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PLANNING AND DEVELOPMENT ACT 2005

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**CITY OF SWAN**

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**LOCAL PLANNING SCHEME**  
**No. 17**



**PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME

*City of Swan*

Local Planning Scheme No. 17

Ref: 853/2/21/16

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Swan Local Planning Scheme No. 17 on 20 December 2007, the scheme text of which is published as a Schedule annexed hereto.

C. M. GREGORINI, Mayor.  
M. J. FOLEY, Chief Executive Officer.

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**Preamble**

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

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

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

**PLANNING AND DEVELOPMENT ACT 2005**

## CITY OF SWAN

**LOCAL PLANNING SCHEME No. 17**

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**PLANNING AND DEVELOPMENT ACT 2005**

## CITY OF SWAN

**LOCAL PLANNING SCHEME No. 17  
(DISTRICT ZONING SCHEME)**

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

**PART 1—PRELIMINARY****1.1 Citation and Revocation of Town Planning Scheme No. 9**

1.1.1 The City of Swan Local Planning Scheme No. 17 (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

<b>Name:</b>	Town Planning Scheme No. 9 (District Zoning Scheme)
<b>Gazettal date:</b>	9 December 1985

**1.2 Responsible Authority**

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

**1.3 Scheme Area**

- (a) The Scheme applies to the Scheme area, which covers all of the local government district of the City as shown on the Scheme Map.
- (b) To the extent that any part of the Scheme area is included in the Redevelopment Area of any Redevelopment Act at the gazettal date of this Scheme, the Scheme shall apply to that part at the time and to the extent provided in the Redevelopment Act or otherwise on repeal of the Redevelopment Act or the revocation or cessation of the Redevelopment Scheme.

*Note: The Scheme area (or part) is also subject to the Metropolitan Region Scheme (see clause 1.10) and other town planning schemes (see clause 1.9).*

**1.4 Contents of Scheme**

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (Sheets 1-37); and
- (c) supplementary maps illustrating Special Control Areas.

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

**1.5 Purposes of the Scheme**

The purposes of the Scheme are to—

- (a) set out the local government’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 Schedule 7 to the Planning Act.

**1.6 Aims of the Scheme**

The aims of the Scheme are to—

- (a) Provide for a range of compatible housing and associated development, in neighbourhoods with a community identity and high levels of safety and amenity.
- (b) Provide for safe, convenient, attractive and viable commercial centres, which serve the needs of the community and are accessible to pedestrians, cyclists and public transport users as well as motorists.

- (c) Encourage development that will strengthen the economic base of the District and provide convenient and efficiently located employment for the community.
- (d) Ensure coordinated and efficient use and development of land within the District, and to avoid ad hoc development that would result in land use conflicts, excessive travel and/or transport demand or adverse impacts on the environment.
- (e) Protect and enhance the quality of the urban and rural living environments of the District, and to provide for such development as is consistent with the maintenance of efficient services and amenities within the District.
- (f) Promote the health, safety, convenience and the economic and general welfare of the community, and to ensure the use and development of land does not result in significant adverse impacts on the physical and social environment.
- (g) Promote the judicious management of natural resources of particular regional and local significance including bushland, water catchments, waterways, agricultural land and basic raw materials, and to promote the protection of air quality.
- (h) Protect objects and places of particular natural, historic, architectural, scientific and cultural significance.

### 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 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, and may be added to, altered or removed at the discretion of the local government.

### 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

By way of information, the following other Schemes of the City of Swan are, at the Gazettal date of the Scheme, complementary to the Scheme—

No:	Name:	Gazettal date—
2A	Beechboro Development	12 July 1974
6	Swan View	25 March 1977
7	Widgee Road, Malaga	10 March 1978
8	Malaga Industrial Area	22 January 1982
12	Midland Town Centre	10 January 1986
14	East Malaga Industrial Development	7 September 1990

### 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 in the Scheme area.

*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 local government under the Scheme are to be consistent with the Local Planning Strategy.

### 2.2 Local Planning Policies

The local government 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 or Precincts depicted on the Scheme maps,

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 local government in respect of any application for planning approval but the local government 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 local government in making decisions under the Scheme. 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 local government 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 local government resolves to prepare a Local Planning Policy, the local government—

- (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 local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government 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 local government resolves to adopt the Policy, the local government 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 local government, 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 local government.

