



PERTH, FRIDAY, 4 NOVEMBER 2005 No. 206 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 4.00 PM

© STATE OF WESTERN AUSTRALIA

TOWN PLANNING AND DEVELOPMENT ACT 1928

CITY OF ARMADALE

TOWN PLANNING SCHEME

No. 4

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME

City of Armadale

Town Planning Scheme No. 4

Ref: 853/2/22/7

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Armadale Town Planning Scheme No. 4 on 28 October 2005, the scheme text of which is published as a Schedule annexed hereto.

L. REYNOLDS, Mayor.
R. S. TAME, Chief Executive Officer.

SCHEDULE

Table of Contents

PART 1—PRELIMINARY

- 1.1 Citation (and revocation of existing schemes)
- 1.2 Responsible authority
- 1.3 Scheme area
- 1.4 Contents of scheme
- 1.5 Purposes of scheme
- 1.6 Aims of scheme
- 1.7 Definitions
- 1.8 Relationship with local laws
- 1.9 Relationship with other schemes
- 1.10 Relationship with the Metropolitan Region Scheme

PART 2—LOCAL PLANNING POLICY FRAMEWORK

- 2.1 Scheme determinations to conform with local planning strategy
- 2.2 Local planning policies
- 2.3 Relationship of local planning policies to scheme
- 2.4 Procedure for making or amending a local planning policy
- 2.5 Revocation of local planning policy
- 2.6 Pre-existing local planning policies

PART 3—RESERVES

- 3.1 Reserves (Classification)
- 3.2 Regional reserves
- 3.3 Local reserves
- 3.4 Use and development of local reserves

PART 4—ZONES AND THE USE OF LAND

- 4.1 Zones
- 4.2 Objectives of the zones
- 4.3 Zoning table (interpretation)
- 4.4 Interpretation of zoning table
- 4.5 Additional uses
- 4.6 Restricted uses
- 4.7 Special use zones
- 4.8 Non-conforming uses
- 4.9 Extensions and changes to a non-conforming use
- 4.10 Discontinuance of non-conforming use
- 4.11 Termination of a non-conforming use
- 4.12 Destruction of non-conforming use buildings

ZONING TABLE

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

- 5.1 Compliance with development standards and requirements
- 5.2 Residential Design Codes
- 5.3 Special application of Residential Design Codes
- 5.4 Restrictive covenants
- 5.5 Variations to site and development standards and requirements
- 5.6 Environmental conditions

- 5.7 Control of land clearing where development envelope defined
- 5.8 Management of construction sites
- 5.9 Use of reflective materials
- 5.10 Drainage and water sensitive design
- 5.11 Effluent disposal
- 5.12 Bicycle facilities
- 5.13 Subdivision

PART 5A—RESIDENTIAL AND SPECIAL RESIDENTIAL ZONE REQUIREMENTS

- 5A.1 Car parking and vehicular access
- 5A.2 Storage of Goods and materials

PART 5B—RURAL LIVING AND GENERAL RURAL ZONE REQUIREMENTS

- 5B.1 Setbacks
- 5B.2 Building height
- 5B.3 Building coverage
- 5B.4 Car parking and vehicular access
- 5B.5 Water supply (domestic)
- 5B.6 Stocking rates and control of grazing
- 5B.7 Remnant vegetation protection
- 5B.8 Housing density and subdivision
- 5B.9 Off-site buffers

PART 5C—DISTRICT CENTRE, LOCAL CENTRE AND MIXED BUSINESS/RESIDENTIAL ZONE REQUIREMENTS

- 5C.1 Setbacks
- 5C.2 Building height
- 5C.3 Building bulk
- 5C.4 Design and pedestrian access
- 5C.5 Landscaping
- 5C.6 Car parking and vehicular access
- 5C.7 Cash-in-lieu or land-in-lieu of parking
- 5C.8 Shared use of parking facilities
- 5C.9 Tree protection

PART 5D—INDUSTRIAL BUSINESS AND GENERAL INDUSTRY ZONE REQUIREMENTS

- 5D.1 Setbacks
- 5D.2 Building height
- 5D.3 Building bulk
- 5D.4 Landscaping
- 5D.5 Car parking and vehicular access
- 5D.6 Shared use of parking facilities
- 5D.7 Access for Loading and Unloading Vehicles
- 5D.8 Storage yards
- 5D.9 Off-site buffers
- 5D.10 Minimum lot size
- 5D.11 Effluent disposal

PART 5E—URBAN DEVELOPMENT ZONE REQUIREMENTS

PART 6—SPECIAL CONTROL AREAS

- 6.1 Operation of special control areas
- 6.2 Flood prone areas
- 6.3 Public drinking water resource protection areas
- 6.4 Wetland protection areas
- 6.5 Landscape and bushland protection areas
- 6.6 Prime agricultural land protection area
- 6.7 Prime bushfire hazard protection areas
- 6.8 Buffer areas of potential environmental hazard impacts
- 6.9 Catchment protection area—Peel-Harvey Coastal Plain Catchment

PART 6A—DEVELOPMENT (STRUCTURE PLANNING) AREAS

- 6A.1 Requirement for Structure Plan
- 6A.2 Preparation of Structure Plans
- 6A.3 Adoption and approval of Structure Plans
- 6A.4 Change or departure from Structure Plan or revocation
- 6A.5 Detailed Area Plans
- 6A.6 Development Envelopes
- 6A.7 Existing Structure Plans made under Previous Scheme
- 6A.8 Operation of Structure Plan

PART 6B—DEVELOPMENT CONTRIBUTION AREAS

- 6B.1 Interpretations
- 6B.2 Purpose
- 6B.3 Development contribution plan prerequisite to subdivision and development
- 6B.4 Content and principles of development contribution plans
- 6B.5 Liability for cost contributions
- 6B.6 Collection and enforcement
- 6B.7 Administration of funds
- 6B.8 Shortfall or excess of cost contributions
- 6B.9 Valuation
- 6B.10 Land acquisition
- 6B.11 Arbitration

PART 7—HERITAGE PROTECTION

- 7.1 Heritage List
- 7.2 Designation of Heritage Areas
- 7.3 Heritage Agreements
- 7.4 Heritage Assessment
- 7.5 Variation to Scheme Provisions for Heritage Place or Heritage Area

PART 8—DEVELOPMENT OF LAND

- 8.1 Requirement for Approval to Commence Development
- 8.2 Permitted Development
- 8.3 Amending or Revoking a Planning Approval
- 8.4 Un-authorized Existing Development

PART 9—APPLICATIONS FOR PLANNING APPROVAL

- 9.1 Form of Application
- 9.2 Accompanying Material
- 9.3 Additional Material for Heritage matters
- 9.4 Advertising of Applications

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

- 10.1 Consultation with other Authorities
- 10.2 Matters to be Considered by the City
- 10.3 Determination of Applications
- 10.4 Form and Date of Determination
- 10.5 Term of Planning Approval
- 10.6 Temporary Planning Approval
- 10.7 Scope of Planning Approval
- 10.8 Approval Subject to Later Approval of Details
- 10.9 Deemed Refusal
- 10.10 Appeals

PART 11—ENFORCEMENT AND ADMINISTRATION

- 11.1 Powers of the City
- 11.2 Removal and Repair of Existing Advertisements
- 11.3 Delegation of Functions
- 11.4 Compliance with scheme, cessation of unlawful development and restoration works
- 11.5 Compensation
- 11.6 Purchase or Taking of Land
- 11.7 Notice for Removal of Certain Buildings
- 11.8 Tree preservation

Schedules

- Schedule 1 Dictionary of defined words and expressions
 - General definitions
 - Land use definitions
- Schedule 2 Additional uses
- Schedule 3 Restricted uses
- Schedule 4 Special use zones (*There are no Special Use Zones which apply to the scheme*)
- Schedule 5 Exempted advertisements
- Schedule 6 Form of application for planning approval
- Schedule 7 Additional information for advertisements
- Schedule 8 Notice of public advertisement of planning proposal
- Schedule 9 Notice of determination on application for planning approval
- Schedule 10 Environmental conditions
- Schedule 11A Car parking standards
- Schedule 11B End of trip facilities for bicycle users
- Schedule 12 Development (structure plan) areas
- Schedule 13 Development Contribution Plans (Shared Infrastructure)

PART 1—PRELIMINARY

1.1. Citation (and revocation of existing schemes)

1.1.1. The City of Armadale Scheme No. 4 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2. The following Schemes are revoked —

| <u>Name of Scheme</u> | <u>Gazettal date</u> |
|---------------------------|----------------------|
| Town Planning Scheme No 2 | 18 October 1985 |
| Town Planning Scheme No 3 | 16 October 1992 |

1.2. Responsible authority

The City of Armadale is the responsible authority for implementing the Scheme.

1.3. Scheme area

The Scheme applies to the Scheme area, which covers all of the local government district of the City of Armadale as shown on the Scheme Map.

Note: The Scheme area is also subject to the Metropolitan Region Scheme (see clause 1.10).

1.4. Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1-10);
- (c) supplementary (Special Control Area) Maps (sheets 1-3)

The Scheme is to be read in conjunction with the Local Planning Strategy.

Note: Other documents upon which the scheme relies include Structure Plans, Development envelope Plans, Local Planning Policies, the City's Heritage List or Municipal Heritage Inventory, the State Planning Strategy and Statements of Planning Policy adopted by the WA Planning Commission.

1.5. Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the City's planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the First Schedule to the Town Planning Act.

1.6. Aims of the Scheme

The aims of the Scheme are—

- (a) To promote and safeguard the health, safety, convenience and general welfare of the inhabitants of the district, and to achieve an improved quality of living for the people of Armadale;
- (b) To preserve and enhance the amenities of the district and to manage land uses so as to minimise conflicts between otherwise incompatible uses;
- (c) To promote a sense of place and community identity for residents by fostering a distinctive character based on good design principles;
- (d) To provide for a variety of development to meet the needs of the community with regard to housing, employment and services, and to facilitate the provision of a wide range of social and cultural experiences within the district;
- (e) To promote the development of an integrated strategic regional centre with a wide range of services, including housing, business, commercial, recreational, leisure, entertainment and community facilities;
- (f) To promote a safe and energy-efficient pattern and form of development, balancing the needs of development with those of sustainable economic, social and environmental systems;
- (g) To improve the means of access into and around the district, and to ensure the safe and convenient movement of people throughout the district, including pedestrians, cyclists, public transport users and motorists;
- (h) To promote sustainable development that integrates consideration of economic, social and environmental goals for the district;
- (i) To protect and enhance areas of prime agricultural production to assist in sustaining their use and economic contribution to the district;
- (j) To conserve and enhance the natural environmental attributes of the district by incorporating environmental principles into public and private decision making;
- (k) To facilitate and encourage effective public involvement in planning issues of significance to the character, amenity and environmental attributes of the district.

1.7. Definitions

1.7.1. Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—

- (a) in the Town Planning Act; or
- (b) if they are not defined in that Act—
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

1.7.2. If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.3. Notes, and instructions printed in italics, are not part of the Scheme.

1.7.4. A reference to any thing, includes a reference to a part of that thing.

1.8. Relationship with local laws

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9. Relationship with other Schemes

There are no other Schemes of the City of Armadale, which apply to the Scheme area.

Note: The Armadale Redevelopment Authority is the responsible authority for the Armadale Redevelopment Scheme and areas within the City of Armadale local government area, subject to the Armadale Redevelopment Scheme, are identified on the Scheme Maps for information.

1.10. Relationship with the Metropolitan Region Scheme

The Scheme is complementary to the Metropolitan Region Scheme and the provisions of the Metropolitan Region Scheme continue to have effect.

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

PART 2—LOCAL PLANNING POLICY FRAMEWORK**2.1. Scheme determinations to conform with Local Planning Strategy**

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the City of Armadale under the Scheme are to be consistent with the Local Planning Strategy.

2.2. Local Planning Policies

The City of Armadale may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

- (a) generally or for a particular class or 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 the Policy.

2.3. Relationship of Local Planning Policies to Scheme

2.3.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2. A Local Planning Policy is not part of the Scheme and does not bind the City of Armadale in respect of any application for planning approval but the City is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the City of Armadale in making decisions under the Scheme, and may address land use as well as development requirements. Local Planning Policies may apply throughout the district or to specific policy areas or precincts. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the City must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4. Procedure for making or amending a Local Planning Policy

2.4.1. If the City of Armadale resolves to prepare a Local Planning Policy, the City—

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the City considers appropriate.

2.4.2. After the expiry of the period within which submissions may be made, the City is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3. If the City resolves to adopt the Policy, it is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the City, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4. A Policy has effect on publication of a notice under clause 2.4.3(a).

2.4.5. A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the City of Armadale.

2.4.6. Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5. Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) the adoption by the City of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the City once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

2.6 Pre-existing Local Planning Policies

Where a Local Planning Policy has been adopted in accordance with the requirements of the previous Town Planning Scheme, it shall continue to have effect, and may be amended or revoked as if it were a Local Planning Policy made under the Scheme.

PART 3—RESERVES

3.1. Reserves

Certain lands within the Scheme area are classified as—

- (a) Regional Reserves; or
- (b) Local Reserves.

3.2. Regional Reserves

3.2.1. The lands shown as “Regional Reserves” on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map for the purposes of the *Metropolitan Region Town Planning Scheme Act 1959*. These lands are not reserved under the Scheme.

3.2.2. The approval of the City under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

Note: The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

3.3. Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.4. Use and development of Local Reserves

3.4.1. A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve,

without first having obtained planning approval under Part 9 of the Scheme.

3.4.2. In determining an application for planning approval the City is to have due regard to—

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

3.4.3. In the case of land reserved for the purposes of a public authority, the City is to consult with that authority before determining an application for planning approval.

PART 4—ZONES AND THE USE OF LAND

4.1. Zones

4.1.1. The Scheme area is classified into the zones shown on the Scheme Map.

4.1.2. The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

4.2. Objectives of the zones

The objectives of the respective zones are as follows—

4.2.1 Residential

- (a) To provide for a range of housing and a choice of residential densities to meet the needs of the variety of household types which make up the community.
- (b) To provide for a range of associated compatible activities and development, which will assist in the creation of efficient and sustainable residential neighbourhoods.

4.2.2 Special Residential

- (a) To provide for low density residential development in a rural setting, in which natural environmental values are conserved as far as possible for the enjoyment of residents as well as the maintenance of ecological and landscape values.
- (b) To ensure development is sited and designed to achieve an integrated and harmonious character within each of the estates.

4.2.3 Rural Living

- (a) To provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics.
- (b) To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites.
- (c) To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.

4.2.4 General Rural

- (a) To provide for a wide variety of productive farming activities, ranging from broadacre grazing to intensive horticulture, depending on the defined lot sizes, land form and natural resource base.
- (b) To provide for a range of associated compatible activities and development to complement the primary productive use of the land while preserving the rural character and amenity.

4.2.5 Local Centre

- (a) To provide for a limited range of shopping and community services to meet the day-to-day needs of individual neighbourhoods.
- (b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the local neighbourhood.

4.2.6 District Centre

- (a) To provide for an extended range of shopping, commercial and community services to meet the weekly needs of neighbourhood groupings, and contribute towards the employment needs of the local workforce.
- (b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the service area.

4.2.7 Mixed Business/Residential

- (a) To provide for a range of compatible commercial and community services, in addition to residential development, in a zone which will complement the overall development of the adjacent Strategic Regional Centre.
- (b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the service area.

4.2.8 General Industry

- (a) To provide for a wide range of industrial and associated activities, which can be undertaken without undue constraints on operational performance, so as to meet the needs of the wider community for industrial services and facilities.
- (b) To facilitate the aggregation of industrial, storage and distribution activities, based on efficient use of infrastructure and synergies between industries and activities.

4.2.9 Industrial Business

- (a) To provide for a range of industrial business and related services to be accommodated in specific policy precincts and meet the needs of the district in relation to those goods and services which cannot be practically provided within commercial centres because of either the extensive land area requirements or the performance characteristics of the activity.
- (b) To ensure development and operation of businesses achieves relatively high environmental performance and amenity standards based on the level of public access and proximity to residential areas.

4.2.10 Urban Development

- (a) To provide for the orderly planning of large areas of land for residential and associated purposes through a comprehensive Structure Plan which is able to respond to changing circumstances throughout the developmental stages of the area;
- (b) To promote the sustainable development of new urban communities in accordance with the social, environmental and economic goals of the City of Armadale.

4.3. Zoning Table

4.3.1. The Zoning Table indicates, subject to all the provisions of the Scheme, the uses permitted in the Scheme area in the various zones and the general zoning permissibility of any use is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings—

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' means that the use is not permitted unless the City has exercised its discretion by granting planning approval;
- 'A' means that the use is not permitted unless the City has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- 'X' means a use that is not permitted by the Scheme.

4.3.3. Except as otherwise provided for under the Scheme, a change in the use of land from one use to another is permitted if—

- (a) the City has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:*
1. *The planning approval of the City is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.*
 2. *The City will not generally refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land as provided for under clause 10.3. Exceptions to this rule may apply where the land is the subject of a special control area, an Additional Use or Restricted Use area described in Schedules 2 and 3 and/or where the site is the subject of some form of heritage designation under Part 7 of the Scheme.*
 3. *In considering a 'D' or 'A' use, the City will have regard to the matters set out in clause 10.2 and may refuse or impose conditions on any such use.*
 4. *The City must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.*
 5. *Changes from one use class to another will be subject to control, notwithstanding that the use is a 'P' use, and in approving any such change of use, the City may impose conditions as provided for under clause 10.3 of the Scheme.*
 6. *Extensions to any existing approved use and/or changes to an incidental use of land, may only take place where consistent with an existing approval.*

N.B. The provisions of the Scheme apply in addition to the requirements of other relevant legislation, under which separate approval may also be required, e.g. Aboriginal Heritage Act, Swan River Trust Act, Metropolitan Region Scheme, Soil & Land Conservation Act and Regulations.

4.4. Interpretation of the Zoning Table

4.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the City may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.4.3. Where a person proposes to carry out more than one use on land, each individual use shall be required to meet the requirements of the Scheme.

4.4.4. Where a use is mentioned in the Zoning Table, it is deemed to include activities incidental to that use.

Note: While the use of land, which is incidental to a predominant use is provided for under the scheme, such use may be subject to limitation and/or control under the scheme. For example, incidental car parking may be subject to restrictions on location, design and number in conjunction with a planning approval or otherwise as provided for under the Scheme.

4.5. Additional uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated, subject to any conditions or limitations set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in the zone that applies to the land. In some circumstances the additional use may have the potential to conflict with one or more of the permitted uses in the parent zone, and accordingly such 'P' uses are required by the terms of Schedule 2 to be dealt with as 'D' uses, being subject to discretionary control under the Scheme.

4.6. Restricted uses

The land specified in Schedule 3 may not be used for the specific use or uses that are listed in Schedule 3 and all other permissible or discretionary uses listed in the Zoning Table shall be subject to the conditions set out in Schedule 3 with respect to that land.

4.7. Special use zones

Land use and development in accordance with the Uses and Conditions specified in Schedule 4 shall be permissible.

4.8. Non-conforming uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.

4.9. Extensions and changes to a non-conforming use

4.9.1. A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

4.9.2. An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the City is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the City, closer to the intended purpose of the zone.

4.10. Discontinuance of non-conforming use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11. Termination of a non-conforming use

The City may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 13 of the Town Planning Act enables the City to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the Land Administration Act 1997.

4.12. Destruction of non-conforming use buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the City.

ZONING TABLE

| USE CLASSES | ZONES (Note 6 and Note 7) | | | | | | | | |
|------------------------------------|---------------------------|---------------------|--------------|---------------|--------------|-----------------|------------------|---------------------|--------------------------------|
| | Residential | Special Residential | Rural Living | General Rural | Local Centre | District Centre | General Industry | Industrial Business | Mixed Business/ Residential |
| Advertisement (Note 1) | P/X | P/X | P/X | P/X | P/D | P/D | P/D | P/D | P/D |
| Aged or Dependent Persons Dwelling | D | X | X | X | D | D | X | X | D |
| Agriculture—Extensive | X | X | D | P | X | X | X | X | X |
| Agriculture—Intensive | X | X | A | P | X | X | X | X | X |
| Agroforestry | X | X | A | D | X | X | X | X | X |
| Amusement Parlour | X | X | X | X | A | D | X | X | X |
| Ancillary Accommodation | P | D | D | D | X | X | X | X | X |
| Animal Establishment | X | X | X | X | X | X | X | X | X |
| Animal Husbandry -Intensive | X | X | A | A | X | X | X | X | X |
| Auction Mart | X | X | X | X | D | D | D | D | D |
| Bed & Breakfast | D | A | D | D | X | X | X | X | D |
| Betting Agency | X | X | X | X | P | P | X | X | D |
| Car Park | X | X | X | X | D | D | P | P | D |
| Caravan Park / Home Park | X | X | X | A | X | X | X | X | X |
| Caretaker's Dwelling | X | X | X | A | D | D | D | D | D |
| Child Care Premises | A | A | A | A | P | P | X | D | D |
| Cinema/Theatre | X | X | X | X | X | D | X | X | X |
| Civic Use | D | D | P | P | P | P | A | D | D |
| Club Premises | A | A | A | A | A | A | X | D | D |
| Commercial Vehicle Parking | A | A | A | A | D | D | P | P | A |
| Community Purpose | A | A | A | A | D | D | X | D | D |
| Consulting Rooms | A | A | A | A | P | P | X | D | D |
| Convenience Store (Note 2) | X | X/A | X | X | A | A | X | X | X |
| Corrective Institution | X | X | X | A | X | X | X | X | X |
| Dam Construction | X | X | D | D | X | X | X | X | X |
| Display Home Centre | D | D | D | D | X | X | X | X | D |
| Educational Establishment | A | A | A | D | D | D | D | D | D |
| Exhibition Centre | X | A | A | A | P | P | X | D | P |
| Family Day Care | D | D | D | D | X | X | X | X | X |
| Fast Food Outlet | X | X | X | X | D | D | X | A | D |
| Fuel Depot | X | X | A | D | X | X | D | X | X |
| Funeral Chapel | X | X | X | X | D | D | A | D | A |
| Funeral Parlour | X | X | X | X | D | D | A | D | A |
| Garden Centre—Retail | X | X | A | A | D | D | X | D | A |
| Grouped Dwelling | D | X | X | X | D | D | X | X | D |
| Holiday Accommodation | X | A | A | A | D | D | X | X | D |
| Home Business | A | A | A | A | D | D | X | P | P |
| Home Occupation | D | D | D | D | P | P | X | D | D |
| Home Office | P | P | P | P | P | P | P | P | P |
| Home Store | A | X | X | X | X | X | X | X | X |
| Hospital | X | X | A | A | D | D | X | X | D |
| Hotel | X | X | X | X | A | A | X | X | A |
| Industry—Cottage | D | D | D | D | P | P | P | P | P |
| Industry—Extractive | X | X | X | A | X | X | X | X | X |

| USE CLASSES | ZONES (Note 6 and Note 7) | | | | | | | | |
|--|---------------------------|---------------------|--------------|---------------|--------------|-----------------|------------------|---------------------|--------------------------------|
| | Residential | Special Residential | Rural Living | General Rural | Local Centre | District Centre | General Industry | Industrial Business | Mixed Business/ Residential |
| Industry—General | X | X | X | X | X | X | P | X | X |
| Industry—Light | X | X | X | X | X | X | P | D | X |
| Industry—Mining | X | X | X | A | X | X | X | X | X |
| Industry—Noxious | X | X | X | A | X | X | A | X | X |
| Industry—Rural | X | X | A | D | X | X | P | X | X |
| Industry—Service | X | X | X | X | D | D | P | D | D |
| Lunch Bar | X | X | X | X | P | P | D | D | P |
| Market | X | X | X | X | D | D | X | X | D |
| Medical Centre | X | X | X | X | P | P | X | D | P |
| Motel | X | X | X | X | A | A | X | X | D |
| Motor Vehicle Repair | X | X | X | X | A | A | P | D | X |
| Motor Vehicle Wash | X | X | X | X | D | D | P | D | A |
| Motor Vehicle, Boat and Caravan Sales | X | X | X | X | A | A | D | D | A |
| Multiple Dwelling (Note 3) | D/X | X | X | X | D | D | X | X | D |
| Night Club | X | X | X | X | X | A | X | X | X |
| Occasional Uses | A | A | A | A | D | D | D | D | D |
| Office | X | X | X | X | P | P | X | A | P |
| Place of Worship | A | A | A | A | D | D | X | X | D |
| Plantation | X | X | A | D | X | X | X | X | X |
| Reception Centre | X | X | A | A | D | D | X | D | D |
| Recreation—Domestic | P | P | P | P | X | X | X | X | P |
| Recreation—Private | A | A | A | A | D | D | D | D | D |
| Recreation—Public | P | A | P | P | P | P | D | P | P |
| Residential Building | A | A | A | A | D | D | X | X | D |
| Restaurant | X | X | A | A | P | P | X | A | D |
| Restricted Premises | X | X | X | X | A | A | A | A | X |
| Rural Pursuit | X | X | D | P | X | X | X | X | X |
| Service Station | X | X | X | X | A | A | D | D | X |
| Shop | X | X | X | X | P | P | X | A | A |
| Showroom | X | X | X | X | D | D | D | D | D |
| Single Bedroom Dwelling | P | X | X | X | P | P | X | X | D |
| Single House | P | P | P | P | P | P | X | X | P |
| Storage | X | X | D | D | X | X | P | D | X |
| Tavern | X | X | X | X | A | A | X | X | A |
| Telecommunications Infrastructure (Note 4) | X | X | A | A | A | A | D | A | A |
| Trade Display | X | X | X | X | D | D | D | D | X |
| Transport Depot (Note 5) | X | X | X | X/A | X | X | P | D | X |
| Vehicle Wrecking | X | X | X | X | X | X | D | X | X |
| Veterinary Centre | X | X | D | D | D | D | D | D | D |
| Warehouse | X | X | X | X | X | X | P | D | X |
| Winery | X | X | A | D | X | X | A | X | X |

Note 1: P/X and P/D in the case of the use class Advertisement, indicates the use is P if it is listed as an Exempted Advertisement in Schedule 5 of the Scheme, but otherwise the use is X or D according to the second designation.

- Note 2: In the case of the Special Residential zone, the use class Convenience Store may only be permitted where it is consistent with an approved Structure Plan for the particular area and/or any additional provisions for development included in Schedule 12.*
- Note 3: D/X in the case of the use class Multiple Dwelling, indicates the use is D in the Residential Zone except in areas coded R30 and below, where the use class is X.*
- Note 4: Under the commonwealth Telecommunications Act 1997 Low Impact Telecommunications Facilities are exempt from local government control.*
- Note 5: In the case of the General Rural zone, the use class Transport Depot shall be an 'X' use where the number of commercial vehicles parked or garaged on the site is more than two. Where the number of such vehicles is two or less, the use class shall be a 'D' use.*
- Note 6: In the case of the Urban Development Zone the general permissibility of land uses shall be determined by reference to the specific zone identified on the Structure Plan in accordance with Part 5E and Part 6A.*
- Note 7: In the case of the Special Use Zone the general permissibility of land uses shall be determined by reference to Clause 4.7 and the Uses and Conditions specified in Schedule 4.*

Note from clause 4.3.2—

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the City has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the City has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

'X' means a use that is not permitted by the Scheme.

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

This Part includes the general requirements for development in all zones, and should be read in conjunction with the zone-specific requirements of Parts 5A to 5D and the requirements applicable within any relevant Special Control Areas under Part 6 as well as any other specific provisions applicable to individual sites.

5.1. Compliance with development standards and requirements

Any development of land is to comply with the provisions of the Scheme.

5.2. Residential Design Codes

5.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the City.

5.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

5.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Planning Code density, as being contained within the area defined by the centre-line of those borders.

5.2.4. The City may permit the following increases in residential density subject to compliance with the City's Residential Density Development Policy—

- (a) Where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25, development at the higher density is limited to group dwellings up to a density of R25;
- (b) Where land is identified on the Scheme Map as R25/40 development at the higher density is limited to group dwellings up to a density of R40;
- (c) In the case of properties fronting more than one street or an open space reserve, and where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25, development up to a density of R30;
- (d) In the case of properties abutting public access ways (PAWs) and where land is identified on the Scheme Map as R10/25, R12.5/25, R15/25 or R17.5/25, development up to R40.
- (e) If a provision of a Structure Plan imposes a classification on the land included in it by reference to the Residential Design Codes, which is inconsistent with the Scheme Map, then the provision of the Structure Plan prevails to the extent of any inconsistency.

5.2.5. Where land is identified on the Scheme Map as R15/R40 or R25/40, development is to be limited to the lower code, except the City may permit development up to a density of R40—

- (a) where the property is provided with reticulated sewerage, adequate drainage and a footpath/cycleway system; and
- (b) where the City has given consideration to the application in the context of compliance with the City's Residential Density Development Policy and the extent to which the proposal is located in close proximity to the following facilities—
 - (i) A public transport stop or station;
 - (ii) A convenience shopping site;
 - (iii) A recreational open space or other recreational facility; and
 - (iv) A community facility.

