 20 units or bedrooms
Veterinary Clinic	1 per 19m ² gross floor area with a minimum of 6; plus 1 per person employed on the premises	Not applicable

—————
Schedule 1
Definitions

Refer to Clause 1.10

In this Scheme—

'absolute majority' : has the same meaning as given to it in the *Local Government Act, 1995* (as amended).

'Act' : means the *Town Planning and Development Act, 1928* (as amended).

'Additional Use' : means a use permitted under clause 3.4.

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

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

(a) is aged 55 years or more; or

(b) has a recognised form of handicap requiring special accommodation;

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

'Ancillary Accommodation' : has the same meaning as 'ancillary accommodation' in the Residential Design Codes.

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

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

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

'Bed and Breakfast Accommodation' : means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

- 'boundary wall'** : means a wall of a building or of an attached or detached outbuilding appurtenant to the building, located on a side or rear lot boundary.
- 'Building Height Limit'** : means the maximum permissible height of a building as depicted on the Building Height Limit Maps, and measured pursuant to clause 6.2.
- 'Café/Restaurant'** : means any land or building used primarily for the preparation and serving of meals or refreshments for consumption on the premises.
- 'carrier'** : has the same meaning as in the *Telecommunications Act, 1997 (Commonwealth)* (as amended).
- 'Child Day Care Centre'** : means any land or building used for the daily or occasional care of children in accordance with the *Community Services (Child Care) Regulations 1988* (as amended or replaced from time to time) but does not include a Family Day Care.
- 'Cinema/Theatre'** : means any land or building where the public may view a motion picture or theatrical production.
- 'City'** : means the municipality of the City of South Perth.
- 'Civic Use'** : means any land or building used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.
- 'Club Premises'** : means any land or building used by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act, 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
- 'coding' or 'density coding'** : means the residential density applicable to land as indicated on the Scheme Maps.
- 'Commission'** : means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act, 1985* (as amended).
- 'conservation'** : shall have the same meaning as that given to it from time to time in the *Heritage of Western Australia Act, 1990* (as amended).

NOTE ON 'CONSERVATION' :

As reprinted on 1 June 2001, the Heritage of Western Australia Act defined 'conservation' to mean, in relation to any place, the management of that place in a manner that will—

- (a) enable the cultural heritage significance of that place to be retained; and*
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place,*

and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting.

- 'Consulting Rooms'** : means premises used by a health consultant for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).
- 'Convenience Store'** : means any land or building used for the sale by retail of both petrol and goods commonly sold in supermarkets, delicatessens and newsagencies.
- 'corrective institution'** : means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
- 'Council'** : means the Council of the City of South Perth.
- 'cultural heritage significance'** : shall have the same meaning as that given to it from time to time in the *Heritage of Western Australia Act, 1990* (as amended).

NOTE ON 'CULTURAL HERITAGE SIGNIFICANCE' :

As reprinted on 1 June 2001, the Heritage of Western Australia Act defined 'cultural heritage significance' to mean, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations.

- 'delegated officer'** : means an officer of the Council, to whom the Council has delegated all or some of its powers under this Scheme, by way of a resolution passed pursuant to clause 9.7.
- 'development'** : shall have the same meaning as that given to it from time to time in the Act but shall also include signs and, in relation to any place entered on the Heritage List, any act or thing that—
- (a) is likely to change the character of the place or the external appearance of any building; or
 - (b) would constitute an irreversible alteration to the fabric of any building.

NOTE ON 'DEVELOPMENT' :

As reprinted on 19 December 2000, the Act defined 'development' to mean—

"the development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works, and in the case of a place to which a

Conservation Order made under section 59 of the Heritage of Western Australia Act, 1990, applies, also includes any act or thing that—

- (a) *is likely to change the character of that place or the external appearance of any building; or*
- (b) *would constitute an irreversible alteration of the fabric of any building.”*

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

- (a) a request for informal preliminary support for a proposed development; or
- (b) an application for planning approval.

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

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

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

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

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

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

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

- (a) subsequent extensions which increase the effective height of the original barrier, whether attached to or detached from the structure or hedge; and
 - (b) a structure or hedge forming a barrier between a lot and a thoroughfare or reserve;
- but does not include any structural part of a building.

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

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

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

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

‘gross floor area’ : means the area of all floors of a building measured from the outer faces of external walls, but the term does not include any balcony.

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

- (a) the natural ground level as identified on drawings pertaining to the most recently approved development on the subject land; or
- (b) where natural ground level cannot be identified, the level determined by the Council to be the ground level; or
- (c) a level of 1.7 metres above Australian Height Datum where the ground has been filled or is required by the Scheme to be filled, to such level.

‘Grouped Dwelling’ : has the same meaning as ‘grouped dwelling’ in the Residential Design Codes.

‘habitable room’ —

- (a) in relation to residential dwellings, has the same meaning as given to it in and for the purpose of the Residential Design Codes; or
- (b) in relation to any non-residential building or part of a building, means a room or space occupied frequently or for extended periods by staff or visitors, and excludes the areas of any lobbies, lift shaft, stair, toilet, bathroom, kitchen, lunch room, store area, storage room, plant room, passage and any rooms not having a major opening or any area within the building used for parking of vehicles or for vehicular access.

‘height’ —

- (a) for the purpose of determining boundary setbacks for residential development, has the same meaning as given to it in and for the purpose of the Residential Design Codes; or

- (b) for the purpose of determining compliance of a building with the prescribed Building Height Limit, means the vertical distance from a point at ground level under the building, to the top of the highest external wall, calculated in accordance with the provisions of clause 6.2.

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

'Heritage List' : means the Heritage List referred to in clause 6.11.

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

'Home Business' : means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

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

'Home Occupation' : means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than one person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 30 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature other than infrequently;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a Single House or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 1 tonne tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;
- (h) does not involve the preparation or sale of foodstuffs;
- (i) does not involve the breeding, keeping or selling of any animal;
- (j) does not involve the storage of goods, merchandise, materials, equipment or supplies other than within a building.

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

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling.

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

'Hotel' : means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act, 1988* (as amended), with or without a betting agency situated on that land or within those buildings, operated in accordance with the *Totalisator Agency Board Betting Act, 1960* (as amended), but does not include Tourist Accommodation.

'Impact Assessment Report' : means a report prepared in accordance with clause 7.6.