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 a local government 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 local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

### 2.6 Local Planning Policies made under Previous Scheme

Where a Local Planning Policy has been adopted in accordance with the requirements of the previous Local Planning Scheme, it shall continue to have effect, and may be amended or revoked as if it were a Local Planning Policy under the current 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 *Planning and Development Act 2005*. These lands are not reserved under the Scheme.

3.2.2 The approval of the local government 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 Except as otherwise provided in clause 8.2, 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 local government 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 local government is to consult with that authority before determining an application for planning approval.

3.4.4 Any land shown as a local reserve that is not at the gazettal of the Scheme owned for the authority for whose purpose the land is reserved, the local government shall deal with that land as if a single residence is permitted and any other land use is permissible on that land in the discretion of the local government.

## PART 4—ZONES AND THE USE OF LAND

### 4.1 Zones

4.1.1 The Scheme area other than land classified as reserves 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 zones are as set out under the respective headings in this clause. Without limiting their application to any discretionary decision, it is intended that the objectives will be applied by Council to determine the appropriateness in a particular zone of discretionary uses, or those uses not listed in the Zoning Table.

#### 4.2.1 Strategic Regional Centre (General)

The objectives of the Strategic Regional Centre as a whole are as follows—

- (a) to ensure development of the centre accords with the WA Planning Commission’s Metropolitan Centres Policy as it applies to the “main street” centres;
- (b) to facilitate the creation of employment within the centre so as to reduce the demand for travel, and enhance the level of self-sufficiency within the sub-region;
- (c) to promote the development of a wide range of commercial facilities and services including major offices, retailing and a mix of entertainment, recreation and community facilities to meet the needs of the sub-regional community;
- (d) to facilitate the complementary development of housing so as to enhance the vibrancy of the centre, improve the viability of businesses and provide a wider choice of accommodation within the district;
- (e) to promote a high degree of accessibility to and within the centre, for users of all modes of transport (bus, rail, private car, cycle and pedestrian) and to avoid fragmentation of commercial development;
- (f) to enhance pedestrian connectivity within the centre, so as to facilitate movement between sites and from public and private transport nodes;
- (g) to encourage mixed uses and complementary development within the centre so as to enhance the viability of business and the efficient use of facilities and services;
- (h) to ensure future development and re-development accords with ‘main street’ design principles as referred to in State Planning Policy No. 4.2, providing an integrated, attractive, safe and vibrant focus for the community;
- (i) to ensure car parking and access facilities do not disrupt the continuity of main street development or reduce pedestrian connectivity within the centre;
- (j) to ensure development and re-development within the centre affords appropriate recognition of heritage values and the character of existing streetscapes, with reference to scale, form and design

#### 4.2.2 City Centre—Business Zone

The objectives of the City Centre—Business Zone are to ensure consistency with the general objectives of the Strategic Regional Centre, and in addition, to—

- (a) encourage development of a wide range of commercial and professional offices and administrative services designed to enhance the prospects for employment, and meet the needs of the wider sub-regional community;
- (b) promote the complementary development of shopping, dining, relaxation and entertainment facilities at street level to enhance the vibrancy of street frontages;

- (c) encourage residential development in the upper levels of commercial buildings so as to enhance the vitality of the centre and provide opportunities for people to live in close proximity to their place of employment;
- (d) ensure development and re-development within the zone affords appropriate recognition to the character and 'grain' of any traditional development on adjacent sites, and provides a high level of visual attraction at street level;
- (e) ensure the development of continuous commercial frontages and avoid disruption caused by vehicular access and car parking adjacent to the street;
- (f) ensure the provision of pedestrian shelter along street frontages and adjacent to buildings which face pedestrian thoroughfares or customer parking areas;
- (g) enhance the pedestrian environment through the selective use of complementary landscaping.