5.2.6. In those non-residential zones in which grouped or multiple dwellings are permitted at the discretion of the City (Local Centre, District Centre and Mixed Business / Residential), the maximum density of development shall be determined by the City, taking into consideration the suitability of the area for the proposed development and the likely impact of the development on the amenity of the locality.

5.3. Special application of Residential Design Codes (variations and additions)

5.3.1. Special Residential Zones:

- (a) Where a development envelope has been identified on an approved development plan, no building (including an outbuilding) may be erected outside the envelope, unless otherwise approved by the City.
- (b) Buildings in the Special Residential zone are to accord with the requirements of R5 under the Residential Design Codes unless otherwise coded under the Scheme or provided for under an adopted Structure Plan.
- (c) For areas coded R5 and below, the following setbacks are to apply by way of a variation to the Residential Design Codes, unless otherwise approved by the City—
 - (i) Street or front setback 15 metres
 - (ii) Side setback 6 metres
 - (iii) Rear setback 15 metres

5.3.2. *Building coverage:* A maximum building coverage of 500 square metres (including outbuildings) is to apply to areas coded R5 or less, unless otherwise approved by the City.

5.4. Restrictive covenants

5.4.1. Subject to clause 5.4.2, in the case of a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by (a) the Scheme; or (b) the provisions of the Residential Design Codes which apply under the Scheme, then that restrictive covenant is hereby extinguished.

5.4.2. Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the City is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

Note: This will necessitate information on restrictive covenants affecting density. A copy of the title will accordingly be required for grouped or multiple dwellings. [Refer clause 9.1]

5.5. Variations to site and development standards and requirements

5.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the City may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the City thinks fit.

5.5.2. In considering an application for planning approval under this clause, where, in the opinion of the City, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the City is to—

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3. The power conferred by this clause may only be exercised if the City is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6. Environmental conditions

5.6.1. Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.6.2. Where appropriate, the environmental conditions are indicated on the maps comprising the Scheme by the symbol EC to indicate that environmental conditions apply to the land.

5.6.3. The City is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the *Environmental Protection Act 1986*; and
- (b) make the statements available for public inspection at the offices of the City.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act 1986.

5.7. Control of land clearing where development envelope defined

5.7.1. Where a development envelope has been identified on an approved development plan, no clearing of natural vegetation or the destruction or damage of trees is to take place on the lot, other than within the designated envelope, except—

- (a) as necessary for the establishment of an approved vehicular access from the adjacent street to the designated development envelope;

- (b) as required to satisfy necessary bush fire protection measures as determined by the City or other relevant authority; or
- (c) as otherwise approved by the City in accordance with the provisions of clause 5.5.

5.8. Management of construction sites

5.8.1 In addition to any requirements which may be imposed as conditions of development, construction sites are to be managed so as to minimise soil erosion or the degradation of any water resource due to the action of wind or water and protect as far as practicable, the natural resource values of the site and of the adjacent area.

Note: Where a construction site is, in the opinion of the City, being managed in such a way as to cause undue erosion of soil or the pollution of any water resource, the City may, in accordance with the provisions of clause 11.4, require the owner to take steps to prevent any further erosion or pollution and remediate the site. Such action may include stabilisation of soil or re-instatement of vegetation cover and repair of any damage to the land or water resources.

5.9. Use of reflective materials

5.9.1. No dwelling, or ancillary structure, shall be constructed east of the Albany Highway from the City's northern boundary to its junction with the South Western Highway and thereafter east of the South Western Highway, with any external sheeted surface of zincalume, metallic or white coloured finish, without the City's approval.

5.9.2. The City may approve the development of buildings involving a roof or walls with any external sheeted surface of zincalume, metallic or white coloured finish, with or without conditions, or may refuse to approve the application, having due regard to—

- (a) the potential impact on the amenity of the locality; and
- (b) the objectives and relevant performance criteria in the Residential Design Codes.

5.10. Drainage and water sensitive design

5.10.1 Any development which increases the area of impermeable surfaces or which otherwise reduces stormwater recharge of groundwater systems, is to utilise best management practices so as to minimise as far as practicable—

- (a) changes to both the rate and quantity of direct stormwater discharge from the site, and
- (b) the export of water borne pollutants (including nutrients).

5.10.2 Drainage system design and management is to be undertaken in accordance with best management practices and in order to mitigate any degradation of land or water resources, and measures are to be put in place to prevent litter from entering drainage systems.

5.11. Effluent Disposal

5.11.1 Where access to a reticulated sewerage system is not available, on-site effluent disposal facilities are to be provided to treat and dispose of any domestic effluent.

5.11.2 No effluent disposal facility (including any leach drain or soak well) is to be located—

- (a) within 6m of any open drainage channel or subsoil drain; or
- (b) within 30 metres of the outer edge of an intermittent water course; or
- (c) within 50 metres of the outer edge of a permanent water course in the case of a nutrient removal system or within 100 metres for a conventional septic system; or
- (d) within 50 metres of any protected wetland, or within such greater distance as may be required to achieve a minimum one metre vertical separation between the natural ground level at that distance and the natural ground level of the adjacent wetland vegetation; or
- (e) within 50 metres of a bore or underground water source used for human consumption,

unless otherwise approved by the City in accordance with the provisions of clause 5.5.

5.11.3 Nothing in this clause is to prevent the City requiring additional setback requirements for effluent disposal facilities and/or requiring the installation of specific types of facilities (including those involving the removal of nutrients) where it considers such requirements appropriate or necessary for the protection of water resources or other environmental values.

5.12 Bicycle facilities

5.12.1 Unless otherwise approved by the City in accordance with the provisions of clause 5.5, end of trip bicycle facilities are to be provided in accordance with the standards for respective uses detailed in Austroads Standard *Guide to Traffic Engineering Practice Part 14—Bicycles* as set out in Schedule 11B.

5.13 Subdivision

5.13.1 Subdivision within a Development Area is subject to the provisions of clause 6.A, which requires the preparation and approval of a Structure Plan prior to subdivision.

5.13.2 In an area where comprehensive planning is required, a Structure Plan may be required prior to the City's support for subdivision, notwithstanding the area has not specifically been defined as a Development Area.

5.13.3 In approving applications for commencement of development relative to subdivision, the City may recommend that the Commission impose conditions requiring the continuous fencing of lots backing on to or abutting a public reserve.

PART 5A—RESIDENTIAL AND SPECIAL RESIDENTIAL ZONE REQUIREMENTS

This Part includes the requirements for development in the Residential Zone and Special Residential Zone, and should be read in conjunction with the general requirements of Part 5 and the requirements applicable within any relevant Special Control Areas under Part 6 as well as any other specific provisions applicable to individual sites.

5A This Part applies to the Residential Zone and the Special Residential Zone, unless expressly stated to the contrary in a clause of this Part.

5A.1 Car parking and vehicular access (including parking of commercial vehicles)

5A.1.1 Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 11A. Unless otherwise approved or required by the City, required car parking is to be provided on the site of the proposed development.

5A.1.2 Parking spaces and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 *Off-street parking*, and paved, kerbed, drained, marked and landscaped with shade trees and shrubs to the satisfaction of the City.

5A.1.3 Safe and convenient vehicular access is to be provided to all development sites, and where required by the City, vehicular access is to be provided to service any required car parking or service areas provided on the development site.

5A.1.4 The location and design of vehicular access to any road is to be subject to the City's approval in accordance with the provisions of the Scheme. In considering any proposal for new or modified vehicular access, the City may, having regard to safety of pedestrian and vehicular traffic—

- (a) determine the width of the crossover and/or vehicular accessway;
- (b) refuse to permit more than one vehicular access to any lot;
- (c) require separate entrances and exits, and the provision of appropriate signage indicating the direction of movement; or
- (d) require that entrances and exits be placed in positions nominated by the City.

5A.1.5 No person shall park a commercial vehicle except for immediate delivery or loading purposes normally associated with a domestic or residential use, unless approved by the City except in accordance with the following requirements—

- (a) not more than one such vehicle is to be parked on a lot;
- (b) the load capacity of the vehicle shall not exceed 2.5 tonnes;
- (c) the overall height of the vehicle (including any load) shall not exceed 2 metres;
- (d) the overall length of the vehicle (including any trailer or attachments) shall not exceed 5 metres;
- (e) the lot on which the vehicle is parked is to have an area of at least 600m²;
- (f) the lot on which the vehicle is parked shall contain only a single house and associated outbuildings;
- (g) the operator of the vehicle shall be the owner or occupier of the property on which the vehicle is to be parked;
- (h) on-site provision for garaging or parking of the vehicle behind the front building setback line, is to be made in a manner satisfactory to the City; and
- (i) the amenity of the neighbourhood is not to be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust.

5A.1.6 An application for parking a commercial vehicle shall be subject to an application for annual approval and if in the opinion of the City, a nuisance or annoyance to the owners or occupiers of land in the neighbourhood occurs as a consequence of the parking of a commercial vehicle, the City may revoke or refuse to renew its approval.

5A.2 Storage of goods and materials

5A.2.1 A person must not store or allow to be stored goods or materials on land, except where the goods or materials are—

- (a) for domestic use,
- (b) for building purposes associated with an authorised development of the site, or
- (c) for use in conjunction with an authorised home occupation or home business.

5A.2.2 Any goods or materials are to be housed within a building or otherwise screened from view from any adjacent public place, except in the following cases—

- (a) building materials for use in conjunction with an approved development, provided such materials do not remain on site for more than 12 months;
- (b) landscaping supplies, provided such materials do not remain on site for more than 12 months; or
- (c) firewood, provided the supplies are stored behind the front of the dwelling.

PART 5B—RURAL LIVING AND GENERAL RURAL ZONE REQUIREMENTS

This Part includes the requirements for development in the Rural Living Zone and General Rural Zone, and should be read in conjunction with the general requirements of Part 5 and the requirements applicable within any relevant Special Control Areas under Part 6 as well as any other specific provisions applicable to individual sites.

5B This Part applies to the Rural Living Zone and the General Rural Zone, unless expressly stated to the contrary in a clause of this Part.

5B.1 Setbacks

5B.1.1 Where no development envelope has been identified for the particular site, the minimum setbacks from all lot boundaries shall be 15 metres, unless otherwise approved by the City in accordance with the provisions of clause 5.5.

5B.1.2 No building (including an outbuilding) may be erected—

- (a) within 30 metres of the outer edge of an intermittent water course, or
- (b) within 50 metres of the outer edge of a permanent water course, or
- (c) within 50 metres of a protected wetland, or within such greater distance as may be required to achieve a 1 metre vertical separation between the natural ground level at that distance and the natural ground level of the adjacent wetland vegetation,

unless otherwise approved by the City in accordance with the provisions of clause 5.5.

5B.2 Building Height

5B.2.1 Unless otherwise approved by the City in accordance with the provisions of clause 5.5, no building is to be constructed so that—

- (a) the height of walls exceeds 6 metres; or
- (b) the overall height of roof exceeds 9.0 metres.

5B.2.2 No sand pad for the purpose of constructing a dwelling house or outbuilding may have a height exceeding 1.5m, unless otherwise approved by the City in accordance with the provisions of clause 5.5.

Note: Where a sand pad exceeds 1m in vertical height it is required to be retained in accordance with the City's building requirements.

5B.3 Building coverage

5B.3.1 Building coverage is not to exceed 500 square metres (including outbuildings), unless otherwise approved by the City in accordance with the provisions of clause 5.5.

5B.4 Car parking and vehicular access (including parking of commercial vehicles)

5B.4.1 Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 11A. Unless otherwise approved or required by the City, required car parking is to be provided on the site of the proposed development.

5B.4.2 Parking spaces and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 *Off-street parking*, and paved, kerbed, drained and marked to the satisfaction of the City.

5B.4.3 Safe and convenient vehicular access is to be provided to all development sites, and where required by the City, vehicular access is to be provided to service any required car parking or service areas provided on the development site.

5B.4.4 The location and design of vehicular access to any road is to be subject to the City's approval in accordance with the provisions of the Scheme. In considering any proposal for new or modified vehicular access, the City may, having regard to safety of pedestrian and vehicular traffic—

- (a) determine the width of the crossover and/or vehicular accessway;
- (b) refuse to permit more than one vehicular access to any lot;
- (c) require separate entrances and exits, and the provision of appropriate signage indicating the direction of movement; or
- (d) require that entrances and exits be placed in positions nominated by the City.

5B.4.5 No person shall park a commercial vehicle except for immediate delivery or loading purposes normally associated with a domestic or rural use, unless approved by the City except in accordance with the following requirements—

- (a) on-site provision for garaging or parking of the vehicle behind the front building setback line, is to be made in a manner satisfactory to the City; and
- (b) the amenity of the neighbourhood is not to be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust.

5B.4.6 Nothing in sub-clause 5B.4.5 restricts the parking of a commercial vehicle used for the purpose of an approved rural use or rural industry.

5B.4.7 An application for parking a commercial vehicle shall be subject to an application for annual approval and if in the opinion of the City, a nuisance or annoyance to the owners or occupiers of land in the locality occurs as a consequence of the parking of a commercial vehicle, the City may revoke or refuse to renew its approval.

5B.5 Water supply (domestic)

5B.5.1 No dwelling shall be erected unless the lot is connected to water mains or the City is satisfied that there is a satisfactory water supply consisting of—

- (a) a roof water tank of not less than 90,000 litres, with a minimum catchment area of 250m², or
- (b) a bore, well spring soak or dam yielding water at a sufficient rate, or with associated storage capacity, to meet the reasonable needs of the occupiers of the dwelling.

For the purposes of this clause, satisfactory water supply means water, which has been bacteriologically and chemically analysed to establish that water is fit for human consumption.

5B.5.2 Nothing in this clause is to be construed as approval for the installation of a water supply bore, the construction of a dam or the diversion of water from a stream or spring soak.

5B.6 Stocking rates and control of grazing

5B.6.1 Unless otherwise approved by the City in accordance with the provisions of clause 5.5, stocking rates shall not exceed those recommended by Agriculture WA.

Note: The 'Stocking Rate Guidelines for Rural Small Holdings' should be used to determine appropriate stocking rates for the applicable pasture type unless specifically recommended otherwise by Agriculture WA.

5B.6.2 Notwithstanding the provisions of clause 5B.6.1, land is not to be grazed or stocked in such a way as to—

- (a) cause topsoil to be exposed,
- (b) cause trees to be ring-barked or otherwise damaged,
- (c) degrade the margins of water courses, or
- (d) otherwise detrimentally affect natural resource values,

Note: Where, in the opinion of the City, land is being grazed in such a way as to detrimentally affect land or water resources, the City may, in accordance with the provisions of clause 11.4, order a reduction in number of stock or removal of stock and/or the protection of trees or vegetation.

5B.7 Remnant vegetation protection

5B.7.1 The clearing of remnant native vegetation or the destruction or damage of native trees within the Rural Living Zone, shall not be permitted except—

- (a) as required to accommodate any approved development on the site, including the curtilages of any approved building;
- (b) as necessary for the establishment of an approved vehicular access from the adjacent street to an approved building or development;
- (c) as required to satisfy necessary bush fire protection measures as determined by the City or other relevant authority; or

as otherwise approved by the City in accordance with the provisions of clause 5.5.

5B.7.2 Subject to the provisions of Part 6, the City may approve an application for clearing for a rural use, where it can be shown to the satisfaction of the City that such clearing would not detrimentally affect the character or resource values of the locality, including water resources. Any such approval may be subject to conditions, which the City may see fit, to maintain the character and resource values of the locality.

5B.7.3 Where particular trees or areas of native vegetation are located within the General Rural zone and have been specifically identified for Tree Preservation under clause 11.8 or are located on a site for which a Development Envelope has been identified under the provisions of clause 5.7, those trees or areas shall be protected.

5B.8 Housing density and subdivision

5B.8.1 Except as otherwise provided for under the Scheme, the density of housing within the Rural Living and General Rural Zones is to accord with the following recommended subdivisional standards for the respective RL Codes shown on the Scheme Maps—

| Zone | Code | Minimum Lot Size |
|---------------|-------------|-------------------------|
| Rural Living | RL-1 | 1 ha |
| Rural Living | RL-2 | 2 ha |
| Rural Living | RL-4 | 4 ha |
| Rural Living | RL-10 | 10 ha |
| Rural Living | RL-20 | 20 ha |
| Rural Living | RL-X | No further subdivision |
| General Rural | — | 40 ha |

5B.8.2 Where a lot in the General Rural Zone has an area in excess of 8 ha, a second dwelling may be permitted, provided it can be demonstrated to the satisfaction of the City that the additional accommodation is required for the continued operation of an existing productive rural use of the property.

5B.8.3 Nothing in this clause is to prevent the development of a single house on an existing lot, or the provision of ancillary accommodation as otherwise provided for under the Scheme.

5B.8.4 The existence of a second dwelling house on any lot is not to be construed as support or justification for the subdivision of the land, whether under the Town Planning Act or the Strata Titles Act.

5B.8.5 The City may recommend that subdivision be permitted in areas Coded RLX where land is subject to Statement of Planning Policy No. 2.3, *Jandakot Groundwater Protection Policy*, where comprehensive structure planning has been undertaken.

Note: A larger lot size may be necessary if environmental and servicing assessments deems it necessary, irrespective of the minimum lot size indicated in 5B.8.1.

5B.9 Off-site buffers

5B.9.1 Where a proposed development is likely if approved, to give rise to any significant off-site environmental impacts, including pollution (gaseous emissions, odours or noise) or risk, which is likely to result in nuisance or adverse impacts on adjacent areas, the City may—

- (a) refuse the application; or
- (b) approve the application subject to conditions designed to ameliorate any impact.

5B.9.2 In its determination of any application for planning approval, the City is to take into consideration the potential environmental impact on the use and enjoyment of adjacent land or property, having regard to—

- (a) the concentration of any pollutants (including gaseous emissions, odour and noise) or the level of risk, at the location of impact;
- (b) the frequency and duration of events associated with the environmental impact;
- (c) any relevant microclimatic factors likely to affect the distribution or dispersion of pollutants;
- (d) the practicability and effectiveness of any amelioration measures which form part of the proposed development; and
- (e) the zoning, use and likely future development or occupancy of the adjacent land or property upon which the environmental impacts will impinge.

5B.9.3 Before approving any application involving off-site environmental impacts, the City is to have regard to any relevant buffer distances recommended by the Department of Environment.

Note: Nothing in the Scheme obviates the need for formal assessment of proposals under the Environmental Protection Act. Where such assessment is required, the City is precluded from making any decision that could have the effect of causing or allowing the proposal to be implemented, until the environmental assessment process (including any associated appeals) has been completed.

PART 5C —DISTRICT CENTRE, LOCAL CENTRE AND MIXED BUSINESS/RESIDENTIAL, ZONE REQUIREMENTS

This Part includes the requirements for development in the Mixed Business/Residential, District Centre and Local Centre Zones, and should be read in conjunction with the general requirements of Part 5 and the requirements applicable within any relevant Special Control Areas under Part 6 as well as any other specific provisions applicable to individual sites.

5C This Part applies to the Mixed Business/Residential Zone, the District Centre Zone and the Local Centre Zone, unless expressly stated to the contrary in a clause of this Part.

5C.1. Setbacks

5C.1.1 Buildings are to be setback from boundaries in general accordance with any adopted Centre Plan prepared in accordance with the requirements of the Commission's *Metropolitan Centres Policy*, and having regard to—

- (a) any adopted policy or Design Guidelines for the Centre or the type of development proposed;
- (b) the setbacks of any adjoining or adjacent development with which the proposed building is likely to relate, and in the case of a site which adjoins land in another zone, the setback requirements for that zone;
- (c) the use or usability of the setback area, taking into consideration the nature of the adjoining street and the desirability or otherwise of direct vehicular access to that street, and from any adjoining property;
- (d) the desirability of continuous building frontages where pedestrian access is to be provided adjacent to the frontage of the building or where such access and associated pedestrian shelter would be desirable to facilitate movement between adjoining sites;
- (e) the space requirements for pedestrian access, and the need and/or desirability of segregating pedestrian access from vehicular access and parking areas;
- (f) the desirability or otherwise of landscaping within the setback area in order to reduce any adverse visual impact associated with the proposed building façade and/or associated use of setback areas; and
- (g) the safety and convenience of pedestrian and vehicular access to the site from the adjoining street and from adjacent sites.

5C.1.2 Setback requirements applicable to development, are not necessarily to be interpreted as minimum setbacks, and where the City considers it appropriate, it may impose maximum or minimum setbacks as it thinks fit, or it may prescribe a building setback line for any building or part of a building.

5C.2 Building height

5C.2.1 The height of buildings are to be in general accordance with any adopted Centre Plan prepared in accordance with the requirements of the Metropolitan Centres Policy, and having regard to—

any adopted policy or Design Guidelines for the Centre or the type of development proposed;

- (a) the height of any adjoining or adjacent development, and the desirability or otherwise of maintaining consistency in relation to the height and scale of buildings within the particular centre or precinct;
- (b) in the case of a site which adjoins land in another zone, the height and setback requirements for that zone;

- (c) the effect of shading associated with the proposed development and in particular whether there will be any significant overshadowing of existing or proposed pedestrian spaces;
- (d) the need for safe and convenient pedestrian shelter, and the desirability of maintaining continuity and/or compatibility in relation to adjoining pedestrian facilities;
- (e) the design of the external façades of the building, including the height of any awnings or parapets and their relationship with those of adjacent buildings; and
- (f) the finished ground level proposed for the development site in relation to that of the adjoining sites.

5C.3 Building bulk

5C.3.1 Unless otherwise approved by the City in accordance with the provisions of clause 5.5, the maximum plot ratio within the respective zones and precincts is to accord with the following standards—

- | | |
|--------------------------------|-----|
| (a) Mixed Business/Residential | 1.5 |
| (b) District Centre Zone: | 1.0 |
| (c) Local Centre Zone: | 1.0 |

5C.4 Design and pedestrian access

5C.4.1 The design and layout of buildings and the arrangement of spaces and activity areas, is to have regard to—

- (a) any policy or Design Guidelines adopted for the Centre or the type of development proposed;
- (b) the need for continuity of development along shopping streets so as to improve functional integration and maintain visual interest;
- (c) the need for safe and convenient pedestrian access and movement, including the need for pedestrian shelter;
- (d) the physical access needs of persons with disabilities, with reference to any relevant Australian Standards; and
- (e) the design and architectural character of adjacent development, and its relationship with the development proposed.

5C.5 Landscaping

5C.5.1 Landscaping is to be provided and maintained so as to enhance visual amenity and contribute towards overall environmental performance of all development sites.

5C.5.2 The area, distribution and form of landscaping of individual sites is to be determined in conjunction with each proposed development, having regard to—

- (a) the layout of development, including particularly the extent and location of any uncovered car parking and service areas which may benefit from landscape screening;
- (b) the design of building façades and their relationship to adjacent streets and other public spaces;
- (c) the desirability of integrating landscape planting with stormwater management in order to achieve more water sensitive design outcomes;
- (d) the desirability of providing shade trees within or adjacent to the development so as to improve the microclimate for users of the facilities;
- (e) the need for safe and convenient pedestrian access to and within the development site, including particularly access from the street and adjacent sites; and
- (f) the desirability of providing areas within or adjacent to the site for respite and relaxation by users of the development site.

5C.5.3 Where uncovered car parking areas are to be provided, landscape planting is to be provided and maintained so as to minimise the visual impact of the parking areas, and is to include—

- (a) a minimum 2 metre wide landscape strip between the parking area and the street boundary of the site; and
- (b) shade trees planted at intervals of no greater than 10 metres along any line of car parking bays.

5C.5.4 Having regard to the amount and quality of landscaping to be provided in conjunction with any proposed development, the City may impose a requirement for up to 5 per cent of the area of the development site to be allocated for landscaping.

5C.5.5 The City may permit a lesser area than 5 per cent of a site to be provided for landscaping where a cash-in-lieu contribution equivalent to the value of the land, by which the landscaped area is less than the full 5 per cent of the development site, is expended on the enhancement of landscaped areas adjacent to the site

5C.5.6 In the event of cash-in-lieu contributions being required by the City as a condition of planning approval, any contributions shall be placed in a trust account for expenditure on landscape works in the immediate vicinity of the site in relation to which the funds were required.

5C.6 Car parking and vehicular access

5C.6.1 Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 11A, unless otherwise approved by the City in accordance with the provisions of clause 5.5. Unless otherwise approved or required by the City, required car parking is to be provided on the site of the proposed development.

5C.6.2 Where on-street car parking is specifically provided for immediately adjacent to the frontage of the development site, the City may accept such facilities as part of the required car parking. On-street parking facilities are only to be credited towards required car parking where—

- (a) use of such facilities to service the development site would not prejudice an adjacent development or adversely affect the safety or amenity of the locality; and
- (b) any such on-street car parking will remain available to the general public during peak demand periods for the development site towards which the parking facilities have been credited.

5C.6.3 Parking spaces and manoeuvring areas shall be designed in accordance with the specifications contained in Australian Standard AS 2890.1 *Off-street parking*, and paved, kerbed, drained and marked to the satisfaction of the City.

5C.6.4 When considering an application for planning consent, the City shall have regard to and may impose, conditions with respect to the location of parking on the site, and the pedestrian and vehicle traffic circulation system proposed.

5C.6.5 Safe and convenient vehicular access is to be provided to all development sites, and where required by the City, vehicular access is to be provided to service any required car parking or service areas provided on the development site.

5C.6.6 The location and design of vehicular access to any road is to be subject to the City's approval in accordance with the provisions of the Scheme. In considering any proposal for new or modified vehicular access, the City may, having regard to safety of pedestrian and vehicular traffic—

- (a) determine the width of the crossover and/or vehicular accessway;
- (b) refuse to permit more than one vehicular access to any lot;
- (c) require separate entrances and exits, and the provision of appropriate signage indicating the direction of movement;
- (d) require that entrances and exits be placed in positions nominated by the City; or
- (e) require an agreement to be entered into so as to provide for shared use of vehicular accessways in favour of users of adjacent properties.

5C.7 Cash-in-lieu or land-in-lieu of parking

5C.7.1 The City may, if it is in conformity with an adopted public parking policy, accept or require a cash payment or transfer of land or both, in lieu of the provision of all or a proportion of required car parking spaces, but subject to the requirements of this Clause.

5C.7.2 The City may only require cash-in-lieu of parking where it is satisfied that the provision of parking on-site, and/or associated vehicular access, would be detrimental to the overall development and integrity of the centre of which the development site forms a part.

5C.7.3 Except as otherwise provided, a cash-in-lieu payment shall be—

- (a) the estimated cost to the City of providing and constructing the parking spaces required by the Scheme, plus
- (b) the value, as estimated by a licensed valuer appointed by the City, of that area of the development site which would have been occupied by the required parking spaces and associated manoeuvring areas.

5C.7.4 Where in the opinion of the City it is likely there will be a sharing of public parking facilities by uses with significantly different peak demand times, the cash-in-lieu contribution in respect of requisite number of parking spaces may be reduced by up to 50 per cent.

5C.7.5 Payments made under this Clause shall be paid into a trust fund to be used to provide public parking in the locality of the development sites in relation to which the cash-in-lieu contributions have been received.

5C.7.6 In the case of the City accepting a transfer of land, it shall only accept such land free of cost, in fee simple and in a location satisfactory to the City. The area of land concerned shall not be less than the area, which would have had to be provided by the developer for car parking purposes.

5C.7.7 In the case of the City accepting a transfer of land, unless the land area transferred exceeds the area to be provided by the developer for parking purposes by a sufficient margin to reflect the cost of constructing the parking, the City shall require payment in cash of the cost of constructing the parking in addition to the transfer of land.

5C.7.8 In the interest of accommodating growth and a flexible approach to expanding business, nothing in the Scheme shall prevent the City from seeking rezoning classification and sale of the lands referred to, provided that the originally required car parking provision is relocated elsewhere.

5C.8 Shared use of parking facilities

5C.8.1 Parking facilities may be shared between two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements set out in this clause.

5C.8.2 The City may permit the parking spaces for a building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of parking spaces, provided that the peak hours of operation of the buildings or uses so sharing do not substantially overlap.

5C.8.3 The City may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this subclause when, in the opinion of the City, such arrangements are deemed necessary to assure the continued access to shared parking facilities.

5C.8.4 The following requirements shall be complied with where off-site or shared parking is proposed—

- (a) evidence shall be provided sufficient to satisfy the City that no substantial conflict will exist in the peak hours of operation of the buildings or uses for which the joint use of parking spaces or the reciprocal access and circulation arrangements is proposed;
- (b) the number of parking spaces to be provided on the land which is not the subject of the application, is sufficient to meet the shortfall in parking in respect of the development subject of the application; and
- (c) shared use of the parking facilities on the land which is not the subject of the application, will not result in any deficiency in parking for that site.

5C.8.5 The City may require an agreement to be prepared by a solicitor at the expense of the applicant, detailing the relevant arrangements for off-site or shared parking, and executed by all parties concerned.