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

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

- (a) the storage of goods;

- (b) the work of administration or accounting;
 - (c) the selling of goods by wholesale or retail; or
 - (d) the provision of amenities for employees,
- incidental to any of those industrial operations.
- ‘Industry—Light’ or ‘Light Industry’** : means an industry in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- ‘Industry—Service’ or ‘Service Industry’** : means a light industry conducted on land or in a building which may have a shop front and which involves any or all of the following activities—
- (a) the manufacture of goods for sale only on the premises;
 - (b) the laundering, dry cleaning, servicing or repair of goods; and
 - (c) the receiving of goods to be laundered, dry cleaned, serviced or repaired elsewhere.
- ‘informal preliminary support’** : means written informal preliminary support for a proposed development issued pursuant to clause 7.10.
- ‘Karawara Redevelopment Area’** : means that portion of the Scheme area designated Karawara Redevelopment Area in Schedule 4.
- ‘land’** : includes air stratum titles, messuages, tenements and hereditaments and any estate in the land, and houses, buildings, works and structures, in or upon the land.
- ‘Local Commercial Strategy’** : means the Planning Policy entitled ‘Local Commercial Strategy’ made pursuant to clause 9.6.
- ‘Local Housing Strategy’** : means the Planning Policy entitled ‘Local Housing Strategy’ made pursuant to clause 9.6.
- ‘Local Road’** : means a road reserved as a Local Road pursuant to clause 2.2(1)(a) of the Scheme.
- ‘Local Scheme Reserve’** : means any land reserved for a public purpose under this Scheme.
- ‘Local Shop’** : means a shop with a gross floor area not exceeding 100 square metres, used primarily for the sale of daily grocery needs and may include the sale of take-away food.
- ‘lot’** : shall have the same meaning given to the term in and for the purposes of the Act.
- ‘Main Roads Western Australia’** : means the Commissioner of Main Roads together with his officers and employees appointed under the *Main Roads Act (WA), 1930* (as amended).
- ‘Market’** : means any land or building used for the display and sale of goods from stalls by independent vendors.
- ‘Metropolitan Region Scheme’** : means the Metropolitan Region Scheme made pursuant to the *Metropolitan Region Town Planning Scheme Act, 1959* published in the *Government Gazette* of August 9, 1963 and as amended from time to time.
- ‘Minister’** : means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning.
- ‘Mixed Development’** : means any land or building used for the purpose of both:
- (a) one or more dwellings; and
 - (b) one or more non-residential uses;
- which are permissible within the applicable zone, but the term does not include a Home Business, a Home Occupation or a Home Office.
- NOTE ON ‘MIXED DEVELOPMENT’** —
- Refer also to clause 5.1 (3).*
- ‘motel’** : means any land or building used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act, 1988* (as amended).
- ‘Motor Vehicle and Equipment Hire’** : means any land or building used for the hiring out of equipment or motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.
- ‘Motor Vehicle and Marine Sales Premises’** : means any land or building used for the display and sale of new or second hand motor-cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of vehicles sold from the site.
- ‘Motor Vehicle Wash’** : means any land or building where vehicles are washed and cleaned by or primarily by mechanical means.
- ‘Multiple Dwelling’** : has the same meaning as ‘multiple dwelling’ in the Residential Design Codes.
- ‘net lettable area’ or ‘NLA’** : means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas—
- (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;

- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; and
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

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

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

'Non-Conforming Use' : means any use of land or building which was lawful immediately prior to the coming into operation of this Scheme, but which is not in conformity with any provision of this Scheme which deals with a matter specified in clause 10 of the First Schedule of the Act.

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

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

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

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

'owner' : in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity—

- (a) is entitled to an estate in fee simple in the land; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- (c) is a lessee or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

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

'pergola' : means a structure comprising only columns and an open-roofed framework but may include roof sheeting of a transparent or translucent nature.

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

'place' : means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes—

- (a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

'planning approval' : means a planning approval granted pursuant to the provisions of this Scheme.

'plot ratio' : means the ratio of the gross total of the areas of all floors of a building, to the area of land within the lot boundaries excluding the area of any land proposed to be excised for road widening purposes, and in calculating the gross total of the areas of all floors—

- (a) in relation to any residential dwelling, the floor area is measured in the manner defined in the Residential Design Codes; and
- (b) in relation to any non-residential building or part of a building, the floor area is measured from the inner faces of external walls, and does not include the area of any lift shaft, toilet, stairs, plant room, kitchen, lunch room, store area, storage room, passage and any area within the building used for parking of vehicles or for vehicular access.

'plot ratio area' : means the floor area of a building as calculated in accordance with the definition of 'plot ratio'.

- 'plumbing fittings'** : means all pipes, meters and other apparatus used for or in connection with the supply of gas and water and all pipes, cisterns, traps, syphons, vent pipes and all other apparatus connected with the working of any sewerage drain.
- 'policy'** or **'planning policy'** : means a formally structured set of provisions adopted by resolution of the Council pursuant to the Scheme or deemed to have been made under the Scheme enabling the Council to implement town planning processes, respond to particular kinds of development proposals, and address a wide range of design issues, in a consistent manner.
- 'porte cochère'** : means a roofed structure providing shelter and extending out from an entrance to a building, designed to give weather protection for people travelling by vehicle to or from that entrance.
- 'portico'** : means a roofed structure providing shelter to an entrance to a building and the term includes a shelter detached from but leading to that entrance.
- 'precinct'** : means one of the 14 precincts within the City created pursuant to clause 3.2.
- 'Precinct Plan'** : means a planning policy entitled 'Precinct Plan' made pursuant to clause 9.6, being one of 14 such plans, containing the objectives, applicable to development within the precinct.
- 'Prohibited Use'** : means a Use in respect of which the symbol 'X' appears in the cross-reference in Table 1.
- 'public authority'** : shall have the same meaning as given to it in and for the purposes of the Act.
- 'Public Parking Station'** : means any land or building used primarily for public car parking but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale.
- 'Public Utility'** : means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
- 'Radio and Television Installation'** : means any land or building used for the transmission, relay and reception of signals and pictures for commercial purposes.
- 'Reception Centre'** : means any land or building used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.
- 'Religious Activities'** : means services or activities provided or conducted by a religious body or institution in connection with public worship, the State Emergency Services, children's crafts, the promotion of health, geriatric supportive care, youth training and welfare and similar community services undertaken within a building designed and equipped for such activities.
- 'Research and Development'** : means scientific and industrial research and the development, production and assembly of products associated with such research undertaken on any land or within a building designed and equipped for such activities.
- 'Residential Building'** : has the same meaning as 'residential building' in the Residential Design Codes.
- 'Residential Design Codes'** or **'Codes'** : means the Residential Design Codes published as the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time.
- 'residential development'** : means development of land for a residential Use.
- 'residential Use'** or **'residential'** : means a Use or combination of Uses listed in Table 1 within the category entitled 'Residential Uses'.
- 'Restricted Premises'** : means any land or building, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—
- (a) publications that are classified as restricted publications pursuant to the *Censorship Act, 1996* (as amended); or
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
- 'Schedule'** : means a schedule to the Scheme.
- 'Scheme'** or **'the Scheme'** or **'this Scheme'** : means the City of South Perth Town Planning Scheme No. 6.
- 'Scheme Maps'** : means the two sets of maps respectively identified as—
- (a) the Zoning Maps (Sheets 1 to 14) depicting the reservation of certain land for public purposes and the zoning and density coding of the remaining land within the Scheme area; and
 - (b) the Building Height Limit Maps (Sheets 1 to 14) depicting the maximum permissible heights of buildings.