#### 4.2.3 City Centre—Shopping Zone

The objectives of the City Centre—Shopping Zone are to ensure consistency with the general objectives of the Strategic Regional Centre, and in addition, to—

- (a) encourage development of a wide range of retail services designed to meet the needs of the wider sub-regional community;
- (b) encourage commercial and professional offices in the upper levels of buildings so as to enhance the viability of retail development and facilitate the shared use of parking;
- (c) ensure development and re-development within the zone provides a high level of visual attraction at street level, and facilitates the movement of pedestrians between adjacent areas;
- (d) ensure the development of continuous commercial frontages and avoid disruption caused by vehicular access and car parking adjacent to the street;
- (e) ensure the provision of pedestrian shelter along street frontages and adjacent to buildings which face pedestrian thoroughfares or customer parking areas;
- (f) to enhance the pedestrian environment through the selective use of complementary landscaping.

#### 4.2.4 City Centre—Showroom Zone

The objectives of the City Centre—Showroom Zone are to ensure consistency with the general objectives of the Strategic Regional Centre, and in addition, to—

- (a) encourage development of selective forms of retail development which can benefit from the high exposure offered by Great Eastern Highway and car based comparison shopping for bulky goods;
- (b) ensure commercial activity within the zone is complementary to development in other zones of the centre and does not detract from the viability or integrity of development elsewhere in the centre;
- (c) ensure development contributes towards the image of the Strategic Regional Centre through high quality design and development (including multi-storey buildings) with consistent and well landscaped set backs from street frontages;
- (d) promote shared use of vehicular access and car parking facilities where such arrangements will result in improved traffic management, more efficient use of land and more attractive development;
- (e) ensure car parking and vehicular access facilities are located, designed and landscaped so as not to detract from the amenities of the road frontages or of adjacent development;
- (f) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the road frontages or of adjacent development.

#### 4.2.5 City Centre—Mixed Use Zone

The objectives of the City Centre—Mixed Uses Zone are to ensure consistency with the general objectives of the Strategic Regional Centre, and in addition, to—

- (a) facilitate residential and mixed use development in proximity to regional public transport facilities, with limitations on the scale of commercial development to avoid displacement of existing housing or fragmentation of residential development;
- (b) ensure that any commercial development within the zone is complementary to development in other zones of the Strategic Regional Centre and does not prejudice consolidation of commercial development elsewhere in the centre;
- (c) promote the development of multi-storey buildings with articulated facades and consistent small front setbacks designed and landscaped to provide an attractive urban streetscapes conducive to both residential and commercial use;
- (d) promote the shared use of vehicular access and car parking facilities where such arrangements will result in improved, more efficient use of land and more attractive development.

#### 4.2.6 City Centre—Residential Zone

The objectives of the City Centre—Residential Zone are to ensure consistency with the general objectives of the Strategic Regional Centre, and in addition, to—

- (a) facilitate residential development based on proximity to the Strategic Regional Centre, to enable people to live close to their work and/or commercial facilities available within the centre;

- (b) limit the development of commercial facilities to those essential to service the immediate needs of residents and discourage development with potential to prejudice consolidation of commercial development elsewhere in the centre;
- (c) promote the development of attractive buildings designed and landscaped to provide attractive urban streetscapes conducive to the enhancement of residential amenities;
- (d) ensure development on or in close proximity to any existing sites of heritage significance, is designed and developed with due recognition given to those heritage values;
- (e) encourage the amalgamation of small land holdings and the comprehensive development of larger sites so as to facilitate efficient use of car parking and access facilities.

#### **4.2.7 City Centre—Commercial Deferred Zone**

The objectives of the City Centre—Deferred Zone are to ensure consistency with the general objectives of the Strategic Regional Centre, and in addition, to—

- (a) ensure that the Strategic Regional Centre will derive the maximum possible benefits from the use and development of land and the provision of services;
- (b) avoid the premature development of land for any purposes likely to compromise development of land elsewhere in the Strategic Regional Centre or prejudice the future development of land in the zone for more appropriate purposes.