Note: Any such agreement shall be designed to ensure that access to, and use of shared parking facilities will continue for the duration of the development for which the parking is provided, and that the arrangements for shared use of facilities are not altered without the consent of the City.

5C.8.6 Where the City agrees to a reduction in the number of on-site car parking spaces provided, based on shared use of parking facilities, the provisions of sub-clause 5C.7.4 relating to reduction in the cash-in-lieu contributions are not to apply.

5C.9 Tree protection

5C.9.1 Subject to clause 5C.9.2, a person shall not without the prior written approval of the City remove, lop, top, chop, ringbark or otherwise trim or destroy a tree within any of the Commercial zones.

5C.9.2 Clause 5C.9.1 does not apply to, or prevent the removal of—

- (a) a fruit tree;
- (b) a tree which the City certifies in writing is likely to create a hazard;
- (c) a tree which it is necessary to remove for the purpose of constructing or erecting a building, fence or accessway in respect of which a building licence has been issued by the City;
- (d) a tree which the City or a public authority considers it necessary to remove or lop in order to be able to provide a public utility or service; or
- (e) a tree having a trunk of a circumference less than 0.6m at a height of 1m from the natural level of the ground.

PART 5D—INDUSTRIAL BUSINESS AND GENERAL INDUSTRY ZONE REQUIREMENTS

This Part includes the requirements for development in the Industrial Business Zone, and General Industry Zone, and should be read in conjunction with the general requirements of Part 5 and the requirements applicable within any relevant Special Control Areas under Part 6 as well as any other specific provisions applicable to individual sites.

5D This Part applies to the Industrial Business Zone and the General Industry Zone, unless expressly stated to the contrary in a clause of this Part.

5D.1 Setbacks

5D.1.1 Buildings are to be setback from boundaries having regard to—

- (a) any policy or Design Guidelines adopted by the City for development in the industrial zones;
- (b) the setbacks of any adjoining or adjacent development with which the proposed building is likely to relate, and in the case of a site which adjoins land in another zone, the setback requirements for that zone;
- (c) the use or usability of the setback area, taking into consideration the nature of the adjoining street and the desirability or otherwise of direct vehicular access to that street, and from any adjoining property;
- (d) the desirability of continuous building frontages where pedestrian access is to be provided adjacent to the frontage of the building or where such access and associated pedestrian shelter would be desirable to facilitate movement between adjoining sites;
- (e) the space requirements for pedestrian access, and the need and/or desirability of segregating pedestrian access from vehicular access and parking areas;
- (f) the desirability of landscaping within the setback area in order to reduce any adverse visual impact associated with the proposed building façade and/or associated use of setback areas; and
- (g) the safety and convenience of pedestrian and vehicular access to the site from the adjoining street and from adjacent sites.

5D.1.2 Where the City considers it appropriate, it may impose maximum or minimum setbacks as it thinks fit, or it may prescribe a building setback line for any building or part of a building.

5D.2 Building height

5D.2.1 The height of buildings is to be determined, having regard to—

- (a) any policy or Design Guidelines adopted by the City for development in the industrial zones;

- (b) the height of any adjoining or adjacent development, and the desirability or otherwise of maintaining consistency in relation to the height and scale of buildings within the particular precinct;
- (c) in the case of a site which adjoins land in another zone, the height and setback requirements for that zone;
- (d) the need for safe and convenient pedestrian shelter, and the desirability of maintaining continuity and/or compatibility in relation to adjoining pedestrian facilities;
- (e) the design of the external façades of the building, including the height of any awnings or parapets and their relationship with those of adjacent buildings; and
- (f) the finished ground level proposed for the development site in relation to that of the adjoining sites.

5D.3 Building bulk

5D.3.1 Unless otherwise approved by the City in accordance with the provisions of clause 5.5, the maximum plot ratio is to be 1.0.

5D.4 Landscaping

5D.4.1 Landscaping is to be provided and maintained so as to enhance visual amenity and contribute towards the achievement of high environmental standards on all development sites.

5D.4.2 The area, distribution and form of landscaping of individual sites is to be determined in conjunction with each proposed development, having regard to—

- (a) the layout of development, including particularly the extent and location of any uncovered car parking and service areas which may benefit from landscape screening;
- (b) the design of building façades and their relationship to adjacent streets and other public spaces;
- (c) the desirability of integrating landscape planting with stormwater management in order to achieve more water sensitive design outcomes;
- (d) the desirability of providing shade trees within or adjacent to the development so as to improve the microclimate for users of the facilities;
- (e) the need for safe and convenient pedestrian access to and within the development site, including particularly access from the street and adjacent sites; and
- (f) the desirability of providing areas within or adjacent to the site for respite and relaxation by users of the development site.

5D.4.3 Landscape planting is to be provided and maintained so as to minimise any adverse visual impact associated with the use and development of land, and is to include—

- (a) a minimum 2 metre wide landscape strip immediately inside the front boundary of the site, excluding those portions of the frontage approved for vehicular crossovers; and
- (b) shade trees planted at intervals of no greater than 10 metres along any line of car parking bays.

5D.5 Car parking and vehicular access

5D.5.1 Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 11A, unless otherwise approved by the City in accordance with the provisions of clause 5.5. Unless otherwise approved or required by the City, required car parking is to be provided on the site of the proposed development.

5D.5.2 Parking spaces and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 *Off-street parking*, and paved, kerbed, drained and marked to the satisfaction of the City.

5D.5.3 When considering an application for planning consent, the City shall have regard to and may impose, conditions with respect to the location of parking on the site, and the pedestrian and vehicle traffic circulation system proposed.

5D.5.4 Safe and convenient vehicular access is to be provided to all development sites, and where required by the City, vehicular access is to be provided to service any required car parking or service areas provided on the development site.

5D.5.5 The location and design of vehicular access to any road is to be subject to the City's approval in accordance with the provisions of the Scheme. In considering any proposal for new or modified vehicular access, the City may, having regard to safety of pedestrian and vehicular traffic—

- (a) determine the width of the crossover and/or vehicular accessway;
- (b) refuse to permit more than one vehicular access to any lot;
- (c) require separate entrances and exits, and the provision of appropriate signage indicating the direction of movement;
- (d) require that entrances and exits be placed in positions nominated by the City; or
- (e) require an agreement to be entered into so as to provide for shared use of vehicular accessways in favour of users of adjacent properties.

5D.6 Shared use of parking facilities

5D.6.1 Parking facilities may be shared between two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements set out in this clause.

5D.6.2 The City may permit the parking spaces for a building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of parking spaces, provided that the peak hours of operation of the buildings or uses so sharing do not substantially overlap.

5D.6.3 The City may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this subclause when, in the opinion of the City, such arrangements are deemed necessary to assure the continued access to shared parking facilities.

5D.6.4 The following requirements shall be complied with where off-site or shared parking is proposed—

- (a) evidence shall be provided sufficient to satisfy the City that no substantial conflict will exist in the peak hours of operation of the buildings or uses for which the joint use of parking spaces or the reciprocal access and circulation arrangements is proposed;
- (b) the number of parking spaces to be provided off-site, is sufficient to meet the shortfall in parking in respect of the development the subject of the application; and
- (c) shared use of off-site parking facilities will not result in any deficiency in parking for that site.

5D.6.5 The City may require an agreement to be prepared by a solicitor at the expense of the applicant, detailing the relevant arrangements for off-site or shared parking, and executed by all parties concerned.

Note: Any such agreement shall be designed to ensure that access to, and use of shared parking facilities will continue for the duration of the development for which the parking is provided, and that the arrangements for shared use of facilities are not altered without the consent of the City.

5D.6.6 In clause 5D.6.4 ‘off-site’ means land other than that which is the subject of the application for planning approval, on which parking or access facilities are proposed to service the development the subject of the application.

5D.7 Access for Loading and Unloading Vehicles

5D.7.1 A person shall not construct or use a building for a showroom, a warehouse or an industry unless there is provided a paved access way for vehicles from the street to the rear of and to any other part of the building where provision is made in the external walls of the building for the entry of or the loading or unloading of vehicles.

5D.7.2 The access way referred to in clause 5D.7.1 shall be so constructed that all vehicles using it can enter from and return to a street in forward gear without reversing on to any part of the street.

5D.7.3 Except as hereinafter mentioned, the access way referred to in clause 5D.7.1 shall be not less than 6m in width; if the size of the lot makes the provision of a 6m wide access way impracticable the City may permit an access way of a narrower width of not less than 3m in width.

5D.8 Storage Yards

A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the City.

5D.9 Off-site buffers

5D.9.1 Where a proposed development is likely, if approved, to give rise to any significant off-site environmental impacts including pollution (gaseous emissions, odours or noise) or risk, which is likely to result in nuisance or adverse impacts on adjacent areas, the City may—

- (a) refuse the application; or
- (b) approve the application subject to conditions designed to ameliorate any impact.

5D.9.2 In its determination of any application for planning approval, the City is to take into consideration the potential environmental impact on the use and enjoyment of adjacent land or property, having regard to—

- (a) the concentration of any pollutants (including gaseous emissions, odour and noise) or the level of risk, at the location of impact;
- (b) the frequency and duration of events associated with the environmental impact;
- (c) any relevant microclimatic factors likely to affect the distribution or dispersion of pollutants;
- (d) the practicability and effectiveness of any amelioration measures which form part of the proposed development; and
- (e) the zoning, use and likely future development or occupancy of the adjacent land or property upon which the environmental impacts will impinge.

5D.10 Minimum Lot Size

5D.10.1 The minimum lot size shall be 2000m².

5D.11 Effluent disposal

5D.11.1 Where a proposed industry involves the discharge of effluent, other than that associated with staff toilet facilities, then either—

- (a) the premises must be connected to a reticulated sewerage system, or
- (b) where a connection to reticulated sewerage is not available, the premises are to be serviced by an on-site disposal and/or collection system of such capacity and design as to prevent pollution of (including nutrient discharge to) any ground or surface water systems in the vicinity of the site.

5D.11.2 Where, either because of the nature or quantity of effluent to be discharged, or the characteristics of the site and its environment, the requirements for effluent disposal referred to in clause 5D.11.1 cannot be met to the satisfaction of the City, the application may be refused notwithstanding that the use of the site may be designated 'P' in the Zoning Table.

PART 5E—URBAN DEVELOPMENT ZONE REQUIREMENTS

This Part includes the requirements for development in the Urban Development Zone, and should be read in conjunction with the general requirements of Part 5 and the requirements applicable within any relevant Special Control Areas under Part 6 as well as any other specific provisions applicable to individual sites.

5E This Part applies to the Urban Development Zone, unless expressly stated to the contrary in a clause of this Part.

5E.1 Subdivision and Development

5E.1.1 Subdivision and Development within the Urban Development Zone shall be in accordance with an approved Structure Plan prepared in accordance with Part 6A.

5E.1.2 Where a use identified on a Structure Plan refers to a use that does not correspond to a Zone or Reserve, a subsequent Structure Plan is required to be prepared for that area in accordance with Part 6A.

PART 6—SPECIAL CONTROL AREAS

This Part includes special requirements for development in areas identified on the Supplementary Scheme Maps 1—3 as Special Control Areas. These requirements should be read in conjunction with the general requirements of Part 5 and the requirements applicable to particular zones under Parts 5A, 5B, 5C or 5D as well as any specific provisions applicable to individual sites.

6.1. Operation of special control areas

6.1.1. The following special control areas are shown on the Scheme Maps—

- (a) Flood prone areas (Special Control Area Map 2)
- (b) Public drinking water resource protection areas (Special Control Area Map 2)
- (c) Wetland protection areas (Special Control Area Map 2)
- (d) Landscape and bushland protection areas (Special Control Area Map 1)
- (e) Prime agricultural land protection areas (Special Control Area Map 3)
- (f) Prime bushfire hazard protection areas (Special Control Area Map 3)
- (g) Areas of potential environmental hazard impacts (Special Control Area Map 3)
- (h) Catchment protection area—Peel Harvey Coastal Plain Catchment (Special Control Area Map 2)

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

Note: The designation of particular parts of the district within a Special Control Area should not be interpreted to imply that areas outside the designated areas have none of the risks, hazards or values specifically ascribed to land within the designated areas.

6.2 Flood prone areas

6.2.1 Flood Prone Areas are defined on the Scheme Map in accordance with the 1 in 100 year flood levels and associated mapping produced by the Department of Environment. The purpose of this designation is to highlight the potential for flooding within this area and to provide a basis for the avoidance and/or minimisation of flood damage associated with any development in this area. Flood Prone Areas include Floodways and Flood Fringes.

6.2.2. All building development or earthworks within Flood Prone Areas, shall be subject to a requirement for planning approval, and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

Note: Flood Prone Areas include a designated 'floodway' and a 'flood fringe', as defined by the Department of Environment.

6.2.3 No building or filling is to take place within a Floodway, except for public works undertaken with the approval of the City in consultation with the Department of Environment.

6.2.4 Unless otherwise approved by the City in accordance with the provisions of clause 5.5, all habitable buildings constructed within the Flood Fringe are to have a floor level of at least 0.5 metre above the relevant 1 in 100 year flood level as determined by the Department of Environment.

6.2.5 Where building is approved within the Flood Fringe, special measures are to be employed to protect the foundations from water erosion during extreme flood events.

6.2.6. The City may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) constrain the location of development;
- (b) control the form of construction, including foundations and associated works;
- (c) determine the form, location and construction of access; and

- (d) require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of the potential risk associated with flood events at the applicant's cost.

6.2.7 In this clause: 'Floodway' refers to that part of a floodplain, which determines the flow capacity of the waterway, and where any obstruction within the area has the potential to increase the flood height upstream of the obstruction; and 'Flood Fringe' is that area beyond the extent of the 'Floodway', which is affected by flooding, where the natural ground level is below the 1 in 100 year flood level.

6.3 Public drinking water resource protection areas

6.3.1 Public Drinking Water Resource Protection Areas are defined on the Scheme Map in accordance with information provided by the Department of Environment. The purpose of this designation is to provide a basis for the protection of those resources through the control of land use or development, which has the potential to prejudice the quality of water supplies for public use.

6.3.2 All development (including use of land, the removal of vegetation and earthworks) within Public Drinking Water Resource Protection Areas, shall be subject to a requirement for planning approval and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

6.3.3 In its determination of any application for planning approval and its advice in relation to land subdivision, the City is to have particular regard to—

- (a) the Department of Environment Water Quality Protection Note: *Land Use Compatibility in Public Drinking Water Source Areas*, and any advice received from the Commission;
- (b) the requirements of Statement of Planning Policy No. 2.3 *Jandakot Groundwater Protection Policy*, including particularly the land use permissibility designations contained in that policy;
- (c) the requirements of Statement of Planning Policy No. 2.7, *Public Drinking Water Source Policy*.
- (d) the potential impact of the proposal on the quality of the water resource;
- (e) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
- (f) the existing level of protection of the resource provided, with reference to management of land and location of development;
- (g) the nature, location and performance of any existing or proposed effluent disposal system; and
- (h) the drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.

6.3.4 The City may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) protect the resource; and
- (b) require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of resources at the applicant's cost.

Note: There will be a general presumption against development or use of land, which is not compatible with Public Drinking Water Source Areas or which involves a significant risk to the resource. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the resource.

6.4 Wetland protection areas

6.4.1 Wetland protection areas are defined on the Scheme Map in accordance with resource information provided by the Department of Environment and subsequent work undertaken by the City. The purpose of this designation is to highlight the environmental significance of these resources, the opportunities for the enhancement or rehabilitation of wetland functions, and to provide a basis for the avoidance and/or minimisation of degradation associated with any development in the vicinity of these areas.

6.4.2 All development (including use of land, the removal of vegetation, drainage, filling and earthworks) within Wetland Protection Areas, shall be subject to a requirement for planning approval and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

Note: Development within the Forrestdale Lake Environmental Management Area which may have a significant adverse impact on that lake's environmental values (as defined under the RAMSAR Convention) also requires referral and assessment under the Commonwealth Environmental Protection and Biodiversity Conservation Act.

6.4.3 In its determination of any application for planning approval and its advice in relation to land subdivision, the City is to have particular regard to—

- (a) the environmental quality objectives contained within any relevant Environmental Protection Policy under the *Environmental Protection Act 1986*, relating to wetlands and any beneficial uses or water quality standards relevant to the particular wetland;
- (b) the potential impact of the proposal on the environmental values of the resource, including wetland function, wetland vegetation communities and habitat types, wetland hydrology and water quality;

- (c) the quantities and characteristics of any chemicals such as pesticides, hydrocarbons or fertilizers associated with the proposed land use or development;
- (d) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
- (e) the existing level of protection of the resource provided, with reference to fencing and/or management of land and location of development;
- (f) the nature, location and performance of any existing or proposed effluent disposal system; and
- (g) the drainage characteristics of the land, including surface and groundwater flow.

6.4.4 The City may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) protect the resource and its associated values and beneficial uses; and
- (b) require the registration of a memorial or a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of resources at the applicant's cost.

6.5 Landscape and bushland protection areas

6.5.1 Landscape and Bushland Protection Areas are defined on the Scheme Map based on mapping work undertaken by the Department for Planning and Infrastructure and the City. The purpose of this designation is to highlight the importance of areas of quality landscapes and bushland resources and to provide a basis for the avoidance and/or minimisation of degradation associated with development in the resource areas and in some circumstances the enhancement of landscape and bushland values.

6.5.2 All development (including use of land, the removal of indigenous vegetation and earthworks) within Landscape and Bushland Protection Areas, shall be subject to a requirement for planning approval, and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

6.5.3 In its determination of any application for planning approval and its advice in relation to land subdivision, the City is to have particular regard to—

- (a) the potential impact of the proposal on the value of the resource, including its ecological and landscape values and its value as a corridor for fauna movement;
- (b) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
- (c) the existing level of protection of the resource provided, with reference to fencing and/or management of land and visibility of any buildings; and
- (d) the nature, location and performance of any existing or proposed effluent disposal system.

6.5.4. The City may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) protect and/or enhance the resource; and
- (b) require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of the resource at the applicant's cost.

6.6 Prime agricultural land protection area

6.6.1 Prime Agricultural Land Protection Areas are defined on the Scheme Map based on the horticultural resource values of the Karragullen locality, taking into account the need for appropriate buffers. The purpose of this designation is to highlight the importance of these resources; to provide a basis for their on-going and sustainable use for a variety of productive agricultural purposes; to prevent incompatible land uses being established, impinging on current productive agricultural and horticultural uses; and to ensure human health and amenity is considered in any proposals involving creation of new lots or new dwellings.

6.6.2 All development other than agricultural or horticultural use and ancillary development, within Prime Agricultural Land Protection Areas, shall be subject to a requirement for planning approval, and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

6.6.3 In its determination of any application for planning approval and its advice in relation to land subdivision, the City is to have particular regard to—

- (a) the potential impact of the proposal on the value and continued productive agricultural use of the resource; and
- (b) the contribution (if any) of the proposed development to the on-going productive use of the land resource.

6.6.4. The City may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) protect the resource; and
- (b) require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of the resource at the applicant's cost.

6.7 Prime bushfire hazard protection areas

6.7.1 Prime bushfire protection hazard areas are defined on the Scheme Map based on the criteria detailed in the Commission's Policy DC 3.7 *Planning for Bush Fire Protection*. The purpose of this designation is—

- (a) to highlight the risk factors associated with these areas,
- (b) to avoid development in areas where there is a significant risk to life and property, and
- (c) to ensure development that does take place, includes adequate protection measures.

6.7.2 All building development within Prime bushfire protection hazard areas, shall be subject to a requirement for planning approval, and shall be subject to the discretion of the City, notwithstanding that the use may be designated 'P' under the Scheme.

6.7.3 In its determination of any application for planning approval, and its advice in relation to land subdivision, the City is to have particular regard to—

- (a) the potential hazards occasioned by the vegetation, topography and prevailing winds during the bush fire season, and the extent (if any) to which any change in land use may increase such hazards;
- (b) the design and siting of buildings, works and access with reference to the performance standards set out in *Planning for Bush Fire Protection* and Australian Standard 3959, *Construction of Buildings in Bushfire-Prone Areas*;
- (c) avenues of escape in the event of a bush fire, and the level of hazard associated with any vehicular access facilities;
- (d) practicability of ameliorating the risk associated with bush fire events, including fire breaks, reduction in fuel load and roof/wall irrigation systems;
- (e) the effects of any proposed fire protection measures on the amenity and environmental characteristics of the locality, including landscape values, remnant vegetation and soil stability;
- (f) availability and adequacy of fire services including water supplies and equipment for use in fire fighting; and
- (g) the adequacy of any fire prevention plan or fire response plan which may have been adopted for the locality.

6.7.4. The City may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) minimise the risk to life and/or property; and
- (b) require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of the bushfire hazard and any restrictions and/or protective measures required to be maintained at the applicant's cost.

6.8 Areas of potential environmental hazard impacts

6.8.1 Areas of potential environmental hazard impacts are defined on the Scheme Map in accordance with the advice of the EPA and the Commission. The purpose of these designations is to—

- (a) highlight the potential for diminished environmental quality in the vicinity of rural and industrial activities involving gaseous emission, odours, dust, noise or risk likely to result in nuisance or adverse impacts on adjacent areas; and
- (b) provide a basis for the avoidance and/or minimisation of the environmental impacts associated with the activity concerned.

6.8.2 All residential development within an Area of potential environmental hazard impact, shall be subject to a requirement for planning approval, and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

6.8.3 In its determination of any application for planning approval, the City is to take into consideration the potential impact of any use of the adjacent land on the use and enjoyment of the proposed development, having regard to—

- (a) the concentration of any pollutants (including gaseous emissions, odour and noise) or the level of risk, at the location of impact;
- (b) the frequency and duration of events associated with any environmental impact;
- (c) any relevant microclimatic factors likely to affect the distribution or dispersion of pollutants;
- (d) the duration or estimated duration of the development responsible for the environmental impact, in the event that there is a firm proposal to relocate the facility;
- (e) the nature and occupancy of the proposed development upon which any environmental impacts will impinge; and
- (f) the practicability and effectiveness of any amelioration measures which form part of the proposed development.

6.8.4. The City may refuse any application for planning approval or impose conditions on any approval so as to—

- (a) minimise the impact of any environmental characteristics on the proposed development; and
- (b) require the registration of a memorial or notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any risk or nuisance factors or constraints on the occupation and use of the development site at the applicant's cost.

6.9 Catchment protection area—Peel Harvey Coastal Plain Catchment

6.9.1 The Peel-Harvey Catchment Protection Area is defined on the Scheme Map in accordance with *Statement of Planning Policy No. 2.1—Peel-Harvey Coastal Plain Catchment*. The purpose of this designation is to highlight the environmental sensitivity of the catchment and to provide a basis for avoidance and/or minimisation of degradation associated with any development in the area.

6.9.2 All development (including use of land for intensive agriculture, intensive animal husbandry, dairy milking sheds, the removal of vegetation or drainage) within the Peel-Harvey Catchment Protection Area, shall be subject to a requirement for planning approval and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

6.9.3 In its determination of any application for planning approval, the City is to have particular regard to—

- (a) the objectives and policy provisions contained in Statement of Planning Policy No. 2.1—Peel-Harvey Coastal Plain Catchment;
- (b) the objectives and policy statements contained in the Environmental Protection Policy (Peel Inlet-Harvey Estuary) prepared under the Environmental Protection Act 1986;
- (c) the potential impact of the proposal on the environmental values of the resource, taking into account soil types and land contours;
- (d) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
- (e) the existing level of protection of the resource provided, with reference to management of land and location of development;
- (f) the nature, location and performance of any existing or proposed effluent disposal system; and
- (g) the drainage characteristics of the land, including surface and groundwater flow.

6.9.4 The City may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) protect the resource; and
- (b) require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of resources at the applicant's cost.

PART 6A—DEVELOPMENT (STRUCTURE PLANNING) AREAS

This Part is to enable Structure Plans to be prepared and adopted prior to subdivision or development of land, where comprehensive planning is required to co-ordinate subdivision, land use and development.

6A Development Areas are described in Schedule 12, which sets out additional provisions applicable to subdivision and development.

6A.1 Requirement for Structure Plan

6A.1.1 A Development Area requires a Structure Plan to be prepared and adopted prior to subdivision or development of land and the subdivision and development of land is to be generally in accordance with the Structure Plan.

6A.1.2 The City or the Commission may, as a condition of adopting or approving a Structure Plan, require a more detailed Structure Plan in future if the City or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.

6A.2 Preparation of Structure Plans

6A.2.1 A Structure Plan must include plans at a scale to be determined by the City and other documents, including such reports as may be required by the City.

6A.2.2 A Structure Plan may, with the agreement of the City, be prepared and implemented in stages.

6A.2.3 A Structure Plan is to contain such detail as, in the opinion of the City, is required to satisfy the planning requirements of the Development Area, and, without limiting the generality of the foregoing, may include the following details—

- (a) the area to which the Structure Plan applies;
- (b) key opportunities and constraints of the Development Area including landform, topography, hydrology (including depth to water table), landscape, declared rare flora, threatened fauna, remnant vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
- (c) the planning context for the Development Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
- (d) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business areas;
- (e) the proposed indicative lot pattern and general location of any major buildings;
- (f) estimates of future lots, dwellings, population, employment and retail floor space;

- (g) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (h) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- (i) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;
- (j) details as appropriate relating to—
 - vehicular access and parking;
 - the location, orientation and design of buildings and the space between buildings;
 - conservation areas;
 - heritage places (including Aboriginal sites); and
 - special development control provisions; and
- (k) such other information as may be required by the City.

6A.2.4 In considering a Proposed Structure Plan for part of a Development Area, the City may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.

6A.3 Adoption and Approval of Structure Plans

6A.3.1 A Structure Plan may be prepared by a Proponent or the City. Where prepared by a Proponent, the Proposed Structure Plan is to be submitted to the City.

6A.3.2 Upon receiving a Proposed Structure Plan, the City is to either—

- (a) determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

6A.3.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the City, the City has not made one of the determinations referred to in clause 6A.3.2, the City is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

Note: Despite a Proposed Structure Plan being deemed to have been unsatisfactory for advertising, the City may issue a determination in respect of the Plan at any time after the expiry of the period specified in clause 6A.3.3 and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

- 6A.3.4
- (a) Where the Proponent is aggrieved by a determination of the City under clause 6A.3.2 (b) or (c) or clause 6A.3.3, the Proponent may request the City by notice in writing to forward the Proposed Structure Plan to the Commission.
 - (b) Within 21 days of receiving notice from the Proponent under 6A.3.4 (a), the City is to forward to the Commission—
 - (i) a copy of the Proposed Structure Plan;
 - (ii) details of the City's determination including any modifications to the Proposed Structure Plan required by the City; and
 - (iii) any other information the City considers may be relevant to the Commission's consideration of approval of the Proposed Structure Plan for advertising.
 - (c) Upon receiving a Proposed Structure Plan in accordance with clause 6A.3.4 (b), the Commission is to make one of the determinations referred to in clause 6A.3.2 and advise the City and the Proponent accordingly.
 - (d) If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the City prior to making its determination under clause 6A.3.2.
 - (e) If within 60 days of receiving a Proposed Structure Plan under clause 6A.3.4 (b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 6A.3.2, the Commission is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

6A.3.5 Where the City under clause 6A.3.2, or the Commission under clause 6A.3.4, has determined that the Proposed Structure Plan is satisfactory for advertising, the City is to—

- (a) advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 9.4 of the Scheme; and
- (b) give notice or require the Proponent to give notice in writing to—
 - (i) all landowners affected by the Proposed Structure Plan; and
 - (ii) such public authorities and other persons as the City nominates,

and such advertisement and notice are to explain the scope and purpose of the Proposed Structure Plan, when and where it may be inspected, and invite submissions to the City by a specified date being at least 21 days from the date of the notice and advertisement.

6A.3.6 Within 7 days of determining that a Proposed Structure Plan is satisfactory for advertising, the City is to forward a copy of the Proposed Structure Plan to the Commission.

6A.3.7 The City is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 6A.3.5 is to either—

- (a) adopt the Proposed Structure Plan with or without modifications; or
- (b) refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent.

6A.3.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the City, the City has not made one of the determinations referred to in clause 6A.3.7, the City is deemed to have refused to adopt the Proposed Structure Plan.

Note: Despite a Proposed Structure Plan being deemed to have been refused, the City may issue a determination in respect of the application at any time after the expiry of the period specified in clause 6A.3.8, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

6A.3.9 Within 21 days of the City making its determination under clause 6A.3.7, or deemed refusal under clause 6A.3.8, the City is to forward to the Commission—

- (a) a summary of all submissions and comments received by the City in respect of the Proposed Structure Plan, and the City's decisions or comments in relation to these;
- (b) the City's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
- (c) any other information the City considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

6A.3.10 The Commission is to either:

- (a) approve the Proposed Structure Plan with or without modifications; or
- (b) refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the City.

6A.3.11 If within 60 days of receiving the information referred to in clause 6A.3.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 6A.3.10, the Commission is deemed to have refused to approve the Proposed Structure Plan.

6A.3.12 If the Commission approves the Proposed Structure Plan, it is to notify the City and Proponent of its decision within 14 days of the date of the Commission's decision.