- 'sensitive area'** : means any enclosed private courtyard, swimming pool area, barbecue, outdoor eating or entertaining area, or a window of a kitchen or other habitable room. The term does not include extensive back gardens other than the portions used in the manner described above, nor does it include front gardens, windows, balconies or the like, which are visible from the street.
- 'serviced apartment'** : means an apartment which is one of a group of two or more apartments on the same lot, used, furnished and equipped to be used on a temporary basis in a manner similar to a Grouped Dwelling or Multiple Dwelling, for which laundry and cleaning services are provided, with or without other ancillary amenities.
- 'Service Station'** : means any land or building used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, and minor mechanical and electronic repairs to motor vehicles but does not include any land or building used for panel beating, spray painting, major repairs or wrecking.
- 'Shop'** : means premises used for the sale of goods by retail, for the hire of goods, or to provide hairdressing or beauty therapy services and the like, but does not include a Showroom or any other uses specifically defined elsewhere in this Scheme.
- 'Showroom'** : means any land or building used for the display, sale by wholesale or retail, or for the hire of goods of a bulky nature including automotive spare parts, carpets, large electrical appliances, furniture, or hardware, but does not include the sale by retail of goods commonly sold in supermarkets, delicatessens or newsagencies, china, glassware or small kitchenware items, items of apparel, or items of personal adornment.
- 'sign'** : means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, conveying a message, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, with or without words.
- 'Single Bedroom Dwelling'** : has the same meaning as 'single bedroom dwelling' in the Residential Design Codes.
- 'Single House'** : has the same meaning as 'single house' in the Residential Design Codes.
- 'Student Housing'** : means a building provided and maintained by an Educational Establishment, religious or charitable body for and used exclusively as a place of residence by the students or by the students and staff of an educational establishment and their immediate families.
- 'Table'** : means a table to the Scheme.
- 'Take-Away Food Outlet'** : means any land or building used primarily for the preparation and sale of meals for consumption off the premises.
- 'Tavern'** : means any land or building the subject of a Tavern Licence granted under the provisions of the *Liquor Licensing Act, 1988* (as amended).
- 'Telecommunications Infrastructure'** : means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.
- 'telecommunications network'** : has the same meaning as in the *Telecommunications Act, 1997 (Commonwealth)* (as amended).
- 'Tennis Court (Private)'** : means land used by the occupiers of a dwelling on the same lot or an adjoining lot, for tennis games and practice. The term includes any ancillary fencing, lighting and other improvements.
- 'Tourist Accommodation'** : means any land or building used for human habitation on a temporary basis, with ancillary amenities such as Café / Restaurant, laundry and cleaning services. The term includes motel and serviced apartment and the like, but does not include Hotel, Residential Building or Bed and Breakfast Accommodation.
- 'Twenty-three Hour Recovery Care Unit'** : means a portion of the building known as the Perth Surgicentre situated at Lot 101 (No 38) Ranelagh Crescent, South Perth, where patients may remain for recovery and care for a maximum period of twenty-three hours following surgical or other treatment performed on the premises.
- 'Veterinary Clinic'** : means any land or building used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
- 'Western Australian Planning Commission'** : means the Western Australian Planning Commission established by section 4 of the *Western Australian Planning Commission Act, 1985* (as amended).
- 'zone'** : means a portion of the Scheme area shown on the Scheme Maps by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions other than building height limits imposed by the Scheme on the use and development of land, but does not include reserved land.

Schedule 2
Additional Uses

Refer to Clause 3.4

Item No.	Particulars of Land					Permitted Additional Use	Development Requirements	
	Street Name	Street No.	Lot No.	Location No.	Precinct		Maximum Plot Ratio	Requirements other than Plot Ratio
1.	Brandon Street	53	45	Swan 38 a	Precinct 6 : Kensington	Shop	0.09	Minimum number of car parking bays : Refer to Table 6.
2.	Canning Highway NW Cnr Way Road	29	48	Swan 37	Precinct 5 : Arlington	Offices	0.25	1. Minimum setback from Canning Highway : 4.0m. 2. Minimum number of car parking bays : Refer Table 6.
3.	Edgecumbe Street	3	327	Canning 37	Precinct 10 : McDougall Park	Car parking incidental to the car sales and servicing use on Lot 220 (No. 464) Canning Highway, Como	Not applicable	Extent of Use : The additional use is applicable only to the portion of the lot extending 8.0 metres eastwards from the western (rear) boundary of the site.
4.	Fortune Street	27	44	P389	Precinct 3 : South Perth Civic	Hospital car park	Not applicable	As determined by the Council having regard to the matters listed in clause 7.5.
5.	Lockhart Street	96	221	Canning 37	Precinct 10 : McDougall Park	Car parking incidental to the car sales and servicing use on Lot 220 (No. 464) Canning Highway, Como	Not applicable	Extent of Use : The additional use is applicable only to the portion of the lot extended eastwards from a point 30.0m from the western (street) boundary of the site.

Item No.	Particulars of Land					Permitted Additional Use	Development Requirements	
	Street Name	Street No.	Lot No.	Location No.	Precinct		Maximum Plot Ratio	Requirements other than Plot Ratio
6.	Ranelagh Crescent	38	101	Swan 39	Precinct 4 : Hurlingham	Twenty-Three Hour Recovery Care Unit	0.06	<ol style="list-style-type: none"> 1. Duration of stay : Patients are not permitted to remain on the premises following treatment for longer than 23 hours. 2. Minimum number of car parking bays : 27. 3. Hours of operation — <ul style="list-style-type: none"> • Admissions—7.00am to 6.00pm Monday to Friday; • Operating Theatre Use—8.00am to 5.00pm Monday to Friday; • Visiting Times—6.00pm to 8.00pm Monday to Friday; • Discharge Times— <ul style="list-style-type: none"> - up to 8.30pm Monday to Friday; and - up to 4.00pm Saturday.
7.	Third Avenue	3	1	Swan 38b	Precinct 6 : Kensington	Squash Courts	0.67	<ol style="list-style-type: none"> 1. Minimum landscaped area : Refer to Table 3 for Local Commercial zone. 2. Minimum setbacks : Refer to Table 3 for Local Commercial zone. 3. Minimum number of car parking bays : Refer to clause 6.3 (2).