#### **4.2.8 General Commercial Zone**

The objectives of the General Commercial Zone are to—

- (a) encourage those uses necessary to provide convenience shopping of the lower order outside the Strategic Regional Centre;
- (b) avoid development of land for any purposes or in any manner likely to compromise development of the Strategic Regional Centre or the efficient distribution of commercial services within the district;
- (c) ensure development provides a high level of visual attraction at street level, and does not unduly detract from the visual amenities of adjacent residential areas;
- (d) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the adjacent area;
- (e) promote the development of continuous commercial frontages and the integration of adjacent commercial development so as to facilitate pedestrian access to and within commercial areas;
- (f) enhance the amenities of the area and the development of a more sustainable environment through the use of complementary landscaping, including shade trees and stormwater recharge facilities.

#### **4.2.9 Highway Service Zone**

The objectives of the Highway Service Zone are to—

- (a) secure the development of low intensity commercial uses along selected major arterial roads outside the Strategic Regional Centre which can benefit from the high exposure offered by the major traffic thoroughfares; and car based comparison shopping for bulky goods;
- (b) ensure commercial activity within the zone is complementary to development in other commercial zones and does not detract from the viability or integrity of development in either the Strategic Regional Centre or the Commercial zones;
- (c) ensure development contributes towards the image of the city through high quality design and development with consistent and well landscaped set backs from street frontages;
- (d) promote shared use of vehicular access and car parking facilities where such arrangements will result in improved traffic management, more efficient use of land and more attractive development;
- (e) ensure car parking and vehicular access facilities are located, designed and landscaped so as not to detract from the amenities of the road frontages or of adjacent development;
- (f) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the road frontages or of adjacent development.

#### **4.2.10 Light Industrial Zone**

The objectives of the Light Industrial Zone are to—

- (a) provide for a range of generally small scale industrial development, which exhibit a relatively high standard of design and environmental performance in terms of amenity, noise, emissions and generation of vehicular traffic, and which can be expected to be compatible with any adjacent urban and rural areas;
- (b) ensure development within the zone is complementary to development in other zones and to avoid development of land for any purposes or in any manner which would detract from the viability or integrity of development in either the Strategic Regional Centre or the Commercial zones;
- (c) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the road frontages or of adjacent development.

#### **4.2.11 General Industrial Zone**

The objectives of the General Industrial Zone are to—

- (a) provide for a range of generally larger scale industrial development, including manufacturing, servicing, storage and distribution;

- (b) ensure development within the zone is complementary to development in other zones and to avoid development of land for any purposes or in any manner which would detract from the viability or integrity of development in either the Strategic Regional Centre or the Commercial zones;
- (c) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the road frontages or of adjacent development;
- (d) ensure environmental performance of industry, does not detract from the amenity of adjacent sensitive areas and conforms with any relevant environmental standards applicable to the neighbourhood.

#### 4.2.12 Industrial Development Zone

The objectives of the Industrial Development Zone are to—

- (a) provide for the coordinated development of future industrial areas through the application of a comprehensive plan to guide subdivision and development to be known as a “Structure Plan”;
- (b) ensure that the coordinated provision of infrastructure, and the equitable sharing of service costs associated with the subdivision and development of industrial land;
- (c) avoid the premature development of land for any purposes likely to compromise development elsewhere in the district or prejudice the future development of land in the Industrial Development zone for more appropriate purposes;
- (d) protect the amenity of adjacent property owners as well as providing a safe, efficient and predictable context for future industrial development.

#### 4.2.13 Residential Zone

The objectives of the Residential Zone are to—

- (a) provide for a range of forms and densities of residential development to meet the needs of the wide variety of households which make up the community;
- (b) promote a residential environment in each locality consistent with the form and density of residential development permissible in the locality, so as to enhance a sense of place and community identity;
- (c) preserve and enhance those characteristics which contribute towards residential amenity, and to avoid those forms of development which have the potential to prejudice the development of a safe and attractive residential environment;
- (d) provide for a limited range of ancillary development compatible with the form and density of residential development, and complementary to the needs of local communities, but which will not compromise residential amenity;
- (e) avoid development of land for any purpose or in any manner that would detract from the viability or integrity of development in either the Strategic Regional Centre or the Commercial zones.