6A.3.13 If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the City prior to approving the Proposed Structure Plan under clause 6A.3.10.

6A.3.14 If the City, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is of such significance as to warrant re-advertisement, the City may—

- (a) re-advertise the Proposed Structure Plan; or
- (b) require the Proponent to re-advertise the Proposed Structure Plan

and, thereafter the procedures set out in clause 6A.3.5 onwards are to apply.

6A.3.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the City is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to—

- (a) the Proponent;
- (b) the Commission; and
- (c) any other appropriate person or public authority which the City thinks fit.

6A.3.16 A Structure Plan is to be kept at the City's administrative offices, and is to be made available for inspection by any member of the public during office hours.

6A.4 Change or Departure from Structure Plan or Revocation

6A.4.1 The City may adopt a minor change to, or departure from a Structure Plan if, in the opinion of the City, the change or departure does not materially alter the intent of the Structure Plan.

- 6A.4.2
- (a) The City is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.
 - (b) If the Commission considers that the change or departure adopted by the City under clause 6A.4.1 materially alters the intent of the Structure Plan, then the Commission—
 - (i) may require the City to follow the procedures set out in clause 6A.3 in relation to the change or departure; and
 - (ii) is to notify the City of this requirement within 10 days.

6A.4.3. Any change to or departure from a Structure Plan that is not considered by the City to be minor under clause 6A.4.1 is to follow the procedures set out in clause 6A.3.

6A.4.4 The City may, with the approval of the Commission, revoke a Structure Plan for part or all of a Development Area, where it is of the opinion that—

- (a) the Structure Plan is no longer relevant to the future subdivision or development of the land;
- or

- (b) the Structure Plan has not been substantially commenced within a period of 2 years following final adoption by the City under Clause 6A.3.15, and the circumstances have changed significantly since its approval; or
- (c) the Structure Plan has been substantially commenced but not substantially completed within a period of 2 years following final adoption by the City under Clause 6A.3.15, and the circumstances have changed significantly since its approval.

6A.5 Detailed Area Plans

- 6A.5.1 (a) (i) The City or the Commission may, by notice in writing, require a person to prepare and submit to the City a detailed area plan within the time specified in the notice.
- (ii) A person may prepare and submit to the City a detailed area plan.
- (b) A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted—
- (i) to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;
 - (ii) in place of a development approval required to comply with clause 2.3.3 of the Residential Design Codes; or
 - (iii) for any other planning purpose.
- (c) The City is to—
- (i) approve; or
 - (ii) refuse to approve
- the detailed area plan.
- (d) If within 60 days of receiving a detailed area plan under clause 6A.5.1(a), or such longer period as may be agreed in writing between the person and the City, the City has not made one of the determinations referred to in clause 6A.5.1(c), the City is deemed to have refused to approve the detailed area plan.
- (e) The City is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.
- (f) The City's refusal to approve a detailed area plan under clause 6A.5 is not a valid reason for the City to refuse to adopt or the Commission to refuse to approve a Proposed Structure Plan under clause 6A.3.

6A.5.2 Unless clause 6A.5.1(b)(ii) applies, once approved by the City, the detailed area plan is to be used as the basis for—

- (a) making recommendations to the Commission on subdivision applications; and
- (b) determining development applications

with respect to the land subject to the detailed area plan.

6A.5.3 A detailed area plan may include details as to—

- (a) development envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the City.

- 6A.5.4 (a) An approved detailed area plan may be modified or varied with the approval of the City providing such modifications or variations conform with the intent of any related Structure Plan.
- (b) The City is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.

6A.5.5 The City may revoke a Detailed Area Plan where it is of the opinion that—

- (a) the Detailed Area Plan is no longer relevant to the future subdivision or development of the land; or
- (b) the Detailed Area Plan has not been substantially implemented within a period of 2 years following approval of the Detailed Area Plan and the circumstances have changed significantly since its approval; or

6A.6 Development Envelopes

6A.6.1 Where development envelopes are, pursuant to this Scheme, required to be depicted on a Detailed Area Plan, Structure Plan or Subdivision Guide Plan, all buildings shall be located within the development envelopes shown on those Plans. For the purposes of this clause "buildings" shall

include dwellings, outbuildings, effluent disposal systems, stables and any other building or structure similar to the foregoing.

6A.6.2 Development envelopes shall be determined having regard to criteria contained in any relevant policy adopted under clause 2.4 of the Scheme.

6A.6.3 The City may, having regard to any relevant policy adopted under clause 2.4 of the Scheme, approve the relocation or modification of a development envelope.

6A.6.4 Notwithstanding the provisions of clause 6A.6.1, the City may at its discretion, approve the construction of the following structures outside of development envelopes: water tanks, windmills, stock watering and feed troughs, and roofed structures open on all sides for the purpose of providing shade and shelter for animals.

6A.6.5 Where any inconsistency arises between clause 6A.6 and any other provision of the Scheme, the provisions of this clause shall prevail to the extent of that inconsistency.

6A.7 Existing Structure Plans made under Previous Scheme

Any Structure Plan or Detailed Area Plan duly approved and operative under a previous town planning scheme is to have the full force and effect as if it were approved under this Scheme.

6A.8 Operation of Structure Plan

6A.8.1 A Structure Plan comes into effect on the date it is adopted by the City under Clause 6A.3.15

6A.8.2 Subject to clause 6A.8.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then—

- (a) the provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the development area.

6A.8.3 Without limiting the generality of clause 6A.8.2, under a Structure Plan—

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;
- (b) the standards and requirements applicable to the zones and R-Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;
- (c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;
- (d) where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the City in regard to compensation set out in clause 11.5 apply as if the land were correspondingly reserved under the Scheme; and
- (e) any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

Note: It is expected that the City will, as soon as practicable after the development of land in accordance with an adopted Structure Plan, rezone that land to reflect the zones and reserves which have been created under that Plan.

6A.8.4 A Structure Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Structure Plan.

6A.8.5 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves or zones is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

PART 6B—DEVELOPMENT CONTRIBUTION AREAS

This Part is to enable a Development Contribution Plan to be prepared to share the costs of the provision of specific items of infrastructure across a number of landowners in the Development Area.

6B Development Contribution Areas are described in Schedule 13, which sets out the infrastructure to which cost sharing arrangements relate and the cost sharing arrangements which apply.

6B.1 Interpretations

In this part, unless the context otherwise requires—

“**Cost Contribution**” means the contribution to the cost of Infrastructure payable by an Owner under this part and the applicable Development Contribution Plan;

“**Infrastructure**” means services and facilities which, in accordance with the Commission’s policy, it is reasonable for Owners to make a Cost Contribution towards; and

“**Owner**” means an owner of land that is located within a Development Contribution Area.

6B.2 Purpose

- (a) To identify areas requiring Cost Contributions that relate to subdivision and development.
- (b) To provide for the equitable sharing of the costs of Infrastructure between Owners and in particular, to ensure that Cost Contributions are only required towards such Infrastructure as is reasonably required as a result of the subdivision and development of land in the Development Contribution Area.
- (c) To coordinate the timely provision of Infrastructure.

6B.3 Development Contribution Plan Pre-requisite to Subdivision and Development

6B.3.1 Where a Development Contribution Area is prescribed in the Scheme, all Owners within that Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Development Contribution Plan contained in Schedule 13 and the provisions of this part

6B.3.2 The Development Contribution Plan for any Development Contribution Area does not have effect until it has been incorporated in Schedule 13 as part of the Scheme.

6B.3.3 Subject to clause 6B.3.5, the City is not to support subdivision or approve development in a Development Contribution Area until a Development Contribution Plan is in effect and the Owner who has applied for subdivision or development approval has made arrangements in accordance with clause 6B.6.1 for the payment of the Owner's Cost Contribution.

6B.3.4 Clause 6B.3.3 does not apply to the development of a single house or outbuildings associated with a single house on a lot which has not been subdivided since the coming into operation of this part.

6B.3.5 Where a Development Contribution Plan is necessary but is not in effect, the City may support subdivision or approve development where the Owner has made other arrangements satisfactory to the City with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area.

6B.4 Content and Principles of Development Contribution Plans

6B.4.1 The Development Contribution Plan is to specify—

- (a) the Development Contribution Area to which the Development Contribution Plan applies;
- (b) the Infrastructure to be funded through the Development Contribution Plan; and
- (c) the method of determining the Cost Contribution of each Owner towards the Infrastructure to be funded through the Development Contribution Plan.

6B.4.2 (a) A Development Contribution Plan is to specify the period during which it is to operate, but in any event, is not to operate for more than 5 years.

- (b) The period during which a Development Contribution Plan is to operate may be extended and the Development Contribution Plan may be amended accordingly.

Note: Any extension of the period of operation of a Development Contribution Plan requires a scheme amendment, which will, in turn, require the approval of the Minister. In order to avoid liability on expiry of the Development Contribution Plan under clause 6B.5(e), the amendment will need to be completed prior to the conclusion of the period that the Development Contribution Plan is specified to operate.

6B.4.3 The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles—

- (a) it is to provide for Cost Contributions to only the cost of such Infrastructure as fairly and reasonably relates to, and is reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;
- (b) it is to provide for Cost Contributions generally in accordance with the Commission's policies on developer contributions for Infrastructure;
- (c) matters requiring land contribution, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent;
- (d) the Cost Contribution is to be based upon the proportion that the area or value of that Owner's land bears to the total area or value of land within the Development Contribution Area;
- (e) the Cost Contribution is to take into account the highest and best uses attainable for the Owner's land; and
- (f) the cost of Infrastructure is to be based on amounts expended, but when an expenditure has not occurred, it is to be based on the best and latest estimated costs available to the City.

6B.4.4 For the purposes of paragraph 6B.4.3(d), in calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided or required in that Development Contribution Area for—

- (a) roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads;
- (b) existing public open space;
- (c) government primary and secondary schools; and
- (d) such other land as is set out in the Development Contribution Plan, is to be excluded.

6B.4.5 (a) Where a Development Contribution Plan contains estimated costs, such estimated costs are to be reviewed at least annually by the City in accordance with the best and latest information available to the City until the expenditure on the relevant item of Infrastructure has occurred.

- (b) Where requested in writing by an Owner, the City is to have such estimated costs independently certified by an appropriate qualified person.

6B.4.6 Where any Cost Contribution has been calculated on the basis of an estimated cost for Infrastructure, the City may—

- (a) adjust the Cost Contribution of any Owner in accordance with the revised estimated costs or the final expenditure; or

- (b) accept a Cost Contribution based upon estimated costs as a final Cost Contribution and may enter into an agreement with an Owner accordingly.

6B.4.7 Where an Owner's Cost Contribution is adjusted under clause 6B.4.6, the City, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.

6B.5 Liability for Cost Contributions

An Owner's liability to pay the Owner's Cost Contribution to the City arises on the earlier of—

- (a) the City confirming to the Commission that conditions of subdivision approval supervised by the City and imposed on an application to subdivide the Owner's land within the Development Contribution Area have been complied with;
- (b) prior to the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the Owner's land within the Development Contribution Area;
- (c) at the time of carrying out any development or commencing any new or extended use on the Owner's land within the Development Contribution Area;
- (d) at the time of applying to the City or Commission for approval of any new or extended use, or any other development on the Owner's land within the Development Contribution Area; or
- (e) on the expiry of the Development Contribution Plan.

6B.6 Collection and Enforcement

- 6B.6.1 (a) The Owner, with the agreement of the City, is to pay the Owner's Cost Contribution by—
- (i) cheque or cash;
 - (ii) transferring to the City land to the value of the Cost Contribution;
 - (iii) some other method acceptable to the City; or
 - (iv) any combination of these methods.
- (b) The Owner, with the agreement of the City, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner as agreed with the City.
- 6B.6.2 (a) The amount of any Cost Contribution for which an Owner is liable under clause 6B.5, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the City may lodge a caveat against the Owner's title to that land.
- (b) The City may, at the Owner's expense and subject to such other conditions as the City thinks fit, withdraw a caveat lodged under clause 6B.6.2(a) to permit a dealing and then re-lodge the caveat to prevent further dealings.
- (c) If the Cost Contribution is paid in full, and if requested to do so by the Owner, the City may, at the expense of the Owner, withdraw any caveat lodged in accordance with clause 6B.6.2.

6B.7 Administration of Funds

6B.7.1 The City is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

6B.7.2 The City is to provide to every Owner an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

6B.8 Shortfall or Excess in Cost Contributions

6B.8.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the City may—

- (a) make good the shortfall from its municipal fund;
- (b) enter into agreements with Owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution,

but nothing in paragraph 6B.8.1(a) restricts the right or power of the City to impose a differential rate to a specified Development Contribution Area in that regard.

6B.8.2 If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the City is to use the excess funds for the provision of additional facilities in that Development Contribution Area.

6B.9 Valuation

- 6B.9.1 (a) Unless Part 10 of the *Land Administration Act 1997* applies, clause 6B.9 applies if it is necessary to ascertain the Value of any land for the purposes of this part.
- (b) In clause 6B.9—
- “**Value**” means the fair nett expectance value inclusive of subdivisional profit from and in respect of the sale of the vacant land in its optimum subdivided form—
- (i) on the basis that there are no buildings, fences or other improvements of a like nature on the land;

- (ii) on the assumption that any rezoning necessary for the purpose of the development has come into force; and
- (iii) taking into account the added value of all other improvements on or appurtenant to the land.

“**Valuer**” means a licensed valuer agreed by the City and the Owner, or where the City and the Owner are unable to reach agreement, a valuer appointed by the President of the Australian Property Institute for the time being.

6B.9.2 If any Owner objects to a valuation made by the Valuer, the Owner may give notice to the City requesting a review of the amount of the Value, at the Owner’s expense, within 28 days after being informed of the Value.

6B.9.3 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined under clause 6B.9.6.

6B.9.4 (a) At the request of the City or the Owner, the Value placed upon the land of an Owner may be revised from time to time by a Valuer.

(b) The Valuer may—

- (i) reconsider the Values placed on other land in the Development Contribution Area; and
- (ii) make such revisions as considered just and equitable to those Values if the Valuer considers this is necessary as a result of a re-valuation made under clause 6B.9.2.

6B.9.5 The date of valuation is the date that the Owner’s liability to pay the Owner’s Cost Contribution to the City arises under clause 6B.5, or such other date as is agreed between the City and the Owner.

6B.9.6 (a) Where there is a dispute or difference between the City and the Owner regarding a Value, the dispute or difference is to be resolved as follows—

- (i) by any method agreed upon by the City and the Owner; or
- (ii) if the City and the Owner cannot agree, by arbitration in accordance with the *Commercial Arbitration Act 1985*.

(b) In any case, mediation of the dispute is to be attempted without prejudice to the rights of either the City or the Owner.

Note: Valuation in accordance with clause 6B.9 does not apply when land is compulsorily acquired under clause 6B.10, as section 241 of the Land Administration Act prescribes the method of determining compensation when land is compulsorily acquired. Valuation of land may be necessary however, under clause 6B.9, in order to determine the amount of an Owner’s Cost Contribution, where any formula for Cost Contributions relates to the value of land, or for determining the value of land when it is purchased by agreement under section 13(a) of the Town Planning and Development Act 1928.

6B.10 Land Acquisition

The City may acquire land for the carrying out of any Infrastructure works either by agreement or compulsorily under the powers conferred by section 13 of the Town Planning Act.

6B.11 Arbitration

Subject to clause 6B.9.6, any dispute between any Owner and the City in connection with the Cost Contribution required to be made by an Owner under clause 6B is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

PART 7—HERITAGE PROTECTION

7.1 Heritage List

7.1.1 The City is to establish and maintain a Heritage List to identify those places within the Scheme area, which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage List the City is to—

- (a) have regard to the municipal inventory prepared by the City under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List the City is to—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultations as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4 Where a place is included on the Heritage List, the City is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5 The City is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6 The City may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

Note: 1. *The purpose and intent of the heritage provisions are—*

- (a) to facilitate the conservation of places of heritage value; and*
- (b) to ensure as far as possible that development occurs with due regard to heritage values.*

2. *A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.*

7.2 Designation of a heritage area

7.2.1 If, in the opinion of the City, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the City may, by resolution, designate that area as a heritage area.

7.2.2 The City is to—

- (a) adopt for each heritage area a Local Planning Policy which is to comprise—
 - (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area;and
- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3 If the City proposes to designate an area as a heritage area, the City is to—

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the City considers appropriate to ensure widespread notice of the proposal;and
- (c) carry out such other consultation as the City considers appropriate.

7.2.4 Notice of a proposal under clause 7.2.3(b) is to specify—

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5 After the expiry of the period within which submissions may be made, the City is to—

- (a) review the proposed designation in the light of any submissions made; and
- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6 If the City resolves to adopt the designation, the City is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7 The City may modify or revoke a designation of a heritage area.

7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3 Heritage agreements

The City may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Note: 1. *A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.*

2. *Detailed provisions relating to heritage agreements are set out in the Heritage of Western Australia Act 1990.*

7.4 Heritage assessment

Despite any existing assessment on record, the City may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5 Variations to Scheme provisions for a heritage place or heritage area

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
 - (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,
- the City may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2.

PART 8—DEVELOPMENT OF LAND**8.1 Requirement for approval to commence development**

Subject to clause 8.2, all development on land zoned or reserved under the Scheme requires the prior approval of the City. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the City under Part 9.

- Note:*
- 1. *The planning approval of the City is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).*
 - 2. *Development includes the erection, placement and display of any advertisements, although some advertisements are exempted from the requirement for approval under clause 8.2(f).*
 - 3. *Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme and by the Swan River Trust in respect of its management area.*

8.2 Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of the City —

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme or included in the Municipal Heritage Inventory adopted by the City;
- (b) the erection on a lot of a single house in the Residential and General Rural zones, including any residential extension, outbuilding or swimming pool, except where—
 - (i) the proposal requires the exercise of a discretion by the City under the Scheme to vary the provisions of the *Residential Design Codes*;
 - (ii) the development will be located in a heritage area designated under the Scheme;
 - (iii) the development will be located in a Special Control Area under Part 6 of the Scheme; or
 - (iv) the development will be located on land affected by or within the Swan River Trust Management Area, being the management area referred to in section 3 of the *Swan River Trust Act 1988*;
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme or included in the Municipal Heritage Inventory adopted by the City; or
 - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the City agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List, in a heritage area or included in the Municipal Inventory adopted by the City;
- (g) any domestic recreation or social activity ancillary to the residential use of a site, including incidental development relating to such activity unless the development involves the exercise of discretion under the Scheme or Residential Design Codes, but excluding the construction of a tennis court involving the use of lighting for night games;
- (h) any building or works undertaken by the City or a public authority in connection with a public utility or public land;
- (i) the use or development of land reserved under the Scheme, where such land is held by the City or a public authority, for the purpose for which the land is reserved in the Scheme;

- (j) the erection, construction, maintenance, improvement or alteration of a boundary fence or wall, except where the proposal requires the exercise of a discretion by the City under the Scheme or the *Residential Design Codes*;
- (k) minor filling, excavation or re-contouring of land, provided there is no more than 0.5 metre change to the natural ground level, which change is to include any sand pad or site works associated with building development;
- (l) removal of vegetation except where approval of such development is otherwise required by the provisions of the scheme;
- (m) agriculture where permitted in the particular zone, including the keeping of stock in accordance with the Agriculture WA '*Stocking Rate Guidelines for Rural Small Holdings*' for the applicable pasture type.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 20D of the Town Planning Act.

8.3 Amending or revoking a planning approval

The City may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4 Unauthorized existing developments

8.4.1 The City may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development, which was unlawfully commenced, is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

- Note:*
1. *Applications for approval to an existing development are made under Part 9.*
 2. *The approval by the City of an existing development does not affect the power of the City to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of application

9.1.1 An application for approval for one or more of the following—

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

- Note:*
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 is to be referred by the City to the Commission for determination. No separate determination is made by the City.*
 2. *An application for planning approval in respect of land which is wholly within the management area of the Swan River Trust is to be referred by the City to the Swan River Trust for determination by the Minister responsible for the Swan River Trust Act 1988.*
 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 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 of a type which may be determined by the City under that notice,

is to be referred by the City to the Commission in accordance with the requirements of the Metropolitan Region Scheme and notice of delegation. Separate determinations are made by the City under the Scheme and the Commission under the Region Scheme.

9.1.3 The City may refuse to consider an application for approval, which does not conform to the requirements of this Part.

9.2 Accompanying material

Unless the City waives any particular requirement every application for planning approval is to be accompanied by—

- (a) a plan or plans to a scale of not less than 1:500 showing—
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all parking spaces intended to be provided;
 - (vi) 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;
 - (vii) 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; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that the City may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the City may require to enable the application to be determined.

9.3 Additional material for heritage matters

Where an application relates to a place entered on the Heritage List or within a heritage area, or included in the Municipal Heritage Inventory adopted by the City, the City may require an applicant to provide one or more of the following to assist the City in its determination of the application —

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the City 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;
- (c) an assessment of the cultural significance of any existing buildings and the development site itself according to policy guidelines adopted by the City in relation to the precinct or place which may be affected.

9.4 Advertising of applications

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) an 'A' use as referred to in clause 4.3.2;
- (b) a use not listed in the Zoning Table; or
- (c) a use considered by the City to require public notification,

the City is not to grant approval to that application unless notice is given in accordance with clause 9.4.2.

9.4.2 The City may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways —

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the City, are likely to be affected by the granting of planning approval, stating that submissions may be made to the City by a specified date being not less than 14 days from the day the notice is served;

- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the City by a specified day being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.3 The notice referred to in clause 9.4.2 (a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the City.

9.4.4 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the City.

9.4.5 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the City is to consider and determine the application.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultation with other authorities

10.1.1 In considering an application for planning approval the City may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the City is to consult that authority before making its determination.

10.2 Matters to be considered by the City

The City in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the City relevant to the use or development the subject of the application —

- (a) the aims, objectives and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the City under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the City under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included either in the Heritage List under clause 7.1 or the Municipal Inventory adopted by the City, in addition to the effect of the proposal on the character or appearance of the heritage area or place identified under Part 7;
- (i) the compatibility of a use or development within its setting, taking into consideration any Special Control Area;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) 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;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) 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;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (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) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any known heritage site under the *Aboriginal Heritage Act 1972*;
- (zb) any other planning consideration the City considers relevant.

10.3 Determination of applications

In determining an application for planning approval the City may—

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

10.4 Form and date of determination

10.4.1 As soon as practicable after making a determination in relation to the application, the City is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the City's determination.

10.4.2 Where the City refuses an application for planning approval the City is to give reasons for its refusal.

10.5 Term of planning approval

10.5.1 Where the City grants planning approval for the development of land—

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the City for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6 Temporary planning approval

Where the City grants planning approval, the City may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the City grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

10.7 Scope of planning approval

Planning approval may be granted—

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8 Approval subject to later approval of details

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the City may grant approval subject to matters requiring the subsequent planning approval of the City. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, public artwork and such other matters as the City thinks fit.

10.8.2 In respect of an approval requiring subsequent planning approval, the City may require such further details as it thinks fit prior to considering the application.

10.8.3 Where the City has granted approval subject to matters requiring the later planning approval of the City, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9 Deemed refusal

10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the City within 60 days of the receipt of the application by the City, or within such further time as is agreed in writing between the applicant and the City.

10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the City within 90 days of the receipt of the application by the City, or within such further time as is agreed in writing between the applicant and the City.

10.9.3 Despite an application for planning approval being deemed to have been refused, the City may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10 Appeals

An applicant aggrieved by a determination of the City in respect of the exercise of a discretionary power under the Scheme may request a review under Part V of the Town Planning Act.

PART 11—ENFORCEMENT AND ADMINISTRATION

11.1 Powers of the City of Armadale

11.1.1 The City in implementing the Scheme has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Town Planning Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the City authorized by the City 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.

11.2 Removal and repair of existing advertisements

11.2.1 (a) Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the City, in conflict with the amenity of the locality, the City may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

- (b) In clause 11.2 “advertiser” means an owner or occupier of premises where an advertisement is displayed or any other entity, which has caused an advertisement to be displayed in any premises.

11.2.2 Where, in the opinion of the City, an advertisement is untidy or in disrepair or is illegible or where it ceases to be effective for the purpose for which it was erected or displayed, the City may by written notice require the advertiser to—

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the City in the notice; or
- (b) remove the advertisement.

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify—

- (a) the advertisement 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; and
- (c) the period, being not less than 60 days from the date of the City’s determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may appeal under Part V of the Town Planning Act against the determination of the City.

11.3 Delegation of functions

11.3.1 The City may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, 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.

11.3.2 The CEO may delegate to any employee of the City the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under clause 11.3.1.

11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.3.4 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.

11.4 A person must comply with provisions of Scheme

11.4.1 A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme or with a notice issued under 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 City under the Scheme with respect to that building or that use.

Note: Section 10AB of the Town Planning Act provides that a person who contravenes—

- (a) a town planning scheme; or*
- (b) any condition imposed with respect to development by a responsible authority pursuant to its powers under a town planning scheme,*

and Section 10(7) of the Town Planning Act provides that a person who—

- (a) fails to comply with a direction relating to development in contravention of the Scheme; or*
- (b) fails to comply with a direction requiring the restoration of a site,*

commits an offence,

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

11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 11(1) of the Town Planning Act—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

not later than 6 months after the application is refused or the permission granted.

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1.

Note: 1. *A claim for compensation in respect of the refusal of planning approval or the imposition of conditions on land reserved under the Metropolitan Region Scheme should be made under the (Metropolitan Region Town Planning Scheme Act 1959/Western Australian Planning Commission Act 1985).*

2. *A claim for compensation under section 11(1) of the Town Planning Act may be made in the Form No. 7 in Appendix A of the Town Planning Regulations 1967.*

11.6 Purchase or taking of land

11.6.1 If, where compensation for injurious affection is claimed under the Town Planning Act, the City elects to purchase or take the land compulsorily the City is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2 The City 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.

Note: Section 13 of the Town Planning Act empowers the City to purchase or compulsorily acquire land comprised in a scheme.

11.7 Notice for removal of certain buildings

11.7.1 Under section 10(1) of the Town Planning Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2 The City may recover expenses under section 10(2) of the Town Planning Act in a court of competent jurisdiction.

11.8 Tree preservation

11.8.1 The City may by notice served upon individual landowners or upon a subdivider of land, require the preservation of a tree or group of trees. Thereafter no landowner shall cut, remove or otherwise destroy any tree unless the City grants approval or rescinds the notice or order.