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

Refer to Clause 4.2

3.1 Application of Performance Criteria

Precinct 1—Mill Point**(1) Dual Density Coding R60/80**

The Council may permit a site to be developed at a density exceeding R60 to a maximum of R80 where any 4 or more of the following 8 Performance Criteria are met to the Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R80 under the No. 5 Scheme. [NOTE: Refer to Objective (a) below.]	
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]	
	(iii)	The site accommodates or is adjoined on at least two boundaries by lots containing a purpose-built office development. [NOTE: Refer to Objective (c) below.]	
	(iv)	The site has a boundary to Judd Street. [NOTE: Refer to Objective (d) below.]	
	(v)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]	
Design Quality Criteria	(vi)	All occupiers' car parking is provided under cover, is situated no closer to any street than any wall of the main building, and is concealed from view from any street. [NOTE: Refer to Objective (h) below.]	
	(vii)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]	
	(viii)	Outstanding landscaping is provided in accordance with the provisions of clause 6.14(1). [NOTE: Refer to Objective (j) below.]	

Precinct 1—*continued*

(2) Dual Density Coding R80/100

The Council may permit a site to be developed at a density exceeding R80 to a maximum of R100 where any 4 or more of the following 8 Performance Criteria are met to Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R100 under the No. 5 Scheme. [NOTE: Refer to Objective (a) below.]
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]
	(iii)	The site accommodates or is adjoined on at least two boundaries by lots containing a purpose-built office development. [NOTE: Refer to Objective (c) below.]
	(iv)	The site has a boundary to the Mends Street Centre Zone or is between Harper Terrace and Fraser Lane, east of Mill Point Road. [NOTE: Refer to Objective (d) below.]
	(v)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]
Design Quality Criteria	(vi)	All occupiers' car parking is provided under cover, is situated no closer to any street than any wall of the main building, and is concealed from view from any street. [NOTE: Refer to Objective (h) below.]
	(vii)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]
	(viii)	Outstanding landscaping is provided in accordance with the provisions of clause 6.14(1). [NOTE: Refer to Objective (j) below.]

Precinct 2—South Perth Central**(1) Dual Density Coding R15/30**

The Council may permit a site to be developed at a density exceeding R15 to a maximum of:

(a) R30, where any 7; or

(b) R25, where any 6;

or more of the following 10 Performance Criteria are met to Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]	
	(ii)	The site is adjoined on at least one boundary by a non-residential use. [NOTE: Refer to Objective (c) below.]	
	(iii)	The site has a boundary to Coode Street. [NOTE: Refer to Objective (d) below.]	
	(iv)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]	
	(v)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]	
Design Quality Criteria	(vi)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]	
	(vii)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. [NOTE: Refer to Objective (k) below.]	
	(viii)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]	
	(ix)	The proposal incorporates retention of at least one appropriate tree. [NOTE: Refer to Objective and Interpretation (m) below.]	
	(x)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.]	

Precinct 2—*continued*

(2) **Dual Density Coding R15/50**

The Council may permit a site to be developed at a density exceeding R15 to a maximum of:

- (a) R50, where any 6; or
- (b) R40, where any 5; or
- (c) R30, where any 4;

or more of the following 10 Performance Criteria are met to Council’s satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]	
	(ii)	The site is adjoined on at least one boundary by a non-residential use. [NOTE: Refer to Objective (c) below.]	
	(iii)	The site has a boundary to Coode Street. [NOTE: Refer to Objective (d) below.]	
	(iv)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]	
	(v)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]	
Design Quality Criteria	(vi)	Visitors’ car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]	
	(vii)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. [NOTE: Refer to Objective (k) below.]	
	(viii)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]	
	(ix)	The proposal incorporates retention of at least one appropriate tree. [NOTE: Refer to Objective and Interpretation (m) below.]	
	(x)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.]	

Precinct 2—continued

(3) Dual Density Coding R25/40

The Council may permit a site to be developed at a density exceeding R25 to a maximum of:

- (a) R40, where any 8; or
- (b) R30, where any 7;

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

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R40 or higher under the No. 5 Scheme. [NOTE: Refer to Objective (a) below.]	
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]	
	(iii)	The site is adjoined on at least one boundary by a non-residential use. [NOTE: Refer to Objective (c) below.]	
	(iv)	The site has a boundary to Angelo Street or Labouchere Road. [NOTE: Refer to Objective (d) below.]	
	(v)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]	
	(vi)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]	
Design Quality Criteria	(vii)	Visitors’ car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]	
	(viii)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. [NOTE: Refer to Objective (k) below.]	
	(ix)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]	
	(x)	The proposal incorporates retention of at least one appropriate tree. [NOTE: Refer to Objective and Interpretation (m) below.]	
	(xi)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.]	
	(xii)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. [NOTE: Refer to Objective and Interpretation (o) below.]	

Precinct 4—Hurlingham**(1) Dual Density Coding R15/40**

The Council may permit a site to be developed at a density exceeding R15 to a maximum of:

- (a) R40, where any 7; or
- (b) R30, where any 6;

or more of the following 12 Performance Criteria are met to Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R40 or higher under the No. 5 Scheme. <i>[NOTE: Refer to Objective (a) below.]</i>
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>
	(iii)	The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>
	(iv)	The site has a boundary to Mill Point Road.. <i>[NOTE: Refer to Objective (d) below.]</i>
	(v)	The site has a boundary to a Park and Recreation Reserve. <i>[NOTE: Refer to Objective (d) below.]</i>
	(vi)	The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>
	(vii)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>
Design Quality Criteria	(viii)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. <i>[NOTE: Refer to Objective (i) below.]</i>
	(ix)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. <i>[NOTE: Refer to Objective (k) below.]</i>
	(x)	The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>
	(xi)	The proposal incorporates retention of at least one appropriate tree. <i>[NOTE: Refer to Objective and Interpretation (m) below.]</i>
	(xii)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>

Precinct 4—continued**(2) Dual Density Coding R20/40**

The Council may permit a site to be developed at a density exceeding R20 to a maximum of R40, where both of the following Performance Criteria are met to Council's satisfaction:

NOTES :

Design Quality Criteria	(i)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(ii)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	

Precinct 7—Collier**(1) Dual Density Coding R15/20**

The Council may permit a site to be developed at a density exceeding R15 to a maximum of R20, where any 7 or more of the following 10 Performance Criteria are met to Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>	
	(ii)	The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>	
	(iii)	The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>	
	(iv)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>	
Design Quality Criteria	(v)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. <i>[NOTE: Refer to Objective (i) below.]</i>	
	(vi)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. <i>[NOTE: Refer to Objective (k) below.]</i>	
	(vii)	The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>	
	(viii)	The proposal incorporates retention of at least one appropriate tree. <i>[NOTE: Refer to Objective and Interpretation (m) below.]</i>	
	(ix)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>	
	(x)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. <i>[NOTE: Refer to Objective and Interpretation (o) below.]</i>	

Precinct 8—Como Beach

(1) Dual Density Coding R15/25

The Council may permit a site to be developed at a density exceeding R15 to a maximum of:

- (a) R25, where any 7; or
- (b) R20, where any 6;

or more of the following 11 Performance Criteria are met to Council’s satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R25 or higher under the No. 5 Scheme. <i>[NOTE: Refer to Objective (a) below.]</i>
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>
	(iii)	The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>
	(iv)	The site has a boundary to South Terrace. <i>[NOTE: Refer to Objective (d) below.]</i>
	(v)	The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>
	(vi)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>
Design Quality Criteria	(vii)	Visitors’ car parking is provided in excess of the number of bays required by the Residential Design Codes. <i>[NOTE: Refer to Objective (i) below.]</i>
	(viii)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. <i>[NOTE: Refer to Objective (k) below.]</i>
	(ix)	The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>
	(x)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>
	(xi)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. <i>[NOTE: Refer to Objective and Interpretation (o) below.]</i>

Precinct 8—continued

(2) Dual Density Coding R20/30

The Council may permit a site to be developed at a density exceeding R20 to a maximum of R30, where any 7 or more of the following 14 Performance Criteria are met to Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R30 or higher under the No. 5 Scheme. [NOTE: Refer to Objective (a) below.]	
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]	
	(iii)	The site is adjoined on at least one boundary by a non-residential use. [NOTE: Refer to Objective (c) below.]	
	(iv)	The site is situated within the area bounded by Preston Street, Coode Street, Thelma Street, the western boundary of the R20/30 coding, Ednah Street and Labouchere Road. [NOTE: Refer to Objective and Interpretation (d) below.]	
	(v)	The site has a boundary to Canning Highway or South Terrace. [NOTE: Refer to Objective (d) below.]	
	(vi)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]	
	(vii)	The site is situated north of Cale Street. [NOTE: Refer to Objective (g) below.]	
	(viii)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]	
Design Quality Criteria	(ix)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]	
	(x)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. [NOTE: Refer to Objective (k) below.]	
	(xi)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]	
	(xii)	The proposal incorporates retention of at least one appropriate tree. (NOTE: Refer to Objective and Interpretation (m) below.)	
	(xiii)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.]	
	(xiv)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. [NOTE: Refer to Objective and Interpretation (o) below.]	

Precinct 8—*continued*

(3) Dual Density Coding R30/40

The Council may permit a site to be developed at a density exceeding R30 to a maximum of R40, where any 8 or more of the following 12 Performance Criteria are met to Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]
	(ii)	The site is adjoined on at least one boundary by a non-residential use. [NOTE: Refer to Objective (c) below.]
	(iii)	The site is situated within the area bounded by Melville Parade, Ednah Street, Mary Street, the southern boundary of the Neighbourhood Commercial Centre zone, Labouchere Road, Ednah Street, the eastern boundary of the R30/40 coding, Robert Street and Alston Avenue. [NOTE: Refer to Objective and Interpretation (d) below.]
	(iv)	The site has a boundary to Melville Parade or Canning Highway. [NOTE: Refer to Objective (d) below.]
	(v)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]
	(vi)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]
Design Quality Criteria	(vii)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]
	(viii)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. [NOTE: Refer to Objective (k) below.]
	(ix)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]
	(x)	The proposal incorporates retention of at least one appropriate tree. (NOTE: Refer to Objective and Interpretation (m) below.)
	(xi)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.]
	(xii)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. [NOTE: Refer to Objective and Interpretation (o) below.]

Precinct 8—continued

(4) Dual Density Coding R30/50

The Council may permit a site to be developed at a density exceeding R30 to a maximum of:

(a) R50, where any 8; or

(b) R40, where any 7;

or more of the following 13 Performance Criteria are met to Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R50 under the No. 5 Scheme. [NOTE: Refer to Objective (a) below.]	
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]	
	(iii)	The site is adjoined on at least one boundary by a non-residential use. [NOTE: Refer to Objective (c) below.]	
	(iv)	The site has a boundary to Melville Parade, or Eric Street west of Labouchere Road. [NOTE: Refer to Objective (d) below.]	
	(v)	The site is situated within the area bounded by Melville Parade, Gardner Street, Labouchere Road, Comer Street, Coode Street, Preston Street, Labouchere Road, Eric Street, eastern boundary of Comer Reserve and Comer Street. [NOTE: Refer to Objective and Interpretation (d) below.]	
	(vi)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]	
	(vii)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]	
Design Quality Criteria	(viii)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]	
	(ix)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. [NOTE: Refer to Objective (k) below.]	
	(x)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]	
	(xi)	The proposal incorporates retention of at least one appropriate tree. (NOTE: Refer to Objective and Interpretation (m) below.)	
	(xii)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.]	
	(xiii)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. [NOTE: Refer to Objective and Interpretation (o) below.]	

Precinct 9—Como**(1) Dual Density Coding R20/30**

The Council may permit a site to be developed at a density exceeding R20 to a maximum of:

- (a) R30, where any 7; or
- (b) R25, where any 6;

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

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R30 under the No. 5 Scheme. <i>[NOTE: Refer to Objective (a) below.]</i>
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. <i>[NOTE: Refer to Objective and Interpretation (b) below.]</i>
	(iii)	The site is adjoined on at least one boundary by a non-residential use. <i>[NOTE: Refer to Objective (c) below.]</i>
	(iv)	The site has boundaries to two or more public streets. <i>[NOTE: Refer to Objective (f) below.]</i>
	(v)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. <i>[NOTE: Refer to Objective and Interpretation (e) below.]</i>
Design Quality Criteria	(vi)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. <i>[NOTE: Refer to Objective (i) below.]</i>
	(vii)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. <i>[NOTE: Refer to Objective (k) below.]</i>
	(viii)	The proposal involves the amalgamation of two or more lots. <i>[NOTE: Refer to Objective and Interpretation (l) below.]</i>
	(ix)	The proposal incorporates retention of at least one appropriate tree. <i>(NOTE: Refer to Objective and Interpretation (m) below.)</i>
	(x)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>
	(xi)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. <i>[NOTE: Refer to Objective and Interpretation (o) below.]</i>

Precinct 10—McDougall Park**(1) Dual Density Coding R20/30**

The Council may permit a site to be developed at a density exceeding R20 to a maximum of:

- (a) R30, where any 8 ; or
- (b) R25, where any 7;

or more of the following 12 Performance Criteria are met to Council's satisfaction:

NOTES :

Geographic / Historic Criteria	(i)	The site was coded R40 under the No. 5 Scheme. [NOTE: Refer to Objective (a) below.]
	(ii)	The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or redeveloped with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots. [NOTE: Refer to Objective and Interpretation (b) below.]
	(iii)	The site is adjoined on at least one boundary by a non-residential use. [NOTE: Refer to Objective (c) below.]
	(iv)	The site has a boundary to Canning Highway, the western side of Robert Street, Manning Road or Clydesdale Street (north of McDougall Street), or the Kwinana Freeway. [NOTE: Refer to Objective (d) below.]
	(v)	The site has boundaries to two or more public streets. [NOTE: Refer to Objective (f) below.]
	(vi)	At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots. [NOTE: Refer to Objective and Interpretation (e) below.]
Design Quality Criteria	(vii)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. [NOTE: Refer to Objective (i) below.]
	(viii)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers. [NOTE: Refer to Objective (k) below.]
	(ix)	The proposal involves the amalgamation of two or more lots. [NOTE: Refer to Objective and Interpretation (l) below.]
	(x)	The proposal incorporates retention of at least one appropriate tree. (NOTE: Refer to Objective and Interpretation (m) below.)
	(xi)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. [NOTE: Refer to Objective and Interpretation (n) below.]
	(xii)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character. [NOTE: Refer to Objective and Interpretation (o) below.]