#### 4.2.14 Residential Development Zone

The objectives of the Residential Development Zone are to—

- (a) provide for the coordinated development of future residential areas through the application of a comprehensive plan to guide subdivision and development to be known as a “Structure Plan”;
- (b) provide for predominantly residential development, but including also a range of compatible services, consistent with the needs of an integrated neighbourhood, and planned so as to minimise adverse impacts on amenity;
- (c) avoid the development of land for any purposes or at a time when it is likely to compromise development elsewhere in the district or prejudice the future development of land in the Residential Development zone for more appropriate purposes;
- (d) take account of the need to protect the amenity and on-going use of adjacent property owners as well as to provide for the needs of future residents.

#### 4.2.15 Residential Redevelopment Zone

The objectives of the Residential Redevelopment zone are to—

- (a) Identify existing residential areas with significant redevelopment potential for residential purposes, for which comprehensive planning is required in order to ensure a coordinated approach to the subdivision and development of land and upgrading infrastructure;
- (b) Provide for the coordinated redevelopment of existing residential areas through the application of a comprehensive plan to guide subdivision and development to be known as an “Outline Development Plan”; and
- (c) Avoid the subdivision or development of land for any purposes that are likely to prejudice or compromise the future coordinated development of the land, until such time as an Outline Development Plan has been finalized for the subject areas and sufficient provisions are in place to facilitate equitable contributions from landowners to the provision of infrastructure

#### 4.2.17 Rural-Residential Zone

The objectives of the Rural-Residential zone are to—

- (a) provide for low density residential development and associated rural-residential activities in comprehensively planned estates;

- (b) recognise the environmental characteristics of the landscape, including landform, water resources, remnant vegetation, and native fauna, and to ensure as far as practicable, that these characteristics are not compromised by development and use of the land;
- (c) encourage the rehabilitation of degraded areas through selected replanting of indigenous flora, and the creation and enhancement of habitat for indigenous fauna.

#### 4.2.18 **Special Rural Zone**

The objectives of the Special Rural Zone are to—

- (a) provide for small rural lot subdivision and development in selected locations to accommodate such uses as hobby farms, horse breeding and training, rural-residential retreats and small-scale intensive horticulture;
- (b) recognise the environmental characteristics of the landscape, including landform, water resources, remnant vegetation, and native fauna, and to ensure as far as practicable, that these characteristics are not compromised by development and use of the land;
- (c) encourage the rehabilitation of degraded areas through selected replanting of indigenous flora, and the creation and enhancement of habitat corridors for indigenous fauna.

#### 4.2.19 **Swan Valley Rural Zone**

The objectives of the Swan Valley Rural Zone are to—

- (a) promote the core area of the Swan Valley primarily as a horticultural, recreational, tourism and landscape resource;
- (b) provide for limited rural living within the Swan Valley, subject to locational, design and landscaping requirements to enhance the character and amenity of the valley and to ensure compatibility with productive rural activities;
- (c) recognise the occurrence of high quality horticultural soils and scarce plastic clays and to protect these resources from development which would jeopardise their current and future use;
- (d) ensure that the development and use of land accords with the planning objectives for Area B as specified in the *Swan Valley Planning Act 1995*.

#### 4.2.20 **Rural Living Zone**

The objectives of the Rural Living Zone are to—

- (a) encourage a wide range of uses, including rural residential activities that are compatible with the maintenance of the rural character of the area;
- (b) encourage viticulture and horticulture and the protection and enhancement of the natural environment;
- (c) ensure that the development and use of land accords with the planning objectives for Area C as specified in the *Swan Valley Planning Act 1995*.

#### 4.2.21 **Resource Zone**

The objectives of the Resource Zone are to—

- (a) provide for the extraction of basic raw materials with proper environmental safeguards;
- (b) protect resources of basic raw materials from inappropriate development.

#### 4.2.22 **Landscape Zone**

The objectives of the Landscape Zone are to—

- (a) provide for low density rural residential development and associated rural-residential activities, recognizing the visual characteristics of the landscape;
- (b) ensure as far as practicable, that the environmental and landscape characteristics of the area are not compromised by development and use of the land for either rural or residential purposes;
- (c) encourage the rehabilitation of degraded areas through selected replanting of indigenous flora.