SCHEDULES

| | |
|-------------|--|
| Schedule 1 | Dictionary of defined words and expressions |
| | General definitions |
| | Land use definitions |
| Schedule 2 | Additional uses |
| Schedule 3 | Restricted uses |
| Schedule 4 | Special use zones <i>(There are no special use zones which apply to the scheme.)</i> |
| Schedule 5 | Exempted advertisements |
| Schedule 6 | Form of application for planning approval |
| Schedule 7 | Additional information for advertisements |
| Schedule 8 | Notice of public advertisement of planning proposal |
| Schedule 9 | Notice of determination on application for planning approval |
| Schedule 10 | Environmental conditions |

| | |
|--------------|--|
| Schedule 11A | Car parking standards |
| Schedule 11B | End of Trip Facilities for Bicycle Users |
| Schedule 12 | Development (Structure Planning) Areas |
| Schedule 13 | Development Contribution Plans (Shared Infrastructure) |

SCHEDULE 1—DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[cl. 1.7]

1. General definitions

In the Scheme, unless the context otherwise requires—

- “**advertisement**” 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, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;
- “**aged or dependent persons**” has the same meaning as in the *Residential Design Codes*;
- “**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;
- “**City**” means the City of Armadale;
- “**commercial vehicle**” means a licensed or unlicensed vehicle (including any trailer or attachment) whether in a serviceable condition or not, used, designed or intended to be used in the course of trade or commerce and includes vehicles described in the First Schedule to the Road Traffic Act 1974, but does not include a caravan, farm tractor, motor car, motor carrier, motor cycle, station sedan, station wagon or utility;
- “**commercial zone**” means and includes the Regional Centre zone, the District Centre zone and the Local Centre zone;
- “**common infrastructure**” means those infrastructure items which are jointly required by all landowners in order to facilitate subdivision and development, and requiring a cost contribution in accordance with clause 6B and the Commission’s policy on Developer Contributions for Infrastructure as amended from time to time;
- “**common infrastructure cost**” means the cost of common infrastructure of any Development Area;
- “**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;
- “**contribution arrangement**” means the provisions of the Scheme, and more particularly in Schedule 13, defining the common infrastructure cost of a Development Area and apportioning the common infrastructure cost between Owners in the Development Area;
- “**cost contribution**” means the contribution to the cost of common infrastructure payable by an owner under clause 6B and the applicable Development Contribution Plan;
- “**cultural heritage significance**” has the same meaning as in the *Heritage of Western Australia Act 1990*;
- “**development**” has the same meaning as in section 2(1) of the *Town Planning and Development Act 1928*;
- “**development area**” means an area identified on the Scheme Maps in which a Structure Plan is required to be prepared in accordance with Part 6A prior to subdivision and which may be further described by and subject to further additional specific provisions in Schedule 12—Development (Structure Planning) Areas;
- “**development contribution area**” means the area identified on the Scheme Maps in which a development contribution plan is required to be prepared prior to subdivision in accordance with Part 6B and which may be further described by and subject to further additional specific provisions in Schedule 13—Development Contribution Plans;
- “**development contribution plan**” is defined in Part 6B;
- “**development envelope**” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;
- “**development plan**” means a plan approved by the responsible authority and identifying the location and features of development approved by the City including development envelopes;
- “**dwelling**” has the same meaning as in the *Residential Design Codes*;
- “**extraction of groundwater**” means extraction of subsurface water resources and includes extraction methods such as bores or wells;
- “**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;
- “**frontage**”, when used in relation to a building that is used for—
 - (a) residential purposes, has the same meaning as in the Residential Design Codes; and
 - (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts two (2) or more roads, the one to which the building or proposed building faces;

“Gazetted date”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 7(3) of the Town Planning Act;

“height” when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished wall or roof height directly above;

“heritage area” means an area designated as a heritage area under clause 7.2.1;

“Heritage List” means the Heritage List referred to in clause 7.1;

“incidental use” means a use of premises which is ancillary and subordinate to the predominant use;

“industrial zone” means any Industrial Business Zone, Light Industry Zone or General Industry Zone;

“infrastructure” means such services and items as are or may reasonably be required to enable land to be subdivided and developed including the services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing, may include such items as sewerage, drainage, water supply, power supply, telecommunications, thoroughfares and transport services;

“landscape, landscaping or landscaped” has the same meaning as in the *Residential Design Codes*;

“local government” means the City of Armadale (the City);

“Local Planning Strategy” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

“lot” has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;

“minerals” has the same meaning as in the *Mining Act 1978*;

“municipal inventory” means the municipal inventory referred to in clause 7.1.2;

“net lettable area (nla)” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas —

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

“non-conforming use” has the same meaning as it has in section 12(2)(a) of the Town Planning Act;

“occupier”, in relation to any land, means —

- (a) the person by whom or on whose behalf the land is actually occupied and will include a lessee or licensee, and if an owner is on the land, will include the owner; or
- (b) if there is no occupier, the person entitled to possession of the land and includes the owner; or
- (c) a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

“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 the land for an estate in fee simple in possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (c) is a lessor 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 from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

and for the purposes of Parts 6A and 6B, unless the context otherwise requires, means an owner of land that is located within a Development Area or a Development Contribution Area;

“place”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“plot ratio” has the same meaning as in the *Residential Design Codes*;

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

“predominant use” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

- “premises”** means land or buildings;
- “proponent”** in relation to the process of Structure Plan preparation within a Development Area, means any owner or owners of land to which the Proposed Structure Plan relates that has submitted that Proposed Structure Plan;
- “proposed structure plan”** means a structure plan, which may apply to either a local area or a district, that has been prepared in accordance with Part 6A;
- “protected wetland”** means a lake or wetland which is identified on the supplementary Scheme Maps as a special control area for the purpose of Wetlands Protection;
- “Region Scheme—Metropolitan”** means the Metropolitan Region Scheme within the meaning of the *Metropolitan Region Town Planning Scheme Act 1959*;
- “remnant native vegetation”** has the same meaning as “native vegetation” in Clause 51A of the *Environmental Protection Act 1986 (as amended)* and as further defined by Clause 4 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;
- “Residential Design Codes”** means the Residential Design Codes in Appendix 1 to the Western Australian Planning Commission Statement of Planning Policy No. 3.1, as amended from time to time;
- “Reserve”**—means a portion of the Scheme area indicated on the Scheme Map by distinctive colouring, patterns, symbols, hatching or edging as land set aside or reserved by the Scheme or the Metropolitan Region Scheme for public or institutional purposes, but does not include any land in a zone;
- “retail”** means the sale or hire of goods or services to the public;
- “rural zone”** means and includes the Rural Living Zone and the General Rural zone;
- “structure plan”** means a Proposed Structure Plan that has been both approved by the Commission and adopted by the City under clause 6A.3.
- “substantially commenced”** means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
- “Town Planning Act”** means the *Town Planning and Development Act 1928*;
- “water course”** means as any river, stream or creek in which water flows in a natural channel, whether permanently or intermittently;
- “wholesale”** means the sale of goods or materials to be sold by others;
- “zone”** means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve.

2. Land use definitions

In the Scheme, unless the context otherwise requires—

- “agriculture—extensive”** means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;
- “agriculture—intensive”** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—
- the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - the establishment and operation of plant or fruit nurseries;
 - the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
 - aquaculture;
- “agroforestry”** means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
- “amusement parlour”** means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
- “ancillary accommodation”** has the same meaning as in the *Residential Design Codes*;
- “animal establishment”** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;
- “animal husbandry—intensive”** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;
- “auction mart”** means premises on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.
- “bed and breakfast”** 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;
- “betting agency”** means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;
- “caravan park”** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

- “caretaker’s dwelling”** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “carpark”** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
- “child care premises”** has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “cinema/theatre”** means premises where the public may view a motion picture or theatrical production;
- “civic use”** means premises used by a government department, an instrumentality of the Crown, or the City of Armadale, for administrative, recreational or other purposes;
- “club premises”** means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “commercial vehicle parking”** means premises used for the parking or garaging of a commercial vehicle;
- “community purpose”** means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- “consulting rooms”** means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “convenience store”** means premises—
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
 - (b) operated during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) the floor area of which does not exceed 300 square metres net lettable area;
- “corrective institution”** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “dam construction”** means any works involving constriction of flow associated with a water course, but excludes any drainage works undertaken as part of an approved subdivision of land, or public works undertaken by the authority responsible for the management or maintenance of the particular water course;
- “display home centre”** means a dwelling or dwellings intended to be open to the public for inspection for the purpose of marketing services and/or dwellings for a particular builder or building company;
- “educational establishment”** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “exhibition centre”** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- “family day care”** means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;
- “fast food outlet”** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
- “fuel depot”** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “funeral chapel”** means a building or part of a building where funeral services are performed, and may include facilities for the viewing of bodies which have been prepared for burial, but does not include the preparation or storage of bodies;
- “funeral parlour”** means premises used to prepare and store bodies for burial or cremation;
- “garden centre—retail”** means land or buildings used for the purposes of propagating, growing and selling by retail plants and selling by retail domestic garden products and utilities, motorised garden implements, prefabricated garden buildings and bulk garden products;
- “grouped dwelling”** has the same meaning as in the *Residential Design Codes*;
- “holiday accommodation”** means accommodation comprising two or more cabins, apartments, chalets, cottages, or flats which, by way of trade or business, or for the purpose of any trade or business, is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor;
- “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 any 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 20 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;
- (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 dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

“home office” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (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;

“home store” means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“hotel” means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

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

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

“industry—extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;

“industry—general” means an industry other than a cottage, extractive, light, mining, noxious, rural or service industry;

“industry—light” means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“industry—mining” means land used commercially to extract minerals from the land;

“industry—noxious” means an industry which—

- (a) is specifically listed as an *offensive trade* under Schedule 2 of the *Health Act 1911*, excluding cleaning establishments and laundries, or
- (b) is specifically listed as a prescribed premises under Schedule 1 of the *Environmental Protection Regulations 1987*, excluding those industries encompassed by the definition of *agriculture—intensive, animal husbandry—intensive* or *industry—rural*.

“industry—rural” means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry—service” means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

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

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

“medical centre” means premises, other than a hospital, used by one or more health consultant(s) 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);

“motel” means premises 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*;

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

“motor vehicle repair” means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“motor vehicle wash” means premises where the primary use is the washing of motor vehicles;

“multiple dwelling” has the same meaning as in the *Residential Design Codes*;

“night club” means premises—

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Licensing Act 1988*;

“occasional use” means use of any land or building on an occasional basis for the purpose of recreation, entertainment, community or other similar activity which does not in the opinion of the City prejudice the orderly and proper planning or the preservation of the amenity of the locality in which the land or building is situated. The term includes a swap-meet, market, fair, sausage sizzle, cake stall or artistic performance;

“office” means premises used for administration, clerical, technical, professional or other like business activities;

“park home park” has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

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

“plantation” has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;

“reception centre” means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

“recreation—domestic” means part of premises used for indoor or outdoor leisure, recreation or sport which are ancillary to the residential use of the premises;

“recreation—private” means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

“recreation—public” means premises used for indoor or outdoor leisure, recreation or sport which are usually open to the public without charge;

“residential building” has the same meaning as in the *Residential Design Codes*;

“restaurant” means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;

Note: The use class restaurant does not include a fast food outlet. Refer clause 4.4.1 and 4.4.3.

“restricted premises” means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (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;

“rural pursuit” means any premises used for—

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture—extensive or agriculture—intensive;

“service station” means premises used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“showroom” means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“single bedroom dwelling” has the same meaning as in the *Residential Design Codes*;

“single house” has the same meaning as in the *Residential Design Codes*;

“storage” means premises used for the storage of goods, equipment, plant or materials;

“tavern” means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

“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;

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

“transport depot” means premises used for the parking or garaging of two or more commercial vehicles, or premises used for the transfer of goods or people from one such vehicle to another and includes the maintenance and repair of such vehicles;

“vehicle wrecking” means any land or buildings used for the breaking up, dismantling or storage of vehicles, and includes the sale of second hand parts and accessories;

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

“warehouse” means premises used to store or display goods and may include sale by wholesale;

“winery” means premises used for the production of viticultural produce and may include sale of the produce.

SCHEDULE 2—ADDITIONAL USES

[cl. 4.5]

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|---|--|---|
| 1. | Lot 100 located on the south-east corner of the intersection of Albany Highway and South Western Highway, Armadale. | Pioneer Village, being a 19th Century building exhibition. (a) Permitted (P) Uses— <ul style="list-style-type: none"> • Motel; • Hotel; • Restaurants; • Educational Establishment • Cafes; • Shops; • Cottage Industry; | 1.1 All permissible use classes listed for the base Residential zone shall be D (discretionary). 1.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|-------------------------------|--|--|
| | | <p>including the making or selling goods or crafts incidental to the nature of the Village.</p> <p>b) Uses permissible only with the City's discretion (D Uses)—</p> <ul style="list-style-type: none"> • Cinema/Theatre • Recreation—Public • Recreation—Private | <p>1.3 No access permitted to Residential zone abutting southern boundaries.</p> <p>1.4 Shops are limited to those demonstrating a 19th Century character to the satisfaction of the City.</p> |
| 2. | Lot 22 Canns Road, Bedfordale | <p>Elizabethan Village functioning principally as 16th Century period architecture exhibition.</p> <p>(a) Permitted (P) Uses—</p> <ul style="list-style-type: none"> • Tavern and Associated Restaurant • Brewery • Shop • Service facilities including public toilets and car parking • Market stalls • Other non-noisy public amusement or tourist related uses of a minor or incidental nature to the purpose of the village. <p>(b) Uses permissible only with the City's discretion (D Uses)—</p> <ul style="list-style-type: none"> • Cinema/Theatre; • Recreation—Public; • Recreation—Private | <p>2.1 All permissible use classes listed for the base Rural zone shall be D (discretionary).</p> <p>2.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> <p>2.3 The overall site coverage by buildings shall not exceed 10%.</p> <p>2.4 All buildings shall be constructed in appearance and scale in a manner compatible with the site redevelopment theme, which includes buildings that are characteristic of an English 16th century village.</p> <p>2.5 The restaurant/tavern shall be combined in a single building and constitute a unique facility to the site.</p> <p>2.6 The Brewery shall be limited to a maximum gross floor area of 315m² and shall not involve any bottling processes.</p> <p>2.7 The establishment of any dwellings on site or use of any building for holiday or bed and breakfast accommodation shall be conditional upon exemption being granted by the Health Department of WA to the standard requirements of the Government Sewerage Policy.</p> <p>2.8 Bed & Breakfast Accommodation may be incidentally permitted within a building, which is otherwise approved and occupied as a dwelling in accordance with the Residential Design Codes. Guest Accommodation shall not exceed more than 4 persons in 2 bedrooms within any dwelling.</p> <p>2.9 Holiday Accommodation may only be permitted within the existing buildings known as Anne Hathaways Cottage and Shakespeare's Birthplace</p> |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|---|--|---|
| | | | <p>subject to compliance with the Health Act and Building Code of Australia standards for Class 1(b) building.</p> <p>2.10 One shop only may be permitted which shall be limited in function to the sale of books, antiques, souvenirs, crafts, curios or other articles of tourist interest and light refreshments.</p> |
| 3. | Lot 34 (No. 6) Wygonda Road, Roleystone | Permitted (P) Uses— <ul style="list-style-type: none"> • Recreation—Public • Recreation—Private (Squash courts and ancillary leisure activities) | <p>3.1 All P use classes listed for the base Residential zone shall be D (discretionary).</p> <p>3.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |
| 4. | Lot 50 (No. 681) Albany Highway, Bedforddale | Permitted (P) Use— <ul style="list-style-type: none"> • Service station | <p>4.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table.</p> <p>4.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |
| 5. | Lot 53 (No 9) Wygonda Road, Roleystone | Permitted (P) Use— <ul style="list-style-type: none"> • Office and Medical Centre | <p>5.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table.</p> <p>5.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses which are permissible under the Additional Use provisions.</p> |
| 6. | Lot 11 (No. 1287) Brookton Highway, Karragullen | Permitted (P) Use— <ul style="list-style-type: none"> • Service station | <p>6.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table.</p> <p>6.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses which are permissible under the Additional Use provisions.</p> |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|---|---|
| 7. | Lot 60 (No. 770) cnr Hawkstone Road and Brookton Highway, Roleystone | Permitted (P) Use— • Service station | 7.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table. 7.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 8. | Lot Pt 161, cnr Canning Road, Brookton Highway, Karragullen | Permitted (P) Use— • Service station | 8.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table. 8.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 9. | Lot 21 Girrawheen Street, Armadale | Permitted (P) Uses— • Battery and Tyre Sales and Service | 9.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table. 9.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 10. | Pt Lot 200 (No. 49) Lake Road, Lake View Terrace, Westfield | Permitted (P) Uses— • Caravan Park • Shop • Restaurant | 10.1 Shop not to exceed 100m ² NLA Restaurant seating area not to exceed 100m ² . 10.2 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table. 10.3 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses which are permissible under the Additional Use provisions. |
| 11. | Lot 82 (No. 80) River Road, Kelmscott | Permitted (P) Use— • Caravan Park | 11.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table. 11.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|---|---|
| | | | existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 12. | Lot 2 Mount Street, Kelmscott | Tourist Facilities a) Permitted (P) Uses— <ul style="list-style-type: none"> • Reception Centre • Alternative Health Centre • Caretaker's dwelling • Car Park tied to these uses b) Uses permissible only with the City's discretion (D Uses)— <ul style="list-style-type: none"> • Child Minding • Civic Use • Cottage Industry • Cinema/Theatre • Rural Industry • Holiday accommodation other than as permitted above | 12.1 Development shall generally be in accordance with the approved Development Plan; 12.2 Uses shall generally comply with the approved Development Plan; 12.3 Gross site coverage of all buildings on the property in the Development Plan will not exceed 5% of the total site area unless otherwise approved by the City; 12.4 Discretionary Uses:— <ul style="list-style-type: none"> • Will have the same level of permissibility as listed in the Rural Living Zone provisions of the Development Table; • Will be determined by the City in accordance with the Rural Living Zone provisions of the Scheme except on lots created in a Strata Subdivision where the requirements for setbacks and site coverage of developments for the particular strata lot will be at the discretion of the City. 12.5 No vehicular access to or from Brookton Highway. 12.6 Holiday Accommodation Chalets shall be limited to 20 Residential Chalets however, additional Holiday Accommodation shall be an A use. 12.7 The Alternative Health Centre shall be limited to 10-Units 12.8 A Rural Industry shall only be permitted incidental to packing sheds associated with an orchard (Rural Pursuit). 12.9 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 13. | Lot 70 (No. 1360) Brookton Highway, Cassoti Road, Herbert Road and Conifer Road, Karragullen | Permitted (P) Use— <ul style="list-style-type: none"> • Tavern | 13.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table. 13.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|--|--|
| | | | any additional uses, which are permissible under the Additional Use provisions. |
| 14. | Lot 501 (No. 21) Angelo Street and Townsend Street, Armadale | Permitted (P) Use— • Hospital | <p>14.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table.</p> <p>14.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |
| 15. | Lot 502 (No. 174) South West Highway, Armadale | Permitted (P) Use— • Service station | <p>15.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table.</p> <p>15.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |
| 16. | Lot 888 Saunders Way, Rokewood Way, Old Station Road, Karragullen | Permitted (P) Use— • Warehouse (cool stores) • Incidental car park | <p>16.1 Screening of all storage areas from public streets and private lots;</p> <p>16.2 Maintenance of a landscape buffer of trees and vegetation to adjacent residential properties to the satisfaction of the City;</p> <p>16.3 Development shall be generally in accordance with the Concept Development Plan adopted by the City as the guide to future development and use of the site.</p> <p>16.4 Setbacks to be to the City's satisfaction, with a minimum 3 metre setback from Saunders Way to apply to all new development;</p> <p>16.5 Additional landscaping to the satisfaction of the City is to be provided between any new buildings and the relevant street frontage of the site.</p> <p>16.6 All permissible use classes listed for the base Special Residential zone shall be D (discretionary).</p> <p>16.7 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|---|---|--|
| 17. | Lot 60 (No. 119) Cnr Albany Highway and Carawatha Avenue, Mt Nasura | <p>Permitted (P) Use—</p> <ul style="list-style-type: none"> • Grouped Dwelling at R15 • Public Utility <p>Uses permissible only with the City's discretion (D Uses)—</p> <ul style="list-style-type: none"> • Grouped Dwelling (R40 Maximum) • Medical Centre consisting of more than 2 Consulting Rooms | <p>17.1 Residential subdivision and development shall be in accordance with the Residential Design Codes (R15, or subject to the City's discretion R40).</p> <p>17.2 In association with subdivision or development, a comprehensive site plan indicating a proposed landscaping and fencing of the site is to be prepared, submitted and subsequently implemented to the City's satisfaction. The aspects to be covered include—</p> <ul style="list-style-type: none"> a) Generous landscaping on road frontages with particular attention given to the Albany Highway frontage and the corner of Carawatha Avenue and Albany Highway. b) High quality fencing integrated with landscaping. <p>17.3 Unless otherwise determined by the City, provision shall be made for vehicle traffic access from Carawatha Avenue, to Lot 100, north of the lot, for development or subdivision of the lot.</p> <p>17.4 Unless otherwise determined by the City, a traffic management study regarding intersection treatment to be prepared by the applicant in consultation with Main Roads WA and the City.</p> <p>17.5 No vehicle access shall be provided to Albany Highway.</p> <p>17.6 A minimum of 16 metres buffer between the existing Water Corporation pump building located on adjoining Pt Lot 58 to any building.</p> <p>17.7 All other discretionary uses shall meet the following requirements—</p> <ul style="list-style-type: none"> a) A plot ratio limited to 0.3 b) Car parking spaces abutting any residential lot shall be screened by a masonry wall and landscaping strip to the specification of the City. c) The overall development of the site should be of a high quality unified architectural design that reflects a level of integration and consistency with the surrounding built environment. |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|--|---|
| | | | <p>d) Will have the same level of permissibility as listed in the Residential Zone provisions of the Development Table;</p> <p>e) In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |
| 18. | Lot 600 (No. 53) Railway Avenue, Kelmscott | Permitted (P) Uses— <ul style="list-style-type: none"> • Medical Centre • Incidental Shop for a Dispensary only. | <p>18.1 Sales of goods to be confined to a Dispensary incidental to the primary uses of Medical Centre.</p> <p>18.2 The overall development of the site should be of a high quality unified architectural design that reflects a level of integration and consistency with the surrounding built environment.</p> <p>18.3 Plot Ratio limited to 0.3.</p> <p>18.4 Site layout, parking provision are to be to the City's satisfaction and are to address the following—</p> <ul style="list-style-type: none"> • minimisation of impact of the development on adjacent residential properties by measures including the provision of high quality masonry walling; <p>18.5 Comprehensive landscape plan of the site to be prepared, submitted and consequently implemented to the City's satisfaction. The issues to be covered to include—</p> <ul style="list-style-type: none"> • retention of existing trees; • generous screening landscaping on common boundaries; <p>18.6 Car parking spaces abutting any residential lot shall be screened by a masonry wall and landscaping strip to the specification of the City.</p> <p>18.7 All permissible use classes listed for the base Residential zone shall be D (discretionary).</p> <p>18.8 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|--|---|
| 19. | Part Lots 186, 157 and 17, South Western Highway and Lot 49 Crystal Court, Armadale. | Permitted (P) Use: Tourist complex incorporating the old Armadale Tea Rooms consisting of— <ul style="list-style-type: none"> • Shop(s), • Office(s), • Restaurant(s) and • Incidental tourism related uses. | 19.1 The overall development of the site is to be of a high quality, unified architectural design, colour scheme, and integrated signage incorporating an Australian rural “colonial” theme and developed, presented and maintained as a single comprehensive commercial/tourism complex. 19.2 The gross leasable floor space to be limited to a maximum of 1000m ² . 19.3 No direct vehicular access/egress shall be permitted to Crystal Court. 19.4 The overall development to retain and incorporate the Old Armadale Tea Rooms (Muckcross Hall) building. 19.5 This property is affected by a “Sunset Clause” reserving the City the right to rezone the subject property back to the original Residential R15/Shopping zoning if development has not substantially commenced within five years of the Amendment's gazettal. 19.6 All permissible use classes listed for the base Residential zone shall be D (discretionary). 19.7 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 20. | Portion Lot 1 (No. 447) cnr Springdale Road and Chevin Road, Roleystone | Permitted (P) Use— <ul style="list-style-type: none"> • Motor Vehicle Repair | 20.1 Buildings and repair activities to be screened from public view by retention of trees and flora. 20.2 All permissible use classes listed for the base Rural Living zone shall be D (discretionary). 20.3 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 21. | Portion Lot 2 (No. 700) Nicholson Road, Forrestdale | Permitted (P) Use— <ul style="list-style-type: none"> • Showroom | 21.1 Goods sold to be limited to Farm Equipment & Equestrian Supplies 21.2 All permissible use classes listed for the base Rural Living zone shall be D (discretionary). |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|---|---|
| | | | 21.3 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 22. | Lot 224 (No. 88) Ypres Road, cnr Westfield Road, Westfield | Permitted (P) Use— • Veterinary Centre | 22.1 No overnight animal accommodation. 22.2 All permissible use classes listed for the base Residential zone shall be D (discretionary). 22.3 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 23. | Lot 2 (No. 270) South Western Highway, Armadale | Permitted (P) Use— • Caravan Park including Park Home Park | 23.1 Development may include ancillary overnight chalets, ancillary camping area, a Manager's Residence and Office, a kiosk and swimming pool/playground area. 23.2 Only one vehicular access is permitted from South Western Highway, Armadale 23.3 All permissible use classes listed for the base Residential zone shall be D (discretionary). 23.4 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 24. | Lot 501 (No. 273) Railway Avenue, Champion Drive and Stott Close, Armadale | Permitted (P) Use— • Medical Centre | 24.1 Access from Stott Close be permitted only to staff car park. 24.2 All permissible use classes listed for the base Residential zone shall be D (discretionary). 24.3 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 25. | Lot 186 (No. 537) Lake Road, Armadale | Permitted (P) Use— • Service Station | 25.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table. 25.2 In determining any planning application for development |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|--|---|
| | | | approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions. |
| 26. | Lot 26 (No. 10) corner Wygonda & Dreyer Roads, Roleystone | Permitted (P) Use— • Office | <p>26.1 Maximum Plot Ratio for development of the site shall be 0.3 to reflect scale of surrounding residential development.</p> <p>26.2 All permissible use classes listed for the base Residential zone shall be D (discretionary).</p> <p>26.3 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |
| 27. | Lot 10 (No. 3249) Albany Highway, Armadale | Permitted (P) Use— • Service Station • Incidental Car Wash Uses permissible only with the City's discretion (D Uses)— • Convenience Store • Fast Food | <p>27.1 All P use classes listed for the base zone shall be D (discretionary) uses notwithstanding that they are P in the Zoning Table.</p> <p>27.2 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> <p>27.3 Incidental Car Wash is permitted subject to an acoustic study being undertaken (demonstrating compliance with Environment Protection Noise Regulations 1997).</p> <p>27.4 Fast Food shall be restricted to 90m² (GFA).</p> |
| 28. | Lot 105 (No. 119) Brookton Highway, Hill Street, Kelmscott | Permitted (P) Uses— • Showroom • Garden Centre—retail • Incidental kiosk | <p>28.1 Goods sold to be limited to goods associated with a Timber & Hardware Store, Garden Centre—Retail and refreshments Kiosk only.</p> <p>28.2 Maximum plot ratio limited to 0.3;</p> <p>28.3 A row of trees to be planted and maintained outside the lot boundary along the Hill Street frontage to the satisfaction of the City;</p> <p>28.4 No vehicle ingress / egress to Hill Street frontage;</p> <p>28.5 Development standards as required for Timber & Hardware Store and Retail Garden Centre as defined in the Scheme, except where otherwise mentioned;</p> |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|---|---|
| | | | <p>28.6 The site is to be adequately drained in accordance with a comprehensive drainage plan to the specification and satisfaction of the City. A negotiated contribution will be required at development stage towards the provision of an adequate outfall drainage system for the area;</p> <p>28.7 High quality screen fence 1.8 metres high to be erected and maintained along whole length of common side boundary of property adjoining residential zone, the Public Open Space and along Hill Street and Brookton Highway frontage to the satisfaction of the City.</p> <p>28.8 A landscaped strip of 5m minimum width to be provided along the eastern boundary with Lot 16 and the Right of Way.</p> <p>28.9 Kiosk is to be restricted to a maximum gross floor area of 140m² and is only to operate in conjunction with the Retail Garden Centre.</p> <p>28.10 All permissible use classes listed for the base Residential zone shall be D (discretionary).</p> <p>28.11 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> |
| 29. | Lots 525 (No. 240) Seville Drive, Armadale | <p>Permitted (P) Uses—</p> <ul style="list-style-type: none"> • Medical Centre, • Consulting Rooms • Veterinary Clinic • Incidental Dispensary and Offices <p>(The offices must be incidental to the overall development in terms of floorspace).</p> | <p>29.1 The offices must be incidental to the overall development in terms of floorspace.</p> <p>29.2 Sales of goods to be confined to a Dispensary incidental to the primary uses of Medical Centre, Consulting Rooms and Veterinary Centre and shall not exceed 65m² of floor area.</p> <p>29.3 To achieve an integrated design in terms of buildings, access, car parking and landscaping, the three lots must be amalgamated or legally bound to a co-ordinated development plan for the entire site prior to development.</p> <p>29.4 Access to the entire site to be restricted to a maximum of two (2) crossovers onto Seville Drive, which must be strategically positioned to recognise existing traffic considerations, namely, Champion Drive intersection,</p> |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|---|--|--|
| | | | service station crossover, and Challis Road intersection. |
| 30. | <p>Portion of Lot 701 Thompson Road /Old Albany Lane, Heritage Drive and including:</p> <p>Lot 157 (No.26), lot 156 (No.24), lot 155 (No.22), lot 154 (No. 20), lot 153 (No.18), lot 152 (No. 16), lot 151 (No. 14), lot 150 (No. 12), lot 149 (No.10), lot 148 (No. 8), lot 147 (No.6), lot 146 (No. 4), lot 145 (No. 2), Mount Dale View; Lot 102 (No. 25), lot 101 (No. 23), lot 144 (No. 36), lot 143 (No. 34), lot 142 (No. 28), lot 109 (No. 39), lot 396 (No. 0), lot 115 (No. 61), lot 105 (No. 59), lot 114 (No. 57), lot 116 (No. 63), lot 117 (No. 65), lot 118 (No. 67), lot 119 (No. 69), lot 120 (No. 71), lot 121 (No. 73), lot 122 (No. 75), lot 123 (No.77), lot 124 (No.79), lot 125 (No. 81), lot 126 (No. 83), lot 391 (No. 230), lot 297 (No. 164), lot 298 (No. 166), lot 299 (No. 168), lot 300 (No. 170), lot 301 (No. 172), lot 302 (No. 174), lot 303 (No. 176), lot 304 (No. 178), lot 305 (No. 180), lot 321 (No. 203), Lot 367 (No.223), lot 368 (No. 225), lot 369 (No. 227), lot 370 (No. 229),</p> | <p>Private Golf Course specially designed and integrated with an adjacent Special Residential and Rural Living development.</p> <p>Permitted (P) Uses—</p> <ul style="list-style-type: none"> • shop-kiosk, • restaurant, • reception centre • caretakers house, and • extraction of groundwater, | <p>30.1 The following uses shall only be permitted on the portion of Lot 701 Thompson Road /Old Albany Lane, Heritage Drive, being the golf course land and shall be X (not permitted) uses on all private Special Residential or Rural Living lots—</p> <ul style="list-style-type: none"> • shop-kiosk; • restaurant; • reception center; • caretakers house; • holiday accommodation, and • extraction of groundwater. <p>30.2 All permissible use classes listed for the base Special Residential or Rural Living zones shall be D (discretionary) on the portion of Lot 701 Thompson Road /Old Albany Lane, Heritage Drive being the golf course land, notwithstanding that the permissibility in the Development Table for the base zone shall apply to all other Special Residential and Rural Living lots unless otherwise restricted by provisions of the scheme.</p> <p>30.3 In determining any planning application for development approval, the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions.</p> <p>30.4 In approving all development or exercising its discretion under the Scheme, the City shall have regard to Policy for the Araluen Special Residential Area, adopted as a Local Planning Policy under Part 2 of the Scheme.</p> <p>30.5 Holiday Accommodation shall be limited to a maximum of 50 Holiday Accommodation chalets or equivalent as determined by the City.</p> <p>30.6 All dwellings and holiday accommodation chalets shall be designed, located and constructed in such a manner that they blend with the natural landform and minimise clearing of existing vegetation of the site.</p> |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|----------------|---|
| | lot 371 (No. 231), lot 372 (No. 233), lot 373 (No. 235), lot 374 (No. 237), lot 375 (No. 239), lot 376 (No. 241), lot 377 (No. 243), lot 378 (No. 245), lot 379 (No. 247), lot 380 (No. 249), lot 381 (No. 251), | | |
| | lot 382 (No. 253), lot 383 (No. 255), lot 384 (No. 257), lot 385 (No. 259), lot 386 (No. 261), lot 387 (No. 263), lot 287 (No. 144), lot 288 (No. 146), lot 127 (No. 85), lot 128 (No. 87), lot 129 (No. 89), lot 130 (No. 91), lot 131 (No. 93), lot 132 (No. 95), lot 133 (No. 97), lot 134 (No. 99), lot 266 (No. 100), lot 267 (No. 102), lot 268 (No. 104), lot 269 (No. 106), lot 270 (No. 108), lot 271 (No. 110), lot 272 (No. 112), lot 273 (No. 114), lot 274 (No. 116), lot 275 (No. 118), lot 276 (No. 120), lot 277 (No. 122), lot 278 (No. 124), lot 279 (No. 126), lot 280 (No. 128), lot 281 (No. 130), lot 282 (No. 132), lot 283 (No. 134), lot 284 (No. 136), lot 285 (No. 138), lot 286 (No. 140), lot 320 (No. 194), lot 110 (No. 43), lot 111 (No. 49), lot 106 (No. 51), lot 112 (No. 53), lot 113 (No. 55), lot 232 (No. 40), | | 30.7 All dwellings and holiday accommodation chalets located within the Eastern Valley, as defined on the Structure Plan, shall be serviced with nutrient removing effluent disposal systems to the satisfaction of the City. |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|----------------|---|
| | lot 233 (No. 42), lot 234 (No. 44), lot 235 (No. 46), lot 262 (No. 58), lot 263 (No. 60), lot 264 (No. 62), lot 265 (No. 64), lot 259 (No. 52), lot 260 (No. 54), lot 261 (No. 56), Heritage Drive; lot 322 (No. 2), lot 323 (No. 4), lot 324 (No. 6), lot 325 (No. 8), lot 326 (No. 10), lot 327 (No. 12), lot 328 (No. 14), lot 329 (No. 16), lot 330 (No. 18), lot 331 (No. 20), lot 332 (No. 22), lot 333 (No. 24), lot 334 (No. 26), lot 335 (No. 28), lot 336 (No. 30), Forrest Edge Retreat; lot 337 (No. 1), lot 338 (No. 3), lot 339 (No. 5), lot 340 (No. 7), lot 341 (No. 9), lot 342 (No. 11), lot 343 (No. 13), lot 344 (No. 15), lot 345 (No. 17), lot 347 (No. 16), lot 346 (No. 18), lot 348 (No. 14), lot 349 (No. 12), lot 365 (No. 4), lot 366 (No. 2), lot 350 (No. 10), lot 351 (No. 8), Sophia Grove; lot 352 (No. 7), lot 353 (No. 11), lot 354 (No. 13), lot 355 (No. 15), lot 356 (No. 17), lot 357 (No. 16), lot 358 (No. 14), lot 359 (No. 12), lot 360 (No. 10), lot 361 (No. 8), | | |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|---|----------------|---|
| | lot 362 (No. 6), lot 363 (No. 4), lot 364 (No. 2), Protector Grove; Lot 218 (No. 1), lot 219 (No. 3), lot 220 (No. 5), lot 221 (No.7), lot 222 (No. 9), lot 223 (No. 11), lot 224 (No. 13), lot 225 (No. 10), lot 226 (No. 8), lot 227 (No. 6), lot 228 (No. 2), Sanctuary Court; Lot 229 (No. 48), lot 230 (No. 46), lot 231 (No. 44), lot 158 (No. 7), lot 159 (No. 9), lot 160 (No. 11), lot 161 (No. 13), lot 162 (No. 15), lot 163 (No. 17), lot 164 (No. 19), lot 165 (No. 21), lot 166 (No. 23), lot 167 (No. 25), lot 168 (No. 27), lot 169 (No. 29), lot 170 (No. 31), lot 171 (No. 33), lot 172 (No. 35), lot 173 (No. 37), lot 174 (No. 39), lot 175 (No. 41), lot 176 (No. 43), lot 177 (No. 45), lot 178 (No. 47), lot 179 (No. 49), lot 180 (No. 55), lot 181 (No. 57), lot 182 (No. 59), lot 183 (No. 61), lot 184 (No. 63), lot 185 (No. 65), lot 207 (No. 66), lot 208 (No. 64), lot 209 (No. 62), lot 210 (No. 60), lot 211 (No. 56), lot 186 (No. 67), lot 187 (No. 69), lot 188 (No. 71), lot 189 (No. 73), | | |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|----------------|---|
| | lot 190 (No. 75), lot 191 (No. 77), lot 192 (No. 79), lot 193 (No. 81), lot 194 (No. 83), lot 195 (No. 85), lot 196 (No. 88), lot 197 (No. 86), lot 198 (No. 84), lot 199 (No. 82), lot 200 (No. 80), lot 201 (No. 78), lot 202 (No. 76), lot 203 (No. 74), lot 204 (No. 72), lot 205 (No. 70), lot 206 (No. 68), lot 306 (No. 190), Ridgehill Rise; Lot 289 (No. 2), lot 290 (No. 4), lot 291 (No. 6), lot 292 (No. 8), lot 293 (No. 7), lot 294 (No. 5), lot 295 (No. 3), lot 296 (No. 1), Coachmans Place; Lot 212 (No. 1), lot 213 (No. 10), lot 214 (No. 8), lot 215 (No. 6), lot 216 (No. 4), lot 217 (No. 2), Horsemans View; Lot 307 (No. 4), lot 308 (No. 6), lot 309 (No. 8), lot 310 (No. 10), lot 311 (No. 12), lot 312 (No. 14), lot 313 (No. 15), lot 314 (No. 13), lot 315 (No. 11), lot 316 (No. 9), lot 317 (No. 7), lot 318 (No. 5), lot 319 (No. 3), Country Club Avenue; Lot 236 (No. 8), lot 237 (No. 10), lot 238 (No. 12), lot 239 (No. 14), lot 240 (No. 16), lot 241 (No. 18), | | |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|---|--|
| | lot 242 (No. 20), lot 243 (No. 22), lot 244 (No. 24), lot 245 (No. 26), lot 246 (No. 31), lot 247 (No. 29), lot 248 (No. 25), lot 249 (No. 23), lot 250 (No. 21), lot 251 (No. 19), lot 253 (No. 15), lot 254 (No. 13), lot 255 (No. 11), lot 256 (No. 9) Henty Lookout; Lot 108 (No. 2), lot 107 (No. 6), lot 104 (No. 12), lot 103 (No. 3), Misty Valley View; Lot 140 (No 42) Thompson Road; and Lot 135 (No. 11), lot 138 (No. 21), lot 137 (No. 19), lot 136 (No. 17), Old Albany Lane. | | |
| 31. | Pt Lot 61 (No. 3) Railway Avenue/Centre Road. | Permitted (P) Use— Showroom and warehouse for a stockfeed and rural supplies merchant Uses Permissible only with the City's discretion (D Uses)— <ul style="list-style-type: none"> • Car Park • Office • Garden Centre—Retail • Veterinary Centre • Industry—Service • Recreation—Private | 31.1 The intent of the zone is to accommodate stockfeed and rural supplies merchants in a high quality landscaped garden setting in a manner that is compatible with the adjacent residential zone. 31.2 Subdivision shall be generally in accordance with a Development Plan and the following standards— <ul style="list-style-type: none"> • minimum lot size 2000m² 31.3 All development to be conditional upon the establishment and maintenance of— <ul style="list-style-type: none"> a) a high quality screen fence and shelter belt of trees to the rear of all lots where they abut a Residential use; b) 5 metre wide landscape buffer to Railway Avenue; and c) Building setbacks— <ul style="list-style-type: none"> • front—15 metres • Side—3 metres d) Car parking and driveway access can be accommodated with the building setbacks and veranda and colonnade treatments may extend to 3m within the front setback. |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|--|---|
| | | | <p>e) The materials of all buildings shall be of high quality construction (eg. brick, masonry) and shall have tones consistent with the intent of the zone through the use of low impact non-reflective natural colours.</p> <p>f) Plot ratio—maximum 0.3.</p> <p>g) No fencing permitted forward of the building line.</p> <p>h) Advertising is to be incorporated into the building design, and all advertising proposed forward of the building line shall only be permitted where a co-ordinated format of advertising is agreed to by the City.</p> <p>31.4 In order to achieve a well planned high quality streetscape, the development shall be co-ordinated to reflect consistent building setbacks and harmonious architectural themes.</p> |
| 32. | Lot 51 (No. 2973) Albany Hwy and Lot 52 (No. 3) Foster Rd Kelmscott | <p>Additional Use Permissible only with the City's discretion (D Use):</p> <ul style="list-style-type: none"> • Medical Centre. | <p>32.1 A maximum of six (6) consulting rooms shall be permitted.</p> <p>32.2 The overall development shall be of high quality unified architectural design that is consistent and integrated with the surrounding built environment.</p> <p>32.3 Car parking areas abutting residential properties shall be screened with masonry fencing to the satisfaction of the City.</p> <p>32.4 No vehicular ingress / egress shall be permitted onto Albany Highway.</p> <p>32.5 The site is to be amalgamated into a single lot.</p> |
| 33. | Lot 17 (No. 3027) cnr Valentine Road and Albany Highway, lots 21 (No. 3031), 11 (No. 3033) and 3 (No. 3043) Albany Highway, Kelmscott. | <p>Additional Use Permissible only with the City's discretion (D Use):</p> <ul style="list-style-type: none"> • Medical Centre. | <p>33.1 A coordinated Development Plan shall be required for all four (4) lots within the Description of land for this Additional Use.</p> <p>33.2 The coordinated Development Plan shall address the following matters to the City's satisfaction, prior to any development—</p> <ul style="list-style-type: none"> • demonstrate site layout, vehicular access and car parking provision, including any access to/from Albany Highway |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|---|--|--|
| | | | <p>to the satisfaction of Main Roads Western Australia, and provision of reciprocal rights of access to/from adjacent lots, or where appropriate, the amalgamation of lots.</p> <ul style="list-style-type: none"> • minimisation of impact of the development on adjacent residential properties by measures including the provision of high quality masonry walling abutting any residential lot and a landscaping strip between car parking spaces proposed to directly abut any residential lot; <p>33.3 The overall development of the site should be of a high quality unified architectural design that reflects a level of integration and consistency with the surrounding built environment.</p> <p>33.4 Plot Ratio limited to 0.3.</p> <p>33.5 Comprehensive landscape plan of the site to be prepared, submitted and consequently implemented to address the following matters to the City's satisfaction—</p> <ul style="list-style-type: none"> • retention of existing trees; • generous screening landscaping on common boundaries to residential lots; <p>33.6 In determining any planning application for development approval the City shall have regard to the compatibility of the proposed uses with the existing uses.</p> |
| 34. | Lot 65 (No. 3057) cnr Lilian Avenue and Albany Highway and lot 1 (No. 3061) Albany Highway, Armadale. | <p>Additional Use Permissible only with the City's discretion (D Use):</p> <ul style="list-style-type: none"> • Medical Centre. | <p>34.1 A coordinated Development Plan shall be required for both (2) lots within the Description of land for this Additional Use.</p> <p>34.2 The coordinated Development Plan shall address the following matters to the City's satisfaction, prior to any development—</p> <ul style="list-style-type: none"> • demonstrate site layout, vehicular access and car parking provision, including any access to/from Albany Highway to the satisfaction of Main Roads Western Australia, and provision of reciprocal rights of access to/from adjacent lots, or where appropriate, the amalgamation of lots. • minimisation of impact of the development on |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|--|--|--|
| | | | <p>adjacent residential properties by measures including the provision of high quality masonry walling abutting any residential lot and a landscaping strip between car parking spaces proposed to directly abut any residential lot;</p> <p>34.3 The overall development of the site should be of a high quality unified architectural design that reflects a level of integration and consistency with the surrounding built environment.</p> <p>34.4 Plot Ratio limited to 0.3.</p> <p>34.5 Comprehensive landscape plan of the site to be prepared, submitted and consequently implemented to address the following matters to the City's satisfaction—</p> <ul style="list-style-type: none"> • retention of existing trees; • generous screening landscaping on common boundaries to residential lots; <p>34.6 In determining any planning application for development approval the City shall have regard to the compatibility of the proposed uses with the existing uses.</p> |
| 35. | Part of Lot 114 Warton Road and part of Lot 3 Nicholson Road, Forrestdale comprising the CY O'Connor ERADE (Education, Research and Development and Employment) Village being the area identified on Scheme Map. | <p>Education, Research and Development and Employment Village and Neighbourhood Centre.</p> <p>Permitted (P) Uses—</p> <ul style="list-style-type: none"> Caretaker's Dwelling Car Parking Child Minding Centre Civic Building Club Premises Educational Establishment Laboratory Office Recreation (public) Research Facility Residential Building <p>The City may at its discretion, permit the following uses (D Uses)—</p> <ul style="list-style-type: none"> Aged Person's Dwelling Consulting Room Convenience Store Convention Centre Community Purpose Depot Grouped Dwelling Health Studio Medical Centre Multiple Dwelling | <p>35.1 All subdivision and development, including the building disposition, car parking, landscaping and vehicular access shall take place in accordance with the adopted Local Structure Plan and generally in accordance with an ERADE Village Development Plan to be approved by the City, and in accordance with the Urban Water Management Strategy prepared by the Department of Environment, Water and Catchment Protection.</p> <p>35.2 The maximum retail floor area for commercial development within the zone shall be in accordance with the provisions of the Metropolitan Centres Policy as adopted by the Western Australian Planning Commission (WAPC), or a Retail Strategy for the Forrestdale locality which has been adopted by the City and WAPC.</p> <p>35.3 The design of the Neighbourhood Centre shall encourage a mix of floorspace to accommodate a range of commercial and community</p> |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|---------------------|---|--|
| | | Public Amusement Recreation (Private) Restaurant Retail Liquor Outlet Service Industry Service Station Shop Showroom Take Away Food Establishment Telecommunication Infrastructure The City may at its discretion, permit the following uses (A Uses)— Hotel/Motel Tavern Retail Garden Centre | based land uses, demonstrate a suitable architectural theme and scale to promote its character and prominence within the locality, and incorporate clear and convenient access for pedestrians, cyclists, motorists and public transport users. 35.4 Stormwater drainage and management techniques shall incorporate principles of Water Sensitive Urban Design to the satisfaction of the City. 35.5 Service Industry shall only be permitted by the City where it is satisfied such use is compatible with surrounding uses. 35.6 Site layout, built form, parking provision and landscaping are to be fully integrated to the City's satisfaction. 35.7 Development within the application area shall be designed to achieve a well planned high quality streetscape and aesthetic quality through the following elements— a. Appropriately designed built form and car parking to create and protect private areas, to screen service areas, and to minimise any impact on the rural amenity of the development on adjoining and adjacent lots; b. Incorporation of landscaping within the site to provide shade, screening and visual enhancement; c. Co-ordination of facades to reflect consistent building setbacks and harmonious architectural themes from public vantage points, to the satisfaction of the City; and d. Distribution of grouped/multiple dwelling development within the site to provide effective linkages to public open space, commercial nodes and public transport routes. 35.8 Residential development shall not exceed a maximum density of R40 and is to be designed in accordance with the Residential Design Codes. 35.9 A Noise Impact Assessment report is to be prepared by a |