Precinct 13—Salter Point**(1) Dual Density Coding R15/20**

The Council may permit a site to be developed at a density exceeding R15 to a maximum of R20, where both of the following Performance Criteria are met to Council's satisfaction:

NOTES :

Design Quality Criteria	(i)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes. <i>[NOTE: Refer to Objective (i) below.]</i>
	(ii)	The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street. <i>[NOTE: Refer to Objective and Interpretation (n) below.]</i>

3.2 Objectives and Interpretations of Performance Criteria

Objectives and interpretations where required, of the Performance Criteria referred to within this Schedule, are listed as follows—

Geographic / Historic Criteria

Performance Criterion	Objective	Interpretation
(a) The site was coded (a nominated density) under the No. 5 Scheme.	To give recognition to, and partially support, landowners' expectations to be able to develop to the higher density which was permissible under the previous Scheme.	N/A
(b) The site is adjoined on at least two boundaries by a lot or lots which: (A) have been re-subdivided or re-developed with; or (B) are the subject of a current Planning Approval for; a greater number of dwellings than previously existed or currently exist on such lots.	To give recognition to the perception that, to some extent, development to the lower density could be inconsistent with the established character of adjoining properties, and therefore partially supports higher density development on the subject site.	(i) The term 'adjoined' does not include a diagonal or 'corner' relationship between a proposed development site and a neighbouring property—the two sites must be adjoined by a length of boundary, although not necessarily the whole length of the boundary. (ii) For the purpose of this criterion, a neighbouring lot which has been redeveloped to a higher density but is separated from the proposed development site by a right-of-way, shall be deemed to be directly adjoining the development site provided that the portion of the right-of-way adjacent to the development site has been identified by Council in the relevant Planning Policy for possible future closure or is the subject of a current closure action. (iii) The term 'previously existed' means a development which has been demolished within a period of six months prior to the date of lodgement, of the relevant application for planning approval.

Performance Criterion	Objective	Interpretation
<p>(c) The site accommodates or is adjoined on at least two boundaries by lots containing a purpose-built office development.</p> <p>OR</p> <p>The site is adjoined on at least one boundary by a non-residential use.</p>	<p>To give recognition to the perception that, to some extent, development to the lower density could be inconsistent with the established character of adjoining properties brought about by the building form or non-residential use of adjoining sites, and therefore partially supports higher density development on the subject site.</p>	<p>(i) The term ‘adjoined’ does not include a diagonal or ‘corner’ relationship between a proposed development site and a neighbouring property—the two sites must be adjoined by a length of boundary, although not necessarily the whole length of the boundary.</p> <p>(ii) For the purposes of these criteria, a neighbouring lot which contains a non-residential use or purpose-built office development, but is separated from the proposed development site by a right-of-way, shall be deemed to be directly adjoining the development site provided that the portion of the right-of-way adjacent to the development site is identified by Council in the relevant Planning Policy for possible future closure or is the subject of a current closure action.</p>
<p>(d) The site has a boundary to <i>(the nominated street, streets, area or zone specified in the Performance Criterion)</i>.</p> <p>OR</p> <p>The site is situated within the area bounded by <i>(the streets nominated in the Performance Criterion)</i>.</p>	<p>To promote slightly higher density development in the vicinity of certain shopping centres, regional recreation reserves, major roads and other streets selected according to their higher order function.</p>	<p>In Precinct 8—Como Beach, the areas identified in—</p> <p>(i) Performance Criterion (iv) of dual coding R20/30;</p> <p>(ii) Performance Criterion (iii) of dual coding R30/40; and</p> <p>(iii) Performance Criterion (v) of dual coding R30/50;</p> <p>are respectively shown on the following locality plan:</p> <div data-bbox="662 1234 1220 2004" data-label="Figure"> </div>

Performance Criterion	Objective	Interpretation
(e) At least 80% of the originally subdivided lots on the same side of the street as the development site and within the same focus area— (A) have been re-subdivided for, or redeveloped with, a greater number of dwellings than were originally constructed on those lots; or (B) are the subject of a current planning approval for a greater number of dwellings than were originally constructed or currently exist on those lots.	To assist towards higher density redevelopment of remnant sites, where surrounding redevelopment has significantly changed the former Single House character of the relevant part of the focus area. In offering such assistance, this criterion acknowledges both the compatibility and equity of higher density development on the remnant sites.	(i) Council deems that the former Single House character of the relevant area has sufficiently changed when 80% of the lots in question have been redeveloped to a higher density. (ii) The term 'focus area' means the section of a street extending from one cross intersection to the next cross intersection, together with the residential properties fronting onto both sides of that section of the street. (iii) In the case of existing re-subdivisions in the focus area, no distinction is made between recent re-subdivisions and earlier re-subdivisions. The criterion only recognises approved subdivisions. (iv) In assessing whether or not 80% of the relevant lots have been re-subdivided, corner lots shall be included irrespective of the orientation of dwellings situated thereon. Where an original corner lot has been subdivided, only the lot or lots with a boundary to the subject street, shall be included within the relevant area. (v) The term 'redeveloped' shall be deemed to include any lots for which a building licence has been issued and remains current, relating to proposed Grouped Dwellings or Multiple Dwellings.
(f) The site has boundaries to two or more public streets.	To give recognition to the advantage of such sites in terms of the ability to disperse vehicular access points, and to address each streetscape in a visually attractive manner.	N/A
(g) The site is situated north of Cale Street.	To assist towards protection of the predominantly low density character of the area south of Cale Street.	N/A

Design Quality Criteria

Performance Criterion	Objective	Interpretation
(h) All occupiers' car parking is provided under cover, is situated no closer to any street than any wall of the main building, and is concealed from view from any street.	To achieve: (i) a higher standard of car parking facilities than normally required in terms of: (A) screening cars from view from streets or upper storeys of buildings; and (B) security and weather protection; and (ii) landscaped frontages on development sites.	N/A