#### 4.2.23 **General Rural Zone**

The objectives of the General Rural Zone are to—

- (a) facilitate the use and development of land for a range of productive rural activities, which will contribute towards the economic base of the region;
- (b) provide for a limited range of compatible support services to meet the needs of the rural community, but which will not prejudice the development of land elsewhere which is specifically zoned for such development;
- (c) ensure the use and development of land does not prejudice rural amenities, and to promote the enhancement of rural character;
- (d) ensure that development and land management are sustainable with reference to the capability of land and the natural resource values.

#### 4.2.24 **Private Clubs and Institutions Zone**

The objectives of the Private Clubs and Institutions Zone are to—

- (a) facilitate the use and development of land for a range of uses associated with private clubs and institutions, including but not limited to private schools, sporting clubs and places of worship.
- (b) encourage the use of land in a manner that does not impact upon the amenity of surrounding residents (where applicable) and that is compatible with surrounding land use.

4.2.25 **Special Use Zone** (See Schedule 4)

The objectives of the Special Use Zones are to—

- (a) provide for specific uses or combination of uses in circumstances where the uses have particular locational and developmental requirements for which a generic zoning is unsuitable;
- (b) facilitate the development of strategically important facilities that cannot be satisfactorily provided for within any of the generic zones, and to ensure compatibility with adjacent development.

*Note: The Special Use Zones are not shown in the Zoning Table as it only occurs as a result of points (a) and (b) above. Every Special Use Zone could have different uses and a tabulated cross-referencing of use classes against zones is not applicable.*

4.3 **Zoning Table**

ZONES  USE CLASSES	Strategic Regional Centre						Commercial/Industrial				Residential				Rural						Other		
	City Centre—Business	City Centre—Shopping	City Centre—Showroom	City Centre—Mixed Use	City Centre—Residential	City Centre—Commercial Deferred*	General Commercial	Highway Service	Light Industrial	General Industrial	Industrial Development*	Residential	Residential Development*	Residential Redevelopment	Rural-Residential*	Special Rural *	Swan Valley Rural	Rural Living	Resource	Landscape*	General Rural	Private Clubs & Institutions	
Aged or Dependent Persons Dwelling	X	X	X	D	P	A	X	X	X	X	D	X	X	X	X	X	X	X	X	X	X	D	
Agriculture—Extensive	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	D	P	P	P	D	P	X
Agriculture—Intensive	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	D	P	P	D	A	P	X
Agroforestry	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	P	P	P	D	P	X	
Amusement Parlour	P	P	D	D	X	A	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Ancillary Accommodation	X	X	X	D	D	D	X	X	X	X	D	X	X	X	X	X	D	D	D	D	D	X	
Animal Establishment	X	X	X	X	X	X	X	X	D	P	X	X	X	X	X	X	X	X	D	X	D	X	
Animal Husbandry—Intensive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	X	
Bed and Breakfast	X	X	X	P	P	P	X	X	X	X	P	X	X	X	X	X	P	P	P	P	P	P	
Betting Agency	P	P	X	D	X	A	P	X	D	D	X	X	X	X	X	X	X	X	X	X	X	X	
Cabin or Chalet	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	D	A	X	A	D	X	
Camping Area	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	D	X	X	D	D	X	
Car Park	D	D	D	X	X	D	P	D	D	D	X	X	X	X	X	X	X	D	X	X	X	D	
Caravan Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Caretaker's Dwelling	D	D	D	D	D	D	D	D	D	D	D	X	X	X	X	X	D	D	D	D	D	D	
Child Care Premises	P	P	X	P	D	D	P	X	X	X	D	X	X	X	X	X	X	X	X	X	X	D	
Cinema/Theatre	P	P	X	D	X	A	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Civic Use	P	D	X	D	D	P	X	X	X	X	D	X	X	X	X	X	X	D	X	X	D	D	
Club Premises	P	X	X	D	X	A	P	X	X	X	X	X	A	X	X	X	D	D	X	X	D	D	
Community Purpose	P	P	X	X	X	D	P	D	X	X	D	X	D	X	X	X	D	D	X	A	D	D	
Consulting Rooms	P	D	X	X	D	D	P	D	X	X	D	X	X	X	X	X	X	X	X	X	X	X	
Convenience Store	D	D	D	D	X	A	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Corrective Institution	X	X	X	X	X	X	X	X	X	A	X	X	X	X	X	X	X	X	X	X	A	X	
Educational Establishment	D	D	X	X	D	A	D	D	D	P	D	X	X	X	X	X	X	D	X	X	D	A	
Equestrian Facility	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	X	A	X	A	A	A	
Exhibition Centre	D	X	X	X	X	A	P	X	X	X	X	X	X	X	X	X	D	A	X	X	D	A	
Family Day Care	P	X	X	P	P	P	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	
Fast Food Outlet	P	P	D	X	X	A	P	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Food and Beverage Production	D	D	D	X	X	A	D	X	D	X	X	X	A	X	X	X	D	X	X	A	D	X	
Fuel Depot	X	X	X	X	X	X	X	X	X	D	P	X	X	X	X	X	X	X	D	X	X	X	
Funeral Parlour	X	X	P	X	X	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	
Garden Centre	D	D	D	D	X	D	D	D	D	D	X	X	D	X	X	X	D	D	D	X	D	X	
Grouped Dwelling	X	X	X	D	P	A	X	X	X	X	D	X	A	X	X	X	A	A	X	X	A	D	
Home Business	X	X	X	X	D	D	X	X	X	X	D	D	D	D	D	D	D	D	D	D	D	D	
Home Occupation	X	X	X	X	P	D	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	
Home Office	X	X	X	X	P	P	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	
Home Store	X	X	X	A	A	A	X	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X	