| No. | Description of land | Additional use | Conditions and requirements (See Note 1) |
|-----|---|--|--|
| | | | <p>suitably qualified acoustic consultant to the satisfaction of the City and the Environmental Protection Authority. The report is to demonstrate/determine any appropriate buffer zones from the adjoining Resource (Kennel Operations) Zone in which residential development is to be prohibited and in which Memorials are to be placed on Certificates of Titles on future residential lots to advise prospective purchasers of the potential impacts of noise. The subject memorials should also advise affected properties of potential impacts of odours.</p> <p>35.10 Residential uses associated with the incubator units may be approved within the buffer zone of the Resource (Kennel Operations) Zone subject to the outcome of the Noise Assessment report, due to the incidental nature of their operation to the ERADE Village.</p> <p>35.11 All subdivision and development within the application area shall incorporate drainage infrastructure which has been designed to maintain existing groundwater levels and avoid the development of acid sulphate soils within the application area, to the satisfaction of the City and the Department of Environment, Water and Catchment Protection.</p> |
| 36. | Lot 7 (No. 3258) Albany Highway, Armadale, Wirra Willa Gardens | <p>Uses Permissible only with the City's discretion (D Uses)—</p> <ul style="list-style-type: none"> • Restaurant • Café • Reception centre • Garden centre retail (with restrictions relating to motorized garden implements, prefabricated garden buildings and bulk garden products), • Incidental tourism related use; and • Limited residential development up to a maximum density of R40. | 36.1 Development to be located and designed to ensure that the natural landscape elements are protected and conditions will be applied relating to landscaping, design, garden retention, public access and vehicle access and parking to be to the satisfaction of the City. |

Note 1: The conditions and requirements listed are in addition to any conditions and/or requirements, which may be imposed or required by the City in conjunction with approval of development.

SCHEDULE 3—RESTRICTED USES

[cl. 4.6]

| No. | Description of land | Restricted use | Conditions |
|-----|---|---|---|
| 1. | The Kelmscott—South, Mixed Business Area comprises of Albany Highway frontage properties south of the Kelmscott District Centre and including: Lot 70 (No. 2978), Pt 4 (No. 2970) Albany Highway; lots 101 (No. 2976) and Pt 5 (No. 2972) corner Armitage Road/Albany Highway; lots 100 (No. 2964) and Pt 14 (No. 2954) corner Albany Highway/ Rundle Street; lots 15 (No. 2950), Lot 104 (No. 2946 & No. 2944), 3 (No. 2942), 103 (No. 2938), Pt 12 (No. 2932) Albany Highway; lots 128 and 60 (No. 2916) corner Church Street/Albany Highway; lots 61 (No. 4) and 23 (No. 6) Church Street; Pt 22 (No. 2912), Pt 6 (No. 2910), lots 59 (No. 2906), 58 (No. 2904), 7 (No. 2902), 8 (No. 2900), 57 (No. 2898), 56 (No. 2896) Albany Highway, lot 2 (No. 1) corner Fancote Street/Albany Highway, lots 24 (No. 5), 25 (No. 7), 26 (No. 9) and 27 (No. 15) Fancote St, Kelmscott. | <p>The District Centre Zone—Restricted Use Area (R) acknowledges that the location and accessibility characteristics of the Albany Highway frontages adjacent to the Kelmscott Town Centre allow discretionary consideration of applications for a range of mixed business uses, which are generally supportive of, however, which do not represent a dispersal of the major Kelmscott Town Centre functions as a District Retail Commercial Centre. The intent of Restricting permissible land uses is to maintain the central retail Town Centre functions located within the unrestricted central area of the District Centre Zone, preventing their diffusion into an adjacent linear Restricted area. Showrooms are a discretionary use in the Kelmscott—South, Mixed Business Area. The following uses potentially permissible in the retail commercial core of the District Centre zone shall be uses that are Not Permitted (X) in the Restricted Use Area—</p> <ul style="list-style-type: none"> • Amusement Parlour • Auction Mart • Car Park • Cinema / Theatre • Commercial Vehicle Parking • Convenience Store • Fast Food Outlet • Lunch Bar • Market • Motor Vehicle Repair • Motor Vehicle Wash • Night Club • Restricted Premises • Service Station • Shop • Tavern | <p>1.1 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing and potential uses of the site.</p> <p>1.2 Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the screening, separation or noise attenuation of adjacent premises.</p> <p>1.3 The City may impose conditions and require proposed developments to specifically address the following issues—</p> <ul style="list-style-type: none"> • a high quality unified architectural design and overall development of the site that reflects a level of integration and consistency with the surrounding built environment; • vehicular access to the site including access to/from Albany Highway which shall be to the satisfaction of Main Roads Western Australia; • the amalgamation of lots or provision of reciprocal rights of access where appropriate; • the screening and/or landscaping of car parking areas from adjacent residential uses; • the precluding of overnight accommodation of animals in respect to Veterinary Centres; • interface with adjacent parks and recreation reservations abutting the Canning River; • the retention of existing on-site trees or significant vegetation. <p>1.4 An ancillary kiosk Shop may be permitted where a kiosk is an incidental use, which is subordinate to the predominant use of the site.</p> <p>1.5 Other than for a Single House, any use of Lot 70 (No. 2978) corner Albany Highway/ Brookton Highway shall require the site amalgamation with the adjoining Lot 101 (No. 2976) corner Armitage Road/Albany Highway.</p> |

| No. | Description of land | Restricted use | Conditions |
|-----|--|---|--|
| 2. | The Kelmscott—North, Mixed Business Area comprises of Albany Highway frontage properties north of the Kelmscott District Centre and including: lots 99 and 10 (No. 4) Page Road; lot 11 corner Page Road/Albany Highway; lots 71 and 75 Albany Highway; lots 76 (No. 2708) corner of Mountain View/ Albany Highway; lot 100 (No. 2696) corner of Mountain View/ Albany Highway/Turner Place; lots 101 (No. 2690) and 102 (No. 2684) corner of Albany Highway/ Turner Place, Kelmscott. | <p>The District Centre Zone—Restricted Use Area (R) acknowledges that the location and accessibility characteristics of the Albany Highway frontages adjacent to the Kelmscott Town Centre allow discretionary consideration of applications for a range of mixed business uses, which are generally supportive of, however which do not represent a dispersal of the major Kelmscott Town Centre functions as a District Retail Commercial Centre. The intent of Restricting permissible land uses is to maintain the central retail Town Centre functions located within the unrestricted central area of the District Centre Zone, preventing their diffusion into an adjacent linear, and Non-retail Restricted area.</p> <p>The following uses potentially permissible in the retail commercial core of the District Centre zone shall be uses that are Not Permitted (X) in the Restricted Use Area—</p> <ul style="list-style-type: none"> • Amusement Parlour • Auction Mart • Car Park • Cinema / Theatre • Commercial Vehicle Parking • Convenience Store • Fast Food Outlet • Garden Centre—Retail • Lunch Bar • Market • Motor Vehicle Repair • Motor Vehicle Wash • Motor Vehicle, Boat and Caravan Sales • Night Club • Restricted Premises • Service Station • Shop • Showroom • Tavern | <p>2.1 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing and potential uses of the site.</p> <p>2.2 Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the screening, separation or noise attenuation of adjacent premises.</p> <p>2.3 The City may impose conditions and require proposed developments to specifically address the following issues—</p> <ul style="list-style-type: none"> • a high quality unified architectural design and overall development of the site that reflects a level of integration and consistency with the surrounding built environment; • vehicular access to the site including access to/from Albany Highway, which shall be to the satisfaction of Main Roads Western Australia; • the amalgamation of lots or provision of reciprocal rights of access where appropriate; • the screening and/or landscaping of car parking areas from adjacent residential uses; • the precluding of overnight accommodation of animals in respect to Veterinary Centres; • interface with adjacent parks and recreation reservations abutting the Canning River; • the retention of existing on-site trees or significant vegetation. <p>2.4 An ancillary kiosk Shop may be permitted where a kiosk is an incidental use, which is subordinate to the predominant use of the site.</p> |
| 3 | Lot 651 Shrike Court, Westfield | <p>The Residential Zone (Restricted) acknowledges that the location and accessibility characteristics make this site suitable for Aged or Dependent Persons Dwellings up to a density of R40.</p> <p>The following uses listed in</p> | <p>3.1 All other permitted use classes listed in the base Residential zone shall be D (discretionary) in the Restricted Use Area.</p> <p>3.2 In determining any planning application for development approval the City shall have regard to the compatibility of</p> |

| No. | Description of land | Restricted use | Conditions |
|-----|---------------------|--|---|
| | | <p>the base Residential zone shall be uses that are Not Permitted (X) in the Restricted Use Area—</p> <ul style="list-style-type: none"> • Single Dwelling (other than for Aged or Dependent Persons Dwelling) • Single Bedroom Dwelling (other than for Aged or Dependent Persons Dwelling) • Group Dwelling (other than for Aged or Dependent Persons Dwelling) | proposed uses with the existing and potential uses of the site. |

SCHEDULE 4—SPECIAL USE ZONES

[cl. 4.7.]

| No. | Description of land | Land use | Conditions |
|-----|---|--|---|
| 1 | That portion of Page Road, Kelmscott abutting Lot 24 (Fancote Park site) plus a 12 metre wide portion of Lot 24 abutting Page Road. | Uses shown on a plan of development as approved by the Commission. | Conditions as approved by the Commission. |

SCHEDULE 5—EXEMPTED ADVERTISEMENTS

[cl. 8.2(f)]

Note: Approval under the Metropolitan Region Scheme is required for signage within MRS reserves.

| Land use and/or development | Exempted sign | Maximum size |
|---|--|---|
| Dwellings | One professional name-plate as appropriate | 0.2 m ² |
| Home Occupation | One advertisement describing the nature of the home occupation | 0.2 m ² |
| Places of Worship, Meeting Halls and Places of Public Assembly | One advertisement detailing the function and/or the activities of the institution concerned. | |
| Cinemas, Theatres and Drive-In Theatres | Two signs (illuminated or non- illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed. | Each advertisement sign not to exceed 5 m ² |
| Shops, Showrooms and other uses appropriate to a Shopping Area. | All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 3 metres from the ground floor level of the building subject to compliance with the requirements of the Signs, Hoarding and Bill Posting By-Laws. | Not applicable |
| Industrial and Warehouse Premises | <p>A maximum of two advertisements per tenancy applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of one free-standing advertisement sign (pylon type) per property for shared use of all tenancies thereon, not exceeding 6 m in height above ground level.</p> | Total area of any such advertisements shall not exceed 8 m ² |
| Race courses, major racing tracks, sports stadiums, major sporting grounds and complexes. | All signs provided that, in each case, the advertisement is not visible from a vantage point at ground level which is outside the complex or facility concerned either from other private land or from public places and streets. | Not applicable |

| Land use and/or development | Exempted sign | Maximum size |
|--|---|--|
| Public Places and Reserves | (a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a professional nature constructed or exhibited by, or on behalf of any such body; | Not applicable |
| | (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality; and | Not applicable |
| | (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein. | Not Applicable |
| Railway property and Reserves | Advertisement signs upon a railway station provided they are only directed at persons at or upon a railway station. | No signs shall exceed 2 m ² in area. |
| Advertisements within Buildings. | All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings. | Not applicable |
| All classes or buildings other than single family dwellings. | One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof. | 0.2 m ² |
| Building construction sites as follows: | Temporary Signs— Advertisement signs displayed only for the duration of the construction as follows. | |
| (i) Dwelling | One advertisement per street frontage containing details of the project and the contractor undertaking the construction work | 2 m ² |
| (ii) Multiple Dwellings, Shops, Commercial and Industrial projects. | One sign as for (i) above. | 2 m ² |
| (iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height | One sign as for (i) above. | 10 m ² |
| | One additional sign showing the name of the project builder. | 5 m ² |
| Sales of Goods or Livestock | One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose. | 2 m ² |
| Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows: | | |
| (a) Dwellings | One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. | Each sign shall not exceed an area of 2 m ² . |
| (b) Multiple Dwellings, Shops, commercial and industrial properties. | One sign as for (a) above. | Each sign shall not exceed an area of 2 m ² . |

| Land use and/or development | Exempted sign | Maximum size |
|--|--|---|
| (c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha | One sign as for (a) above | Each sign shall not exceed an area of 10 m ² . |
| Display Homes. Advertisement signs displayed for a period over which homes are on display for public inspection. | (i) One sign for each dwelling on display. (ii) In addition to (i) above, one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display. | 2 m ² 5 m ² |

SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL

[cl. 9.1.1]

Application for planning approval

| | | |
|---|------|-----------|
| Owner details | | |
| Name: | | |
| Address: | | |
| | | Postcode: |
| Phone: | Fax: | E-mail: |
| Contact person: | | |
| Signature: | | Date: |
| Signature: | | Date: |
| <i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i> | | |

| | | |
|---------------------------------------|------|-----------|
| Applicant details | | |
| Name: | | |
| Address: | | |
| | | Postcode: |
| Phone: (work): (home) (mobile): | Fax— | E-mail— |
| Contact person for correspondence: | | |
| Signature: | | Date: |

| | | |
|---|-------------------------------|--------------|
| Property details | | |
| Lot No: | House/Street No: | Location No: |
| Diagram or Plan No— | Certificate of Title Vol. No: | Folio: |
| Diagram or Plan No— | Certificate of Title Vol. No: | Folio: |
| Title encumbrances (e.g. easements, restrictive covenants. A copy of the Certificate of Title is required to accompany all applications for Grouped Dwellings or Multiple Dwellings)— | | |
| Street name: | | Suburb: |
| Nearest street intersection: | | |

| |
|---|
| Existing building/land use: |
| Description of proposed development and/or use: |
| Nature of any existing buildings and/or use: |
| Approximate cost of proposed development: |
| Estimated time of completion: |

| | |
|--------------------------------|----------------|
| OFFICE USE ONLY | |
| Acceptance Officer's initials: | Date received: |
| City of Armadale reference no: | |

(The content of the form of application must conform to Schedule 6 but minor variations may be permitted to the format.)

SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

[cl. 9.1.2]

Note: to be completed in addition to the Application for Planning Approval form

| | |
|----|---|
| 1. | Description of property upon which advertisement is to be displayed including full details of its proposed position within that property: |
| 2. | <p>Details of proposed sign:</p> <p>(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):</p> <p>(b) Height: Width: Depth:</p> <p>(c) Colours to be used:</p> <p>(d) Height above ground level — <ul style="list-style-type: none"> • (to top of advertisement): • (to underside): </p> <p>(e) Materials to be used:</p> <p>.....</p> <p>Illuminated: Yes / No</p> <p>If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source: </p> |
| 3. | Period of time for which advertisement is required: |
| 4. | <p>Details of signs (if any) to be removed if this application is approved— </p> <p>Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.</p> <p>Signature of advertiser(s):</p> <p>(if different from land owners)</p> <p>Date:</p> |

SCHEDULE 8—NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

[cl. 9.4.4]

Town Planning and Development Act 1928

City of Armadale

Town Planning Scheme No. 4

Notice of public advertisement of planning proposal

| | | |
|---|---------|---------|
| The City of: Armadale has received an application to use and/or develop land for the following purpose and public comments are invited. | | |
| Lot No.: | Street: | Suburb: |
| Proposal: | | |
| | | |
| | | |
| Details of the proposal are available for inspection at the City of Armadale office. Comments on the proposal may be submitted to the City in writing on or before the day of | | |
| Signed: | | Dated: |
| | | |
| for and on behalf of the City of: Armadale | | |

SCHEDULE 9—NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

[cl. 10.4.1]

Town Planning and Development Act 1928

City of Armadale

Town Planning Scheme No. 4

Determination on application for planning approval

| | |
|--|---|
| Location: | |
| Lot: | Plan/Diagram: |
| Vol. No.: | Folio No.: |
| Application date: | Received on: |
| Description of proposed development: | |
| | |
| The application for planning approval is— | |
| <input type="checkbox"/> | granted subject to the following conditions— |
| <input type="checkbox"/> | refused for the following reasons(s)— |
| Conditions/reasons for refusal— | |
| | |
| | |
| Note 1: | If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. |
| Note 2: | Where an approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained. |
| Note 3: | If an applicant is aggrieved by this determination there is a right of appeal under Part V of the <i>Town Planning and Development Act 1928</i> . An appeal must be lodged within 60 days of the determination. |
| Signed | Dated |
| | |
| for and on behalf of the City of: Armadale | |

(The content of the determination notice must conform to Schedule 9 but minor variations may be permitted to the format.)

SCHEDULE 10—ENVIRONMENTAL CONDITIONS

[cl. 5.6.1]

| Scheme or Amendment No. | Gazettal Date | Environmental Conditions |
|--|----------------|---|
| Under Scheme Amendment No 143 to Town Planning Scheme No 2, Statement that a Scheme may be Implemented No 000642 was issued pursuant to the provisions of Division 3 of Part IV of the Environmental Protection Act 1986 (and applies to Pt Lot 449 Taylor Road, Lot 501 Oxley Road, Lots 6, 7 and 8 Wolfe Road, Pt Lot 421 Taylor Road and Lot 432 Oxley Road, Forrestdale). These provisions are additional to provisions included under Schedule 12 of the Scheme, which also apply to this Development Area. | 5th April 2005 | <ol style="list-style-type: none"> 1. Structure Plan <ol style="list-style-type: none"> 1.1 Subdivision shall generally be in accordance with a Structure Plan prepared in accordance with Part 6A of the Scheme, excluding Lot 27 Oxley Road, as agreed by the Environmental Protection Authority. 1.2 The Structure Plan shall ensure that all development envelopes are located a minimum of 50m from the Conservation Category Wetland on Lot 501 Oxley Road, as defined by the Department of Environment. 1.3 The Structure Plan shall ensure a 300 buffer is provided around all existing poultry sheds on Lot 434 Taylor Road and all approved extensions to the poultry farm approved prior to 5th April 2005. 2. Environmental Management Plans <ol style="list-style-type: none"> 2.1 Prior to approval of subdivision for rural residential uses, the following Environmental Management Plans shall be prepared by the subdivider(s) in accordance with the specifications set out in Attachment 1 of the |

| Scheme or Amendment No. | Gazettal Date | Environmental Conditions |
|-------------------------|---------------|---|
| | | <p>Statement that a Scheme may be Implemented No 000642 and shall be subsequently implemented in accordance with the provisions of the Plans, to the satisfaction of the City of Armadale on the advice of the Environmental Protection Authority and the Department of Environment—</p> <ul style="list-style-type: none"> • Rehabilitation and Landscape Plan; • Declared Rare and Priority Flora Management Plan; • Fire Management Plan • Drainage and Nutrient Management Plan • Site Contamination and Remediation Program • High Pressure Natural Gas Pipeline Management Plan <p>3. Effluent Disposal</p> <p>3.1 No effluent disposal system shall be permitted within—</p> <ul style="list-style-type: none"> • 50 metres of the Conservation Category Wetland on Lot 501 Oxley Road as determined by the Department of Environment; • 300 metres of Water Corporation production bores J10 and J20 as shown in the Plan in Attachment 2 of the Statement that a Scheme may be Implemented; • 500 metres of Water Corporation production bore J30 as shown in the Plan in Attachment 2 of the Statement that a Scheme may be Implemented, unless otherwise approved by the Water Corporation. <p>3.2 Prior to approval of subdivision for rural residential purposes, the applicant shall demonstrate that the proposed lots within the application area will comply with the Government Sewerage Policy, to the satisfaction of the City and the Department of Health. Any lots, which are not supported on this basis are to be excluded from the Amendment, the Structure Plan or Subdivision Plan.</p> <p>3.3. All dwellings to be provided with Alternative Wastewater Treatment Systems capable of retaining phosphorus to the satisfaction of the City of Armadale.</p> <p>4. Poultry Farm Buffer</p> <p>4.1 No new building or development is to be permitted within 300 metres of any existing poultry/broiler farm or at 8th April 2005 any valid approval for a shed extension or new sheds, located on Lot 434 Taylor Road without the prior written approval of the City in consultation with the Department of Health, the Department of Environment and Western Australian Planning Commission. Relaxation of the 300 metre buffer for new development may be permitted where the potential for any adverse impact on the quality of rural residential living can be demonstrated to be minimal through appropriate odour and noise assessments by competent and reputable analysts on the advice of the Department of Environment.</p> <p>5. Livestock</p> <p>5.1 The keeping of livestock including horses, is not permitted on any lot within the Development Area.</p> |

| Scheme or Amendment No. | Gazettal Date | Environmental Conditions |
|-------------------------|---------------|---|
| | | <p>6 . Fencing</p> <p>6.1 All boundary and other fencing shall be of open post and rail and wire construction and shall be installed by the subdivider and maintained to the satisfaction of the City. Side and rear boundary fencing is prohibited where those boundaries fall within the Conservation Category Wetland and 50 metre buffer identified in the Structure Plan to ensure no unnecessary clearing is undertaken and wildlife movement is not constrained.</p> |

Note: Environmental conditions are imposed by the Environmental Protection Authority following its assessment of the Scheme under the Environmental Protection Act. Conditions imposed under a previous Town Planning Scheme have been carried over in the expectation that they will continue to have application under Town Planning Scheme No. 4.

SCHEDULE 11A—CAR PARKING STANDARDS

[cl. 5A.1.1, 5B.4.1, 5C.6.1, 5D.5.1]

| Land Use | Minimum Parking Standard |
|---|--|
| Aged or Dependent Persons Dwelling | As prescribed by the Residential Design Codes |
| Amusement Parlour | 6 spaces per 100 square metres of NLA |
| Ancillary Accommodation | 1 space in addition to requirement for principal dwelling |
| Animal Establishment | 1 space for every 10 animals the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces |
| Bed and Breakfast | 1 space per unit of accommodation in addition to requirement for principal dwelling |
| Betting Agency | 6 spaces for every 100 square metres NLA |
| Caretaker's Dwelling | 2 spaces (as for Single House) |
| Child Care Premises | 1 space per every 8 children allowed under maximum occupancy, plus 1 space per employee or staff member |
| Cinema/Theatre | 1 space per employee or staff member, plus 1 space per every 2.5 square metres of seating area |
| Civic Use | 1 space for every 5 persons the facility is designed to accommodate |
| Club Premises | As per Hotel where applicable to particular use, or As otherwise determined by the City. |
| Community Purpose | 1 space for every 5 persons the facility is designed to accommodate |
| Consulting Rooms | 6 spaces for every consulting room used at any one time |
| Convenience Store | 6 spaces per 100 square metres of NLA Minimum 4 spaces |
| Educational Establishment —Pre-Primary —Primary School —Secondary School | 1 space for every staff member, plus 1 space for every 2 students 1 space for every staff member, plus 14 drop-off spaces for every 100 students 1 space for every staff member, plus 7 drop-off spaces for every 100 students. |
| Exhibition Centre | 6 spaces for every 100 square metres of NLA |
| Family Day Care | 1 space in addition to residential requirements |
| Fast Food Outlet | 1 space for every 2.5 square metres waiting area with a minimum of 3 spaces, plus 1 space for every 5 square metres seating area, plus 4 car queuing spaces for any drive through facility. |
| Funeral Chapel | 1 space for every 2.5 square metres seating area, plus 1 space for every staff member present during services. |

| Land Use | Minimum Parking Standard |
|-------------------------------------|---|
| Funeral Parlour | 1 space for every staff member. Minimum 4 spaces |
| Garden Centre (Retail) | 2 spaces for every 100 square metres display or sales area, Minimum 4 spaces |
| Grouped Dwelling | As per the Residential Design Codes. |
| Holiday Accommodation | 1 space per unit of accommodation or 1 space for every 5 beds whichever is the greater. |
| Home Business | 1 space for every staff member not living on the premises, plus 2 spaces for client parking |
| Home Occupation | Nil in addition to residential requirements |
| Home Office | Nil in addition to residential requirements |
| Home Store | 6 spaces per 100 square metres of NLA, Minimum 4 spaces |
| Hospital | 1 space for every 4 beds provided plus 4 spaces for every 100 square metres of out-patient treatment area including waiting rooms. |
| Hotel | 1 space for every 2.5 square metres of bar area, plus 1 space for every 5 square metres of lounge or beer garden area; 1 space for every 5 seats provided or 1 space for every 5 square metres of eating area, whichever is the greater 1 space for every 5 seats provided in assembly area, or 1 space for every 2.5 square metres of assembly, whichever is the greater 1 space for each bedroom or residential unit. |
| Industry—Cottage | 2 spaces per 100 square metres of industrial area, or 1 space per person employed, whichever is greater. |
| Industry—Extractive | 1 space for every person employed. |
| Industry—General | 2 spaces per 100 square metres of industrial area, or 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy. |
| Industry—Light | 2 spaces per 100 square metres of industrial area, plus 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy. |
| Industry—Mining | 1 space for every person employed. |
| Industry—Service | 4 spaces per 100 square metres of floorspace open to the public, plus 2 spaces per 100 square metres industrial area, or 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy. |
| Lunch Bar | 6 spaces per 100 square metres NLA |
| Market | 6 spaces per 100 square metres of market area. |
| Medical Centre | 4 spaces for every consulting room used at any one time |
| Motel | 1 space for each bedroom or unit, plus 1 space for every staff member present at any one time, plus 1 space for every 5 square metres dining area. |
| Motor Vehicle Repair | 4 spaces to each working bay, plus 1 space for every person employed on site |
| Motor Vehicle Wash | 5 spaces for every 2 wash stalls. (A wash stall shall be counted as a parking space.) |
| Motor Vehicle, Boat & Caravan Sales | 1 space for every 100 square metres display area, plus 1 space for every employee Minimum 4 spaces |
| Multiple Dwelling | As per the Residential Design Codes. |
| Night Club | 1 space for every 2.5 square metres of public bar area, plus 1 space for every 5 square metres of lounge/garden area |
| Office | 3 spaces per 100 square metres NLA, Minimum 4 spaces per tenancy |

| Land Use | Minimum Parking Standard |
|---|---|
| Place of Worship | 1 space for every 2.5 square metres seating area, plus 1 space for every staff member present during peak operation |
| Reception Centre | 1 space for every 5 seats, or 1 space for every 5 persons the facility is designed to accommodate, or 1 space for every 5 square metres dining area, whichever is the greater |
| Recreation —Gymnasium —Health Studio —Bowling Alley —Cricket —Skating Rink —Swimming Pool —Squash Courts —Spectator Seating —Dining/Drinking —Staff | 1 space for every 10 square metres net floor area 1 space for every 10 square metres net floor area 4 spaces for every lane 10 spaces per court 1 space for every 20 square metres skating area 1 space for every 20 square metres pool area 2 spaces for every court 1 space for every 5 seats provided 1 space for every 5 square metres floorspace 1 space for every staff member present at any one time |
| Recreation—Public | 1 space for every 5 persons, based on the maximum capacity of all facilities when used simultaneously. |
| Residential Building | 1 space per 5 beds (communal accommodation) or 1 space per unit, plus 1 space for every staff member present at any one time |
| Restaurant | 1 space for every 5 seats or 1 space for every 5 square metres seating area, whichever is the greater. |
| Restricted Premises | 6 spaces per 100 square metres of NLA (as per Shop) |
| Service Station | 4 spaces for every working bay |
| Shop | 6 spaces per 100 square metres of NLA |
| Showroom | 3 spaces per 100 square metres NLA of display or sales area, plus 2 spaces per 100 square metres of storage area. |
| Single Bedroom Dwelling | As per the Residential Design Codes. |
| Single House | As per the Residential Design Codes. |
| Storage | 2 spaces per 100 square metres of storage area, or 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy. |
| Tavern | 1 space for every 2.5 square metres of bar area, plus 1 space for every 5 square metres of lounge or beer garden area; 1 space for every 5 seats provided or 1 space for every 5 square metres of eating area, whichever is the greater 1 space for every 5 seats provided in assembly area, or 1 space for every 2.5 square metres of assembly, whichever is the greater |
| Trade Display | 2 spaces per 100 square metres NLA of display or sales area. |
| Transport Depot | 1 space for every person employed. |
| Vehicle Wrecking | 1 space for every person employed, plus 2 spaces per 100 square metres of storage area. |
| Veterinary Centre | 4 spaces per veterinary practitioner, plus 1 space for every 10 animals the facility is designed to accommodate |
| Warehouse | 2 spaces per 100 square metres of storage area, or 1 space per person employed, whichever is greater. Minimum 4 spaces per tenancy. |
| Winery | 2 spaces per 100 square metres floorspace, or 1 space per person employed, whichever is greater, plus 1 space for every 5 square metres used for eating or drinking |
| All other uses | To be negotiated with the City at the time of an application for approval to commence development |

SCHEDULE 11B—END OF TRIP FACILITIES FOR BICYCLE USERSReproduced from Austroads Standard *Guide to traffic engineering practice Part 14.*

[cl. 5.12.1]

| Land Use | Employee/Resident Spaces | Class | Visitor/Shopper Spaces (gfa is gross "floor area") | Class |
|---------------------------------------|--|--------|---|-------|
| Amusement Parlour | * | 1 or 2 | 2 plus 1 per 50m ² gfa | 3 |
| Apartment House | 1 per 4 habitable rooms | 1 | 1 per 16 habitable rooms | 3 |
| Art Gallery | 1 per 1500m ² gfa | 2 | 2 + 1 per 1500m ² gfa | 3 |
| Bank | 1 per 200m ² gfa | 2 | 2 | 3 |
| Café | 1 per 25m ² public area | 2 | 2 | 3 |
| Community Centre | 1 per 1500m ² gfa | 2 | 2 + 1 per 1500m ² gfa | 3 |
| Consulting Rooms | 1 per 8 practitioners | 2 | 1 per 4 practitioners | 3 |
| Drive-in Shopping Centre | 1 per 300m ² sales floor | 1 | 1 per 500m ² sales floor | 3 |
| Flat | 1 per 3 flats | 1 | 1 per 12 flats | 3 |
| General Hospital | 1 per 15 beds | 1 | 1 per 30 beds | 3 |
| General Industry | 1 per 150m ² gfa | 1 or 2 | * | 3 |
| Health Centre | 1 per 400m ² gfa | 1 or 2 | 1 per 200m ² gfa | 3 |
| Hotel | 1 per 25m ² bar floor area & 1 per 100m ² lounge, beer garden | 1 | 100m ² lounge, beer garden | 3 |
| Indoor Recreation Facility | 1 per 4 employees | 1 or 2 | 1 per 200m ² gfa | 3 |
| Library | 1 per 500m ² gfa | 1 or 2 | 4 plus 2 per 200m gfa | 3 |
| Light Industry | 1 per 1000m ² gfa | 1 or 2 | * | 3 |
| Major Sports Ground | 1 per 1500 spectator places | 1 | 1 per 250 spectator places | 3 |
| Market | * | 2 | 1 per 10 stalls | 3 |
| Motel | 1 per 40 rooms | 1 | * | 3 |
| Museum | 1 per 1500m ² gfa | 1 | 2 & 1 per 1500m ² gfa | 3 |
| Nursing Home | 1 per 7 beds | 1 | 1 per 60 beds | 3 |
| Office | 1 per 200m ² gfa | 1 or 2 | 1 per 750m ² over 1000m ² | 3 |
| Place of Assembly | * | 2 | * | 3 |
| Place of Worship | * | 2 | 1 per 40 m ² gfa | |
| Public Hall | * | 1 or 2 | * | 3 |
| Residential Building | 1 per 4 lodging rooms | 1 | 1 per 16 lodging rooms | 3 |
| Restaurant | 1 per 100m ² public area | 1 or 2 | 2 | 3 |
| Retail Show Room | 1 per 750m ² sales floor | 1 | 1 per 1000m ² sales floor | 3 |
| School | 1 per 5 pupils over year 4 | 2 | * | 3 |
| Service Industry | 1 per 800m ² gfa | 1 | * | 3 |
| Service Premises | 1 per 200m ² gfa | 1 | * | 3 |
| Shop | 1 per 300m ² gfa | 1 | 1 per 500m ² over 1000m ² | 3 |
| Swimming Pool | — | 1 or 2 | 2 per 20m ² of pool area | 3 |
| Take-Away | 1 per 100m ² gfa | 1 | 1 per 50m ² gfa | 3 |
| University or Institute of Technology | 1 per 100f/t students 2 per 100f/t students | 1 or 2 | * | 3 |

Class 1 refers to fully enclosed individual lockers which provide a high level of security.

Class 2 refers to locked compounds fitted with class 3 facilities, with communal access using duplicate keys or electronic swipe cards, and which provide a medium level of security.

Class 3 refers to facilities to which the bicycle frame and wheels can be locked, and which provides a low level of security.

* Indicates that no parking demand information is available, and therefore planners should make their own assessment of the required bicycle parking provisions, on an individual project basis.

N.B. It is sometimes appropriate to make available 50% of the level of provision recommended in the table, at the initial installation stage; however space should be set aside to allow 100% provision in the event that the full demand for bicycle parking is realised.

SCHEDULE 12—DEVELOPMENT (STRUCTURE PLANNING) AREAS

[cl 6A]