Performance Criterion		Objective	Interpretation
(i)	Visitors' car parking is provided in excess of the number of bays required by the Residential Design Codes.	To reduce reliance upon streets for visitors' parking in order to minimize congestion, safety hazards, and visual intrusion of vehicles on the streetscape.	N/A
(j)	Outstanding landscaping is provided in accordance with the provisions of clause 6.14(1).	To ensure that higher density development within the Mill Point Precinct will be complemented by landscaping features of outstanding aesthetic appeal, the visual quality of which is substantially superior to the normal standard of landscaping in other precincts.	Refer to clause 6.14 (1).
(k)	Car parking is provided in excess of the number of bays required by the Residential Design Codes, not in tandem and at least 4.5 metres from any street boundary of the lot, and these bays are for the sole use of occupiers.	To reduce reliance upon streets for occupiers' parking in order to minimize congestion, safety hazards and visual intrusion of vehicles on the streetscape, while facilitating ease of accessing parking bays.	N/A
(l)	The proposal involves the amalgamation of two or more lots.	To promote the consolidation of larger development sites which offer increased flexibility of building design and site planning.	The term 'amalgamation' of lots refers to the statutory process of combining two or more freehold titles into one title. Performance criterion (l) does not apply to lots created under the <i>Strata Titles Act, 1985</i> .
(m)	The proposal incorporates retention of at least one appropriate tree. (continued...)	While most trees offer environmental benefits in relation to solar screening, bird life habitat and air quality, this criterion particularly encourages the preservation of— (i) those trees which contribute significantly to the greening of the environment due to their prominence when viewed from either neighbouring streets or dwellings; and (ii) the more visually attractive trees; recognising that large and visually attractive trees give the City of South Perth a character which is highly valued by its residents, and one which, in the short term, cannot easily be replaced if destroyed.	(i) The term 'appropriate tree' refers to a tree which, in the opinion of the Council having due regard to the findings of an Arboriculturalist as referred to in paragraph (iii) of this Interpretation, has all of the following attributes— (A) Contribution to streetscape or neighbouring area—a tree located in prominent view from neighbouring streets or dwellings. (B) Attractiveness—a tree which is visually pleasing and has not been insensitively pruned. (C) Size—a tree at least 4 metres in height at the time the current application for planning approval is submitted. (D) Appropriateness of species and location—a tree which will flourish to maturity without detriment to the tree or structural damage to any adjacent building, fence or paving, having regard to space available for roots and foliage canopy.

Performance Criterion	Objective	Interpretation
(continued...)		<p>(E) Health and life expectancy—a tree in good health and which has more than 20 years to the end of its natural life expectancy.</p> <p>(ii) A tree listed in Council's Significant Tree Register is deemed to be an 'appropriate tree' whether or not such listed tree has all of the attributes identified in paragraph (i) of this Interpretation.</p> <p>(iii) To enable the Council to properly consider whether or not a tree has the necessary attributes referred to in paragraph (i), the applicant for planning approval shall provide the Council with an Arboriculturalist's report containing his findings as to whether or not the tree has all of the required attributes. Such report shall be based upon an assessment of proposed development plans which shall be made available to the Arboriculturalist by the applicant. That report shall also specify a minimum tolerable separation between the trunk of the tree under consideration and any building, fence or paving.</p>
(n)	<p>The portion of the site forward of the proposed building and extending to the primary street boundary, incorporates landscaping of exceptional quality, which is highly visible from the street.</p> <p>(continued...)</p>	<p>To encourage exceptional quality and visually accessible landscaping of development sites thereby enhancing the attractiveness of the streetscape.</p> <p>(i) The term 'portion of the site forward of the proposed building and extending to the primary street boundary,' means an area of land used exclusively for landscaping, having a minimum area of 50 square metres and a minimum dimension of 5.0 metres measured in any direction.</p> <p>(ii) The term 'exceptional quality' means landscaping of a standard which the Council considers to be exceptional, comprising the following—</p> <p>(A) reticulated planting including at least one tree with a minimum height of 3.0 metres when planted which, in the opinion of the Council, is likely to grow to a minimum height of 4.0 metres within 12 months; and</p> <p>(B) other decorative landscaping features.</p> <p>(iii) The area referred to in paragraph (i) of this interpretation, shall not:</p> <p>(A) be paved other than for the creation of a pedestrian access path;</p>

Performance Criterion		Objective	Interpretation
	(continued...)		<p>(B) be fenced above a height of 1.0 metre other than by way of open grille type material, extending to a maximum height of 1.8 metres, with the solid components between any supporting piers comprising no more than 20%. The remaining 80% of the space between piers shall be open so as to preserve a clear view of the landscaping and of the building façade; or</p> <p>(C) form part of a private courtyard of a dwelling.</p>
(o)	The proposal incorporates retention and restoration of an existing Single House which displays aesthetically pleasing individual character or contributes significantly to desired streetscape character.	<p>To preserve and enhance—</p> <p>(i) older houses which are visually attractive in their own right, recognising that such houses are valued by the community for the contribution that they make in terms of historical associations and preferred architectural character; and</p> <p>(ii) existing streetscapes which have retained their highly regarded original character.</p>	<p>(i) The term 'retention' means that the whole of the existing house or such major portion thereof as the Council may require, shall be retained. In some cases, the Council may require the demolition of portions of an existing house which detract from its otherwise aesthetically pleasing character.</p> <p>(ii) The term 'restoration' means the carrying out of such improvements as the Council deems necessary to restore the exterior of the existing house to a standard equivalent to, or superior to, its standard at the time of original construction.</p> <p>(iii) The term 'desired streetscape character' means a streetscape, the character of which meets the stated objective of this criterion.</p> <p>(iv) The conclusion as to whether or not an existing Single House—</p> <p>(A) displays aesthetically pleasing individual character; or</p> <p>(B) makes a significant contribution to streetscape character;</p> <p>shall be determined according to the Council's opinion, having regard to the stated objectives of this criterion.</p>

Schedule 4
Karawara Redevelopment Area

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



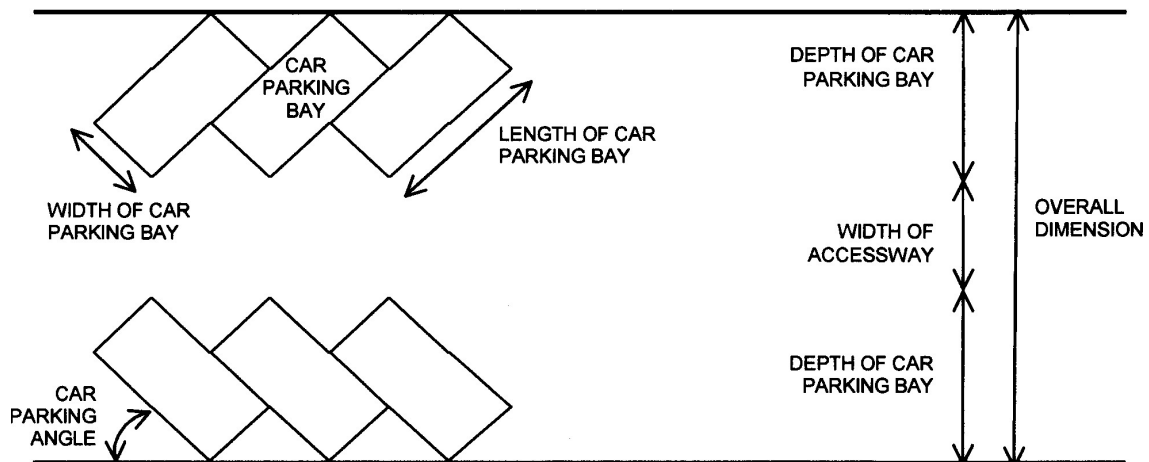
Karawara Redevelopment Area

Schedule 5
Minimum Dimensions of
Car Parking Bays and Accessways

Refer to Clause 6.3 (8)