Development and use of land is to be in accordance with an approved Structure Plan

Development and use of land is to be in accordance with an approved Structure Plan

Refer to Schedule 11

ZONES  USE CLASSES	Strategic Regional Centre						Commercial/Industrial				Residential			Rural					Other			
	City Centre—Business	City Centre—Shopping	City Centre—Showroom	City Centre—Mixed Use	City Centre—Residential	City Centre—Commercial Deferred*	General Commercial	Highway Service	Light Industrial	General Industrial	Industrial Development*	Residential	Residential Development*	Residential Redevelopment	Rural-Residential*	Special Rural *	Swan Valley Rural	Rural Living	Resource	Landscapes*	General Rural	Private Clubs & Institutions
Hospital	X	X	X	X	X	X	X	X	X	X	X		X	X		X	X	X	X	X	A	A
Hotel	P	X	X	P	X	A	A	X	X	X		X	X	X		A	X	X	X	X	X	X
Industry—Cottage	X	X	D	X	X	X	X	P	P	D		X	X	D		D	D	D	D	D	D	X
Industry—Extractive	X	X	X	X	X	X	X	X	X	X		X	X	X		A	A	P	A	D	X	X
Industry—General	X	X	X	X	X	X	X	X	X	P		X	X	X		X	X	X	X	X	X	X
Industry—Light	X	X	D	X	X	X	X	D	P	D		X	X	X		X	X	X	X	X	X	X
Industry—Mining	X	X	X	X	X	X	X	X	X	X		X	X	X		A	A	D	A	D	X	X
Industry—Noxious	X	X	X	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X	X	X
Industry—Rural	X	X	X	X	X	X	X	X	X	D		X	X	X		D	X	D	X	D	X	X
Industry—Service	D	D	D	X	X	X	X	P	P	D		X	X	X		X	X	X	X	X	X	X
Lunch Bar	P	P	X	D	X	D	P	X	D	D		X	X	X		X	X	X	X	X	X	X
Marine Filling Station	X	X	X	X	X	X	X	X	D	D		X	X	X		X	X	X	X	X	X	X
Market	D	D	X	X	X	A	D	X	X	X		X	X	X		A	X	X	X	X	X	A
Medical Centre	P	D	X	D	X	A	P	D	X	X		X	X	X		X	X	X	X	X	X	X
Motel	D	X	X	P	X	X	X	X	X	X		X	X	X		A	X	X	X	X	X	X
Motor Vehicle Repair	X	X	X	X	X	X	X	X	D	P		X	X	X		X	X	X	X	X	X	X
Motor Vehicle Wash	X	X	P	X	X	X	P	P	P	P		X	X	X		X	X	X	X	X	X	X
Motor Vehicle, Boat or Caravan Sales	D	D	D	X	X	A	P	P	P	P		X	X	X		X	X	X	X	X	X	X
Multiple Dwelling	D	X	X	P	P	A	X	X	X	X		D	X	X		X	X	X	X	X	X	D
Night Club	P	X	X	A	X	A	P	X	X	X		X	X	X		X	X	X	X	X	X	X
Office	P	P	X	D	X	D	P	X	X	X		X	X	X		X	X	X	X	X	X	D
Place of Assembly	P	P	X	D	A	A	D	X	X	D		X	X	X		D	D	X	X	D	D	D
Place of Worship	P	D	X	D	D	A	X	X	D	D		D	X	D		D	D	X	X	D	D	D
Radio & TV Installation Private	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	P	P	P	P
Reception Centre	D	D	X	P	X	X	P	X	X	X		X	X	X		A	X	X	A	X	A	A
Recreation—Private	D	D	D	D	X	D	D	D	D	D		X	X	D		D	D	X	X	D	D	D
Recreation—Public	X	X	X	X	X	D	P	P	P	P		D	X	D		D	P	A	X	P	P	P