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|--|---|
| 1. | Roleystone Hills Urban—Residential Development Area being the area bounded by Chevin Road, Holden Road, Raeburn Road and Heath Road, (as identified on Scheme Map). | <p>1.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>1.2 No land owner shall carry out subdivision or development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house) other than in accordance with the Structure Plan.</p> |
| 2. | Ninth Road Urban Residential Development Area being the area bounded by Ninth Road, Wungong Drive and developed Residential lots, Brookdale (as identified on Scheme Map). | 2.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. |
| 3. | Seville Drive Armadale Urban - Residential Development Area being the area bounded by Armadale Road, Braemore Street, Williams Road, Champion Drive, Lake Road, San Jacinta Road and Riverside Lane and previously described as the A14 Urban Unit. (as identified on Scheme Map). | 3.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. |
| 4. | Armadale Road Local Centre/Medium Density Residential Development Area (as identified on Scheme Map).being the area bounded by Eighth Road, Armadale Road and the boundary of the lots fronting Girraween Street (as identified on Scheme Map). | 4.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. |
| 5. | Centre Road Westfield Urban—Residential Development Area being the area bounded by Centre Road, Lake Road and the lots fronting Railway Avenue (as identified on Scheme Map). | 5.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. |
| 6. | Lot 15 (No 651) Nicholson Road Forrestdale | <p>6.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>6.2 The Structure Plan shall include an Environmental Management and Improvement Statement prepared in accordance with policy PLN2.7 Environmental Management and Improvement and implemented as part of any subdivision development of the land.</p> |
| 7. | Warton Road Forrestdale Urban—Residential Development Area comprising the CY O'Connor ERADE (Education, Research and Development and Employment) Village being the area bounded by Nicholson Road and Warton Road (as identified on Scheme Map). | <p>7.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>7.2 The Structure Plan is to—</p> <ol style="list-style-type: none"> indicate any buffer zones within which residential development will be prohibited and within which Memorials are to be registered on the Certificates of Title of residential lots advising prospective purchasers of the potential negative impacts of noise associated with the adjoining Dog Kennels area. The subject memorials should also advise affected properties of potential impacts of odours; indicate that all subdivision and development within the application area shall incorporate drainage |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|--|---|
| | | <p>infrastructure which has been designed to maintain existing groundwater levels and avoid the development of acid sulphate soils within the application area, to the satisfaction of the City of Armadale and the Department of Environment, Water and Catchment Protection;</p> <p>c. indicate that all vehicular access onto Warton Road and Nicholson Road is to be restricted to one access road only, unless a traffic study prepared by a suitably qualified consultant can demonstrate otherwise to the satisfaction of the Executive Director Development Services;</p> <p>d. indicate that all that vehicular access/intersections/road design are to be subject to final approval of the City of Armadale and that unsignalised four-way intersections will not be permitted along Nicholson Road.</p> |
| 8. | <p>Ranford Road Forrestdale Urban—Residential Development Area being the area bounded by Ranford Road, Warton Road, Wright Road and adjacent Reservation for Parks and Recreation (as identified on Scheme Map).</p> <p><i>(note: this site was subject to Scheme Amendment No 186 under former Town Planning Scheme No 2).</i></p> | <p>8.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>8.2 The Structure Plan should make adequate provision for protection of Conservation Category Wetlands, Bush Forever Sites and interfacing with adjacent existing and proposed Reservation for Parks and Recreation and existing kennels to the satisfaction of the Environmental Protection Authority and the City.</p> <p>8.3 Prior to subdivision, a noise assessment study shall be submitted to the satisfaction of the City, whom may recommend the imposition of subdivision conditions requiring memorials on the titles of newly created lots advising of the close proximity to kennels and that lots may be affected by noise associated with the operation of kennels.</p> <p>8.4 Development of noise sensitive uses, a noise assessment study shall be submitted to the satisfaction of the City whom may require noise attenuating measures to be implemented as development approval conditions.</p> |
| 9. | <p>Railway Avenue Westfield Urban—Residential Development Area being the area bounded by Centre Road, Railway Avenue and existing small lot development and incorporating Lots 58, 59 and Pt Lot 60 Centre Road, Pt lot 1008 and Pt Lot 27 Railway Avenue (as identified on Scheme Map).</p> | <p>9.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>9.2 The Structure Plan shall address stormwater and nutrient management due to the constraint of high levels of ground water, in addition to the interfacing with the existing ground levels of adjacent development.</p> |
| 10. | <p>Araluen Special Residential, Rural Living and Golf Course Development Area being the area bounded by Thompson Road, Old Albany Lane, Heritage Drive, Forestedge Retreat, Reservations for State Forests and Parks and Recreation, and Rural Living Lots 5 and 6 Bristol Road and Lot 62 Heritage Drive (as identified on Scheme Map).</p> | <p>10.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|--|---|
| 11. | Churchman Brook Road, Churchman Brook Special Residential Development Area being the area bounded by Pt Lots 1 and 12 Canns Road, adjacent Reservations for Parks and Recreation, Beeloo Close and Waterwheel Road (as identified on Scheme Map). | <p>11.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>11.2 The Structure Plan may identify a Convenience Store.</p> |
| 12. | Lake Road Champion Lakes Special Residential Development Area being the area bounded by Lake Road Lake View Terrace and adjacent Reservations for Tonkin Highway and Parks and Recreation. | 12.1 This area is already developed and any proposal for further subdivision shall require comprehensive planning for the area by preparation of a Structure Plan to guide subdivision and development. |
| 13. | Narbethong Road / Dmietrieff Road Bedfordale Rural Living Development Area being the area bounded by Albany Highway, Waterwheel Road and Parks and Recreation Reservations (as identified on Scheme Map). | <p>13.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>13.2 The Structure Plan shall provide arrange of lots as determined by the detailed land capability and site assessment.</p> |
| 14. | Wungong Close / Albany Highway Wungong Rural Living Development Area being the area bounded by Wungong Close, Albany Highway and Parks and Recreation Reservations (as identified on Scheme Map). | 14.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. |
| 15. | Leys Rise Wungong Rural Living Development Area being the area bounded by Leys Rise and Parks and Recreation Reservations (as identified on Scheme Map). | 15.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. |
| 16. | <p>Irymple Road and Pasture Road Karragullen Rural Living Development Area being Location 532, the area bounded by Irymple Road and Pasture Road, Parks and Recreation Reservations and General Rural Zone (as identified on Scheme Map).</p> <p><i>(note: this site was subject to Scheme Amendment No 173 under former Town Planning Scheme No 2).</i></p> | <p>16.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>16.2 All development envelopes are to maintain a minimum setback of 150metres from any lots containing orcharding activities;</p> <p>16.3 Any proposed Lots adjacent to the western boundary or north eastern corner of Location 532 are to incorporate a vegetated buffer of 40 metres width to attenuate spray drift from surrounding orchard activities. Vegetation within this buffer is to be planted and maintained to attenuate spray drift in accordance with a Vegetation Plan submitted to and approved by the City.</p> <p>16.4 The subdivider shall prepare a Drainage Management Plan, also incorporating details on the management of erosion and sediment control, prior to the subdivision and development of lots within the application area. All development shall be designed and maintained in accordance with this plan.</p> <p>16.5 The proposed fencing along the common boundary between the proposed lots and the Stinton Cascades Nature Reserve is to be to the satisfaction of the Department of Conservation and Land Management.</p> |
| 17. | Brookton Highway Karragullen Rural Living Development Area being Lots 102 and 103, the area bounded by Brookton Highway, Pasture Road, Parks and Recreation Reservations and General Rural Zone (as identified on Scheme Map). | <p>17.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>17.2 All lots to be provided with development envelopes to the satisfaction of the City, which are to maintain a minimum setback of 150 metres from any lots containing</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|--|---|
| | <i>(note: this site was subject to Scheme Amendment No 180 under former Town Planning Scheme No 2).</i> | <p>orcharding activities, or such lesser distance approved by the City where the lot dimensions do not permit the prescribed separation to be achieved.</p> <p>17.3 Vegetation on the site is to be installed and maintained to attenuate spray drift in accordance with a Vegetation Plan approved by the City.</p> |
| 18. | Urch Road Roleystone Rural Living Development Area being the area bounded by Urch Road, Rural Living 2 zone and General Rural Zone (as identified on Scheme Map). | 18.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. |
| 19. | Dickens Place Armadale—South Industrial Business Development Area being the area bounded by Dickens Place, South Western Highway and Byron Road (as identified on Scheme Map). | <p>19.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>19.2 In conjunction with planning for land under the jurisdiction of the Armadale Redevelopment Scheme, the Structure Plan shall specify a road network design, which provides permeability between Byron Road to the south and Dickens Place to the north.</p> |
| 20. | Anstey Road Forrestdale Industrial Development Area being the area bounded by Anstey Road, Ranford Road, Reservation for Parks and Recreation and Bush Forever Sites (as identified on Scheme Map). | <p>20.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>20.2 The Structure Plan should make adequate provision for protection of Conservation Category Wetlands, Bush Forever Sites and interfacing with adjacent existing and proposed Reservation for Parks and Recreation to the satisfaction of the Environmental Protection Authority and the City.</p> |
| 21. | <p>Taylor Road Forrestdale Rural Living Development Area “No 1” being the area bounded by Taylor Road, Rowley Road, Wolfe Road, Oxley Road and the municipal boundary (as identified on the maps comprising the Scheme). These provisions are additional to the formal Environmental Conditions included under Schedule 10 of the Scheme (and the Statement that a Scheme may be Implemented No 000642), which also apply to this Development Area.</p> <p><i>(note: this site was subject to Scheme Amendment No 143 under former Town Planning Scheme No 2).</i></p> | <p>21.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>21.2 The Structure Plan shall meet the following requirements—</p> <ol style="list-style-type: none"> identify a range of lots as determined by the detailed land capability and site assessment; identify development envelopes for all lots located a minimum of 15 metres from any lot boundary; identify all Conservation Category Wetlands within the site; identify minimum separation buffers as outlined in the Environmental Conditions. <p>21.3 All dwellings and outbuildings shall be located a minimum of 15 metres from any lot boundary;</p> <p>21.4 All effluent disposal systems shall be constructed within the approved development envelope.</p> <p>21.5 The City shall recommend a condition of subdivision approval for any new lot created within 500 metres of any existing poultry/broiler shed or valid and current approval for a shed extension or new sheds, located on Lot 434 Taylor Road, that all Certificates of Title be required to provide a memorial on the title, advising</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|---|--|
| | | <p>prospective purchasers of the potential for amenity impacts from the poultry farm as follows: "the proposed lot is located close to an existing poultry farm and may be affected by odours, noise and other negative impacts associated with the operation of a poultry farm. Further information may be obtained from the City of Armadale".</p> <p>21.6 Notwithstanding the general permissibility of landuses applying to the Rural Living zone no landuse shall be permitted on any lot which is located or partly located within the Groundwater Protection zone in the Metropolitan Regions Scheme, other than a landuse which is permitted under the Jandakot Groundwater Protection Policy or is subject to discretionary approval under that policy.</p> <p>21.7 All applications for groundwater abstraction shall require documentation of its acceptability to the Water Corporation and Department of Environment and the following requirements—</p> <ul style="list-style-type: none"> a. abstraction level is to be limited to any level imposed by the Water Corporation and Department of Environment; and b. the lot owner shall sign an acknowledgement of any groundwater extraction limit imposed by the Water Corporation and Department of Environment. <p>21.8 The Subdivider shall make arrangements satisfactory to the City to ensure that the prospective purchasers of all lots are advised in writing of those provisions in this Town Planning Scheme, which relate to the land use and management of the land located within the Development Area.</p> |
| 22. | <p>Oxley Road Forrestdale Rural Living Development Area being the area bounded by Oxley Road, Taylor Road and reservations for Parks and Recreation (as identified on Scheme Map).</p> <p><i>(note: this site was subject to Scheme Amendment No 183 under former Town Planning Scheme No 2).</i></p> | <p>22.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>22.2 The Structure Plan shall meet the following requirements—</p> <ul style="list-style-type: none"> a. identify a range of lots as determined by the detailed land capability and site assessment; b. identify development envelopes for all lots and located a minimum of 15 metres from any lot boundary; and c. identify all Conservation Category Wetlands within the site. <p>22.3 Prior to commencement of subdivision works, effluent disposal envelopes shall be identified for all lots on a plan approved by the City and accompanied by documentation that meets the following requirements—</p> <ul style="list-style-type: none"> a. demonstrate by means of a geotechnical report that the minimum requirements for unsewered subdivision as specified in Appendix 1 of the Government Sewerage Policy—Perth Metropolitan Region, will be achieved; and b. demonstrate the acceptability of the |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|---------------------|--|
| | | <p>effluent disposal envelopes to the Health Department of WA; and</p> <p>c. be located a minimum of fifty (50) metres from any Conservation Category Wetlands identified on the Structure Plan;</p> <p>22.4 All effluent disposal systems shall be constructed within the defined effluent disposal envelope.</p> <p>22.5 All dwellings shall be provided with alternative Treatment Units (ATU's) to the satisfaction of the City in consultation with the Department of Health.</p> <p>22.6 Prior to the commencement of subdivision works the following Environmental Management Plans shall be prepared by the subdivider and approved by the City—</p> <p>a. Rehabilitation and Landscape Plan;</p> <p>b. Fire Management Plan; and</p> <p>c. Drainage and Nutrient Management Plan.</p> <p>22.7 Environmental Management plans shall be prepared in accordance with the following specifications—</p> <p><u>Rehabilitation and Landscape Plan</u></p> <p>a) A Rehabilitation and Landscape Plan will be prepared in consultation with the Department of Environment.</p> <p>b) The Rehabilitation and Landscape Plan will include but is not limited to—</p> <p>(i) Rehabilitation of the 50m buffer areas for the Conservation Category Wetlands;</p> <p>(ii) Revegetation strategies to apply to other parts of the subdivision area;</p> <p>(iii) Maintenance of the rehabilitated areas; and</p> <p>(iv) Allocation of responsibilities and timing for implementation of the Plan.</p> <p><u>Fire Management Plan</u></p> <p>a) The Fire Management Plan will include but is not limited to—</p> <p>(i) Strategies to limit the spread of fire and protect residents and areas of significant vegetation, including the location and dimensions of firebreaks;</p> <p>(ii) Mechanisms to avoid or minimize the affects of firebreak installation on remnant vegetation, including siting of firebreaks in areas without significant vegetation and using of methods of installing firebreaks, such as slashing, which reduces the requirement for clearing;</p> <p>(iii) Maintenance to be undertaken to ensure the continued effectiveness of fire breaks or other management measures; and</p> <p>(iv) Allocation of responsibilities and timing for implementation of the Plan.</p> <p><u>Drainage and Nutrient Management Plan</u></p> <p>a) A drainage and Nutrient Management Plan is to ensure the maintenance of water levels and quality in Conservation</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|---------------------|--|
| | | <p>Category wetlands and the maintenance or enhancement of surface water quality discharging from the site.</p> <p>b) The Drainage and Nutrient Management Plan will be with the concurrence of the Department of Environment will include but is not limited to—</p> <ul style="list-style-type: none"> (i) Management actions and objectives consistent with the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992, Statement of Planning Policy No. 2.1 (1992) and best management practices; (ii) Mechanisms to protect the water quality and water levels in onsite and adjacent Conservation Category wetlands; (iii) A monitoring program, including definition of performance criteria, to demonstrate that management objective are being achieved; (iv) Contingency measures to be implemented in the event that performance criteria are not being met; and (v) Allocation of responsibilities and timing for implementation of the Plan. <p>22.8 No livestock, inclusive of the keeping or stabling of horses is to be kept within any new lot created by subdivision.</p> <p>22.9 Notwithstanding the general permissibility of landuses applying to the Rural Living zone use of lots shall accord with the following requirements—</p> <ul style="list-style-type: none"> a. no landuse shall be permitted on any lot which is located or partly located within the Groundwater Protection zone in the Metropolitan Region Scheme, other than a landuse which is permitted under the Jandakot Groundwater Protection Policy or is subject to discretionary approval under that policy; b. no landuse other than a single house and residential living, shall be approved where the City, in consultation with the Water Corporation and Department of Environment, determines that an excessively high level of groundwater use would be required. <p>22.10 No dwelling or outbuilding shall be constructed within 15 metres of any lot boundary.</p> <p>22.11 No side or rear boundary fencing shall be constructed on the parts of the lot, which would fall within the Conservation Category Wetland area of any lot identified on the Structure Plan as containing a Conservation Category Wetland.</p> <p>22.12 All other boundary and other fencing shall be of open post and rail and wire construction and shall be installed and maintained to the satisfaction of the City.</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|--|---|
| | | <p>22.13 The Subdivider shall make arrangements satisfactory to the City to ensure that the prospective purchasers of all lots are advised in writing of those provisions in this Town Planning Scheme, which relate to the land use and management of the land located within the Development Area.</p> |
| 23. | <p>Taylor Road Forrestdale Rural Living Development Area "No 2" being the area bounded by Taylor Road to the west and the rear boundary of lots fronting Rowley Road to the south and the rear boundary of lots fronting Freeman Road to the east Recreation (as identified on Scheme Map).</p> <p><i>(note: this site was subject to Scheme Amendment No 170 under former Town Planning Scheme No 2).</i></p> | <p>23.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>23.2 The Structure Plan shall meet the following requirements—</p> <ol style="list-style-type: none"> identify a range of lots as determined by the detailed land capability and site assessment; identify development envelopes for all lots and located a minimum of 15 metres from any lot boundary; identify all Conservation Category Wetlands within the site. <p>23.3 A Plan of Subdivision shall not be supported unless it is in accordance with a comprehensive drainage design submitted by the applicant and accordingly approved by the City.</p> <p>23.4 The drainage design shall be prepared by a certified consulting engineer and be accompanied by documentation that meets the following requirements—</p> <ol style="list-style-type: none"> confirm the acceptability of the drainage design to the relevant environmental agencies; demonstrate that groundwater levels within all development envelopes will not rise above a level which is 500mm below the natural ground surface; demonstrate by means of certified engineering calculations, how the 500mm minimum clearance of groundwater below natural ground surface will be achieved; and demonstrate how drainage water shall be removed from or contained on the site. <p>23.5 Prior to commencement of subdivision works, effluent disposal envelopes shall be identified for all lots on a plan approved by the City and accompanied by documentation that meets the following requirements—</p> <ol style="list-style-type: none"> demonstrate by means of a geotechnical report, which is based upon the highest known groundwater level as the reference water table depth, that the minimum requirements for unsewered subdivision as specified in Appendix 1 of the Government Sewerage Policy—Perth Metropolitan Region, will be achieved; and demonstrate the acceptability of the effluent disposal envelopes to the Health Department of WA: |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|---------------------|--|
| | | <p>c. be located a minimum of fifty (50) metres from any Conservation Category Wetlands identified on the Structure Plan; and</p> <p>d. be located a minimum of one hundred (100) metres of any Water Corporation production bore, unless otherwise approved by the Water Corporation .</p> <p>23.6 All effluent disposal systems shall be constructed within the defined effluent disposal envelope.</p> <p>23.7 All dwellings shall be provided with alternative Treatment Units (ATU's) to the satisfaction of the City in consultation with the Department of Health.</p> <p>23.8 Prior to the commencement of subdivision works the following Environmental Management Plans shall be prepared by the subdivider and approved by the City—</p> <p>a. Rehabilitation and Landscape Plan;</p> <p>b. Fire Management Plan; and</p> <p>c. Drainage and Nutrient Management Plan.</p> <p>23.9 Environmental Management plans shall be prepared in accordance with the following specifications—</p> <p><u>Rehabilitation and Landscape Plan</u></p> <p>a) A Rehabilitation and Landscape Plan will be prepared in consultation with the Department of Environment.</p> <p>b) The Rehabilitation and Landscape Plan will include but is not limited to—</p> <p>(i) Rehabilitation of the 50m buffer areas for the Conservation Category Wetlands;</p> <p>(ii) Revegetation strategies to apply to other parts of the subdivision area;</p> <p>(iii) Maintenance of the rehabilitated areas; and</p> <p>(iv) Allocation of responsibilities and timing for implementation of the Plan.</p> <p><u>Fire Management Plan</u></p> <p>a) The Fire Management Plan will include but is not limited to—</p> <p>(i) Strategies to limit the spread of fire and protect residents and areas of significant vegetation, including the location and dimensions of firebreaks;</p> <p>(ii) Mechanisms to avoid or minimize the affects of firebreak installation on remnant vegetation, including siting of firebreaks in areas without significant vegetation and using of methods of installing firebreaks, such as slashing, which reduces the requirement for clearing;</p> <p>(iii) Maintenance to be undertaken to ensure the continued effectiveness of fire breaks or other management measures; and</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|---------------------|---|
| | | <p>(iv) Allocation of responsibilities and timing for implementation of the Plan.</p> <p><u>Drainage and Nutrient Management Plan</u></p> <p>a) A drainage and Nutrient Management Plan is to ensure the maintenance of water levels and quality in Conservation Category wetlands and the maintenance or enhancement of surface water quality discharging from the site.</p> <p>b) The Drainage and Nutrient Management Plan will be with the concurrence of the Department of Environment will include but is not limited to—</p> <p>(i) Management actions and objectives consistent with the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992, Statement of Planning Policy No. 2.1 (1992) and best management practices;</p> <p>(ii) Mechanisms to protect the water quality and water levels in onsite and adjacent Conservation Category wetlands;</p> <p>(iii) A monitoring program, including definition of performance criteria, to demonstrate that management objective are being achieved;</p> <p>(iv) Contingency measures to be implemented in the event that performance criteria are not being met; and</p> <p>(v) Allocation of responsibilities and timing for implementation of the Plan.</p> <p>23.10 No new building or development is to be permitted within 300 metres of any existing poultry/broiler shed or compound located on Lot 434 Taylor Road without the prior written approval of the City in consultation with the Department of Health, the Department of Environment and Western Australian Planning Commission, notwithstanding that where the potential for any adverse impact on the quality of rural residential living can be demonstrated to be minimal, a relaxation of the 300 metre buffer to new development may be acceptable to the City.</p> <p>23.11 No dwelling or outbuilding shall be constructed within 15 metres of any lot boundary, unless the City exercises its discretion to approve a setback variation.</p> <p>23.12 No livestock is to be kept within any new lot created by subdivision, excepting that the City may approve an application for the stabling and keeping of horses subject to the discretionary approval of the City in consultation with relevant government departments to determine the environmental acceptability of the proposal.</p> <p>23.13 The stabling and keeping of horses shall only be permitted where the following requirements are met;</p> <p>a. where the application is for a lot containing a Conservation Category Wetland which has been identified</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|---------------------|---|
| | | <p>on the Structure Plan, more than 50% of the lot area must be located outside of the Conservation Category Wetland area and the area shall be fenced to a stock proof standard of fencing approved by the City;</p> <p>b. on any lot the stabling or keeping of horses may be subject to conditions of approval and include limits on stocking levels to an appropriate carrying capacity limit.</p> <p>23.14 Notwithstanding the general permissibility of landuses applying to the Rural Living zone use of lots shall accord with the following requirements—</p> <p>a. no landuse shall be permitted on any lot which is located or partly located within the Groundwater Protection zone in the Metropolitan Regions Scheme, other than a landuse which is permitted under the Jandakot Groundwater Protection Policy or is subject to discretionary approval under that policy;</p> <p>b. no landuse other than a single house and residential living, shall be approved where the City, in consultation with the Water Corporation and Department of Environment, determines that an excessively high level of groundwater use would be required.</p> <p>23.15 All applications for groundwater abstraction shall require documentation of its acceptability to the Water Corporation and the following requirements—</p> <p>a. abstraction level is to be limited to any level imposed by the Water; and</p> <p>b. the lot owner shall sign an acknowledgement of any groundwater extraction limit imposed by the Water Corporation.</p> <p>23.16 Side or rear boundary fencing on a lot identified on the Structure Plan as containing a Conservation Category Wetland, shall not be constructed on the parts of the lot, which would fall within the Conservation Category Wetland area.</p> <p>23.17 All other boundary and other fencing shall be of open post and rail and wire construction and shall be installed and maintained to the satisfaction of the City.</p> <p>23.18 The Subdivider shall make arrangements satisfactory to the City to ensure that the prospective purchasers of all lots are advised in writing of those provisions in this Town Planning Scheme, which relate to the land use and management of the land located within the Development Area.</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|---|--|
| 24. | Albany Highway/Settlers Common Rural Living Development Area being Pt Lots 6 and 7 and Lots 18 and 19 Albany Highway Bedfordale (as identified on the Scheme Map). | <p>24.1 Further subdivision may be permitted to a minimum lot size of 2ha, however, subdivision into lots of less than 4ha will require prior comprehensive planning undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>24.2 Unless otherwise agreed by the City in consultation with MRWA, the Structure Plan shall provide new lots of less than 4ha with access to the road network via a new internal road system, centrally located on the Albany Hwy frontage.</p> <p>24.3 The Structure Plan shall provide for public pedestrian movements between Settlers Common and Albany Highway. Unless otherwise agreed the Structure Plan public pedestrian linkage shall be provided by means of a minimum 10 metre width Public Accessway, or road reserve such that public pedestrian movements may be co-located with vehicle access to proposed new lots over part or all of the linkage.</p> <p>The Public Accessway or road reserve shall facilitate pedestrian access between Settlers Common, which abuts the Development Area and the Bungendore Park land located on Albany Highway directly opposite the Development Area.</p> <p>24.4 The Structure Plan shall identify measures for bushfire protection and demonstrate all proposed lots are capable of achieving requirements for—</p> <ul style="list-style-type: none"> • Potable water supplies; • Development Envelopes and protection of landscape amenity • Protection of water courses and the abutting Armadale Settlers Common. |
| 25. | <p>North Forrestdale First Stage Structure Plan being the area bounded by Warton Road, Nicholson Road, Keane Road, Skeet Road, Wright Road and land zoned as General Rural and Rural Living Zones and land Reserved as Parks Recreation (MRS) (as identified on Scheme Map).</p> <p><i>(note: this site was subject to Scheme Amendment No 190 under former Town Planning Scheme No 2).</i></p> | <p>25.1 Subdivision and development shall occur in accordance with a Structure Plan for the North Forrestdale First Stage to be prepared pursuant to the provisions outlined in Part 6A and taking effect upon adoption by both the City and the Western Australian Planning Commission;</p> <p>25.2 The Structure Plan shall incorporate assessments and recommend management responses to the satisfaction of the City of Armadale for key environmental planning factors identified as follows—</p> <ol style="list-style-type: none"> a. The urban water management outcomes recommended in the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan—Urban Water Management Strategy; b. Surveys of existing flora and fauna, heritage sites, conservation category wetlands, land contamination, sources of noise or odour impacts on development and interfaces to adjacent conservation areas. <p>25.3 All landowners within the North Forrestdale First Stage shall make a</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|--|--|
| | | proportional contribution to the costs of infrastructure in accordance with a Developer Contribution Plan prepared pursuant to Part 6B Development Contribution Areas. |
| 26. | <p>Carradine Rd Bedforddale Rural Living Development Area being Lot 15 bounded by Carradine Rd, Parks and Recreation Reservation (MRS) and Rural Living Lots (as identified on Scheme Map).</p> <p><i>(note: this site was subject to Scheme Amendment No 197 under former Town Planning Scheme No 2).</i></p> | <p>26.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>26.2 Subdivision resulting in new development envelopes within 150m from the adjoining orchard area may only be supported where—</p> <ul style="list-style-type: none"> • The Commission and City are satisfied that an impact assessment has demonstrated that the operation of the orchard will not adversely affect the new residents; or • The orchard activity cease, and the orchards are removed. <p>26.3 Effluent disposal systems are to be located a minimum of 50m from the soak area to the satisfaction of the City.</p> <p>26.4 At subdivision, the watercourse is to be included in a drainage easement.</p> <p>26.5 At subdivision, a minimum of 15 m each side of the watercourse centre-line is to be revegetated to the satisfaction of the City using local native vegetation.</p> <p>26.6 Prior to any site works, including boundary fencing and firebreak construction, a report on the potential for erosion is to be submitted to the satisfaction of the City and plans to minimize erosion are to be subsequently implemented as part of the subdivision development.</p> <p>26.7 Prior to subdivision, a Fire Management Plan is to be prepared to the satisfaction of the City in consultation with the Fire and Emergency Services Authority of Western Australia, including but not limited to the following—</p> <ul style="list-style-type: none"> • Firebreaks; • Water tanks; • Contributions towards fire fighting equipment. |
| 27 | <p>Wright Rd/Ranford Road Commercial Development Area, being Lots 106 and 107 Wright Rd/Ranford Road Forrestdale (as identified on Scheme Map).</p> <p><i>(note: this site was subject to Scheme Amendment No 187 under former Town Planning Scheme No 2).</i></p> | <p>27.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.</p> <p>27.2 Subdivision and development shall occur generally in accordance with the Structure Plan report and map and the associated Centre Plan report and map prepared pursuant to the provisions outlined in Part 6A and taking effect upon adoption by both the City and the Western Australian Planning Commission.</p> <p>27.3 Proposals for residential uses, other than a caretakers dwelling, shall be not permitted unless the City has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 and an acoustic noise impact assessment study</p> |

| No. | Description of land | Additional provisions applicable to subdivision and development |
|-----|--|---|
| | | has been completed to the satisfaction of the City and the Department of Environment. |
| 28 | Girraween Street Medium Density Residential/Local Centre Development Area (former West Armadale Shopping Centre), being the area bounded by Girraween Street, Balanda Place and adjoining Reserve for Parks and Recreation and Residential zone (as identified on Scheme Map). | 28.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. |
| 29. | Old Admiral Lane rural Living area bound by Admiral Road, Bedfordale and adjoining reserves (as identified on Scheme Map) | 23. The subject area shall be subdivided in accordance with an approved Structure Plan. |

SCHEDULE 13—DEVELOPMENT CONTRIBUTION PLANS

[cl. 6B]

| No. | Description of land | Infrastructure to which cost sharing arrangements relate | Cost sharing arrangement |
|-----|---|--|---|
| 1. | The Roleystone Hills Residential Development Area (as identified on Scheme Map) | <p>1. Purpose</p> <p>1.1 The purpose of establishing the Roleystone Hills Precinct is to permit the subdivision and development of an integrated low density residential estate prescribed by the R5 code of the Residential Planning Codes of Western Australia and to facilitate, at no cost to the City's ratepayers (other than owners of land within the relevant Structure Plan Area), the equitable apportionment of Structure Plan Area Costs among the owners of all land within a Structure Plan Area.</p> <p>1.2 Contributions may be required in respect to—</p> <p>a) all planning investigations, reports and administration works involved which result in the finalisation of the relevant scheme amendments and implementation of a Structure Plan; and</p> <p>b) all development works involved which results in the relevant stages of the Structure Plan Area being made ready for subdivision as depicted on the Structure Plan and may include but is not necessarily limited to—</p> <ul style="list-style-type: none"> • provision of water supply, • drainage, • road upgrading, • landscaping, • fencing, and • other infrastructure and headworks <p>as may be required by the City and/or the relevant servicing authority.</p> <p>2. Interpretation—</p> <p><i>“Initial Participating Owners”</i> means, in any relation to any Structure Plan Area within the Roleystone Hills</p> | <p>1.1 The Area Basis method of cost apportionment is to be used for all elements of infrastructure for which costs are to be apportioned.</p> <p>2.1 Contributions are not payable in respect of the development of a single house and/or associated facilities.</p> |

| No. | Description of land | Infrastructure to which cost sharing arrangements relate | Cost sharing arrangement |
|-----|---------------------|---|--------------------------|
| | | <p>Residential Development Area, such owners of land within that Structure Plan Area as initially contributed to the Structure Plan Area costs in respect of that Structure Plan Area.</p> <p><i>“Manager”</i> means, in relation to any Structure Plan Area, such person or persons as the Initial Participating Owners from time to time appoint for the purpose of administering the collection and distribution of the respective Structure Plan Area costs.</p> <p><i>“Structure Plan”</i> means any Structure Plan prepared in respect of land within the Roleystone Hills Residential Development Area.</p> <p><i>“Structure Plan Area”</i> means the area of land in respect of which a Structure Plan has been prepared.</p> <p><i>“Structure Plan Area 1”</i> means that part of the Roleystone Hills Residential Development Area as is shown on the <i>Structure Plan</i> and which is entitled “Roleystone Hills Residential Development Area Initial Structure Plan Area”;</p> <p><i>“Structure Plan Area Costs”</i> means all costs and expenses paid by the initial participating owners in respect of—</p> <ol style="list-style-type: none"> a) all planning investigations, reports and administration works involved which result in the finalisation of the relevant rezonings and implementation of a Structure Plan; and b) all development works involved which results in the relevant stages of the Structure Plan Area being made ready for subdivision as depicted on the Structure Plan and may include but is not necessarily limited to provision of water supply, drainage, road upgrading, landscaping, fencing, and other infrastructure and headworks as may be required by the City and/or the relevant servicing authority. <p><i>“Participating Owner”</i> means an owner of land within a Structure Plan Area other than an Initial Participating Owner;</p> <p><i>“Roleystone Hills Residential Development Area”</i> means the area shown on the Scheme Special Control Area Map; and</p> <p>3. Structure Plan</p> <p>3.1 The provisions of Part 6A and B of the Scheme apply to the Roleystone Hills Residential Development Area so far as they are not varied by or inconsistent with the express terms of this Schedule.</p> <p>3.2 A Structure Plan must be prepared in respect of Structure Plan Area 1.</p> <p>3.3 No person shall carry out subdivision or development (other than by the development of a single house and/or associated facilities involved in the use</p> | |

| No. | Description of land | Infrastructure to which cost sharing arrangements relate | Cost sharing arrangement |
|-----|---------------------|--|--------------------------|
| | | <p>and enjoyment of the property by the occupants of the single house) in a Structure Plan Area within the Roleystone Hills Residential Development Area other than in accordance with and in compliance with the Structure Plan prepared in respect of that Structure Plan Area.</p> <p>4. Distribution of Structure Plan Area Costs</p> <p>4.1 The contribution of a Participating Owner to Structure Plan Area Costs is the amount which bears the same proportion to the aggregate of Structure Plan Area costs as the area of the Participating Owners land bears to the gross area of all subdividable land within the applicable Structure Plan Area.</p> <p>4.2 A Participating Owner must pay the contribution referred to the Manager for the Initial Participating Owners prior to—</p> <p>a. in the case of a subdivision, the date upon which the Western Australian Planning Commission endorses its final approval on a diagram or plan of subdivision of that Participating Owner's land; and</p> <p>b. in the case of development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house), the approval of the City to that development.</p> <p>4.3 The City will withhold its clearance to any plan or diagram of subdivision until that Participating Owner has given to the City evidence of compliance with this clause.</p> <p>4.4 A certificate from the Manager that the Participating Owner has complied with these provisions may be relied upon by the City as conclusive evidence of that fact.</p> <p>5. Arbitration</p> <p>5.1 If an Initial Participating Owner or a Participating Owner is unable to reach agreement with the Manager as to the value or estimated value of Structure Plan Area cost or costs and the method by which such costs are apportioned under these provisions, the matter should be resolved independently of the City and referred to Arbitration by a single Arbitrator in the manner provided by the Commercial Arbitration Act 1985.</p> <p>5.2 The costs of arbitration should be shared equally between the relevant parties involved in arbitration.</p> <p>6. Fencing</p> <p>Within the Roleystone Hills Residential Development Area only open rural type boundary fences shall be constructed to the specifications and satisfaction of the City.</p> | |

| No. | Description of land | Infrastructure to which cost sharing arrangements relate | Cost sharing arrangement |
|-----|---|---|---|
| 2. | Armadale City Centre Drainage Development area (as shown on Scheme Map) | a. The cost of all drainage works necessary for the proper drainage of those parts of the Scheme Area which require drainage and which are shown on the Special Control Area Supplementary Scheme Map pertaining to Drainage Areas; b. The cost of acquisition of any land for drainage services; c. The amount to reimburse the City for all overhead, supervision and management costs it incurs in the implementation and administration of the Scheme in respect of drainage works; d. All fees, costs and expenses paid to engineering consultants, surveyors and other professional consultants and valuation costs in respect of the drainage works; e. All other costs and expenses which the City incurs in order to implement and complete the Scheme in respect of the drainage works. | 2.1 All landowners within the designated drainage area(s) shall make a proportional contribution to the cost of common infrastructure. 2.2 The Area Basis method of cost apportionment is to be used for all elements of infrastructure for which costs are to be apportioned. |

ADOPTION [Regulation 13(1)]

Adopted by resolution of the council of the City of Armadale at the general meeting of the council held on the 17th day of March 2003.

Date: 24/10/2005.

L. REYNOLDS, Mayor.

Date: 24/10/2005.

R. S. TAME, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by resolution of the council of the City of Armadale at the general meeting of the council held on the 20th day of September 2004 and the seal of the municipality was pursuant to that resolution hereunto affixed in the presence of—

Date: 24/10/2005.

L. REYNOLDS, Mayor.

Date: 24/10/2005.

R. S. TAME, Chief Executive Officer.

2. Recommended/submitted for final approval by the Western Australian Planning Commission.

Date: 26/10/2005.

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

3. Final approval granted by Minister for Planning & Infrastructure—

A. MacTIERNAN, Minister for Planning & Infrastructure.

Date: 28/10/2005.