Car Parking Angle	Width of Car Parking Bay (metres)	Length of Car Parking Bay (metres)	Depth of Car Parking Bay (metres)	Width of Accessway (metres)	Overall Dimension (metres)
0° (parallel parking)	3.00	6.00	3.00	3.00	9.00
30°	2.50	5.50	5.70	3.30	14.70
	2.60	5.50	5.80	3.20	14.80
	2.75	5.50	5.90	3.10	15.00
	2.90	5.50	6.10	3.00	15.20
45°	2.50	5.50	5.70	4.00	15.30
	2.60	5.50	5.70	3.70	15.20
	2.75	5.50	5.80	3.50	15.20
	2.90	5.50	5.90	3.30	15.20
60°	2.50	5.50	6.00	5.00	17.00
	2.60	5.50	6.10	4.90	17.00
	2.75	5.50	6.10	4.70	17.00
	2.90	5.50	6.20	4.50	17.00
75°	2.50	5.50	5.90	5.30	17.20
	2.60	5.50	6.00	5.20	17.10
	2.75	5.50	6.00	5.10	17.10
	2.90	5.50	6.00	5.00	17.10
90°	2.50	5.50	5.50	6.00	17.00
	2.60	5.50	5.50	5.75	16.70
	2.75	5.50	5.50	5.50	16.50
	2.90	5.50	5.50	5.20	16.20

The following diagram illustrates the application of the terms used in the table in Schedule 5—



Schedule 6

Refer to Clause 7.2

Office Use Only:	
Id. No.	Serial No. 11/
Date Received:	Receiving Officer:
File Ref:	Processing Officer:
Planning Fee: \$	Receipt No:

TOWN PLANNING SCHEME NO. 6
Form of Application for Planning Approval

Owner Details	Full Name :
	Address :
	Postcode :
	Phone (Work) — (Home) — (Mobile) :
	Facsimile : E-mail :
	Contact person :
	Signature : Date :
<i>NOTE: The signature of the owner(s) is required on all applications. This application will not proceed until signed.</i>	
Applicant Details	Full Name :
	Address for correspondence :
	Postcode :
	Phone (Work) — (Home) — (Mobile) :
	Facsimile : E-mail :
	Contact person :
	Signature : Date :
Development Site Details	Lot No : House/Street No : Location No :
	Street name : Suburb :
	Nearest street intersection :
	Diagram or Plan No :
	Certificate of Title Vol. No : Folio :
	Title encumbrances (e.g. easements, restrictive covenants) :
	Nature of existing buildings and/or use :
Development Details	Description of proposed development —
	Approximate cost of proposed development :
	Estimated date of substantial commencement :
	Estimated date of completion :

Schedule 7

Refer to Clause 7.3

Office Use Only: Serial No. 11/ ID No.
--

TOWN PLANNING SCHEME NO. 6
 Notice of Public Advertisement
 of Application for Planning Approval

It is hereby notified for public information and comment that the Council of the City of South Perth has received an application for planning approval relating to the proposal described hereunder—

LAND DESCRIPTION

Lot No: **Street No:** **Street Name:**

Proposal:

Your attention is particularly drawn to the following aspects of the proposal—

Details of the proposal are available for inspection at the Civic Centre offices, cnr Sandgate Street and South Terrace, South Perth, during office hours. Comments on the proposal should be submitted to the City in writing by 5.00pm,, 20 .

Should you have any queries, please contact the Council Planning Officer who is processing this application: Phone: 9474 07 Facsimile: 9474 2425, or Email: @southperth.wa.gov.au

Schedule 8

Refer to Clause 7.9

Serial No. 11/
 ID No.
 File Ref:
 Processing Officer:

TOWN PLANNING SCHEME NO. 6
 Notice of Determination of
 Application for Planning Approval

Owner's surname: Other names: Applicant: Address for correspondence: Planning consent for proposed: Lot:

<p>Street number: Street name:</p> <p>Date of application for planning approval: Date of determination of application:</p>
--

<p>IMPORTANT NOTE—</p> <p>This planning approval is NOT an authorisation to commence construction. A building licence must be obtained from Council's Building Services Department prior to commencing any work of a structural nature.</p>
--

SIGNED 1 : _____ DETERMINATION DATED—
for and on behalf of the City of South Perth
Page ... of ... 2

NOTES —

1. *The signature only appears on the final page of the actual Notice of Determination.*
2. *True page numbers will appear on the actual Notice of Determination.*

Serial No. 11/

City of South Perth Town Planning Scheme No. 6
Schedule 8
Notice of Determination of Application for Planning Approval (continued)
Application for planning approval dated—

SIGNED 1 : _____ DETERMINATION DATED—
for and on behalf of the City of South Perth
Page ... of ... 2

NOTES —

1. *The signature only appears on the final page of the actual Notice of Determination.*
2. *True page numbers will appear on the actual Notice of Determination.*

Adoption—

Adopted by resolution of the Council of the City of South Perth at the Meeting of the Council held on 24th day of September 1997.

J. COLLINS, Mayor.

Dated this 20th day of March 2003.

A. C. FREWING, Acting Chief Executive Officer.

Dated this 20th day of March 2003.

Final Approval—

1. ADOPTED FOR FINAL APPROVAL by resolution of the City of South Perth at the Meeting of the Council held on 26th day of November 2002. The Common Seal of the City of South Perth was hereunto affixed pursuant to that resolution in the presence of—

J. COLLINS, Mayor.

Dated this 20th day of March 2003.

A. C. FREWING, Acting Chief Executive Officer.

Dated this 20th day of March 2003.

2. RECOMMENDED/SUBMITTED FOR FINAL APPROVAL by the Western Australian Planning Commission—

R. KOHN, Delegated under S.20 of WAPC Act 1985.

Dated this 2nd day of April 2003.

3. FINAL APPROVAL GRANTED

A. J. MacTIERNAN, MLA, Minister for Planning and Infrastructure.

Dated this 6th day of April 2003.