Residential Building	X	X	X	P	A	D	X	X	X	X		A	X	X		X	D	X	X	X	X	X
Restaurant	P	P	X	P	X	A	P	X	X	X		X	X	A		D	A	X	A	D	A	A
Restricted Premises	A	A	X	X	X	A	A	X	X	X		X	X	X		X	X	X	X	X	X	X
Roadhouse	X	X	X	X	X	X	X	X	X	X		X	X	X		A	X	X	X	D		
Rural Pursuit	X	X	X	X	X	X	X	X	X	X		X	X	D		D	D	P	A	P	X	X
Service Station	D	P	D	X	X	A	A	A	X	X		X	X	X		X	X	X	X	X	X	X
Shop	P	P	D	X	X	A	P	X	X	X		X	X	X		X	X	X	X	X	X	X
Showroom	P	P	P	X	X	A	P	P	X	X		X	X	X		X	X	X	X	X	X	X
Single Bedroom Dwelling	D	X	X	D	P	D	X	X	X	X		D	X	X		X	X	X	X	X	X	X
Single House	X	X	X	D	P	D	X	X	X	X		P	P	P		P	P	P	P	P	P	P
Storage	X	X	X	X	X	X	D	D	P	P		X	X	X		X	X	X	X	X	X	X
Tavern	P	D	D	A	X	A	A	A	A	A		X	X	X		A	X	X	X	X	X	X
Telecommunications Infrastructure	D	D	D	X	X	D	D	D	D	D		X	X	D		D	D	D	D	D	D	D
Tourist Facilities	A	X	X	A	X	X	A	X	X	X		X	X	A		A	A	X	A	A	A	A
Trade Display	D	X	P	X	X	X	D	P	P	P		X	X	X		X	X	X	X	D	X	X
Transport Depot	X	X	X	X	X	X	D	D	X	P		X	X	X		X	X	A	X	D	X	X
Vehicle Wrecking	X	X	X	X	X	X	X	X	X	P		X	X	X		X	X	X	X	X	X	X
Veterinary Centre	D	X	D	X	X	A	D	D	D	P		X	X	D		A	D	X	X	D	X	X
Warehouse	X	X	P	X	X	X	P	P	P	P		X	X	X		X	X	X	X	X	X	X
Winery	X	X	X	X	X	X	X	X	X	A		X	X	A		A	A	X	A	A	A	A

\*—Denotes that Part 5A—Structure Planning Areas applies to land in these zones.

- Note:*
1. *Where a structure plan applies to the land the determination of applications involving the exercise of discretion in the Residential Development and Industrial Development Zones is subject to the provisions of Clause 5A.1.3.1.*
  2. *Prior to a structure plan coming into effect applications for development in the Residential Development and Industrial Development Zones are subject to the provisions of Clause 5A.1.4.2.*
  3. *Notwithstanding that a use may be designated as a permitted use, where land is located within a Special Control Area, the provisions of Part 6 of the scheme may result in the use being subject to the discretion of the local government.*

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the permissibility of uses in the Scheme area in the various zones. The permissibility of any uses 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 provided the use complies with the relevant development standards and the requirements of the Scheme;
- “D” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- “A” means that the use is not permitted unless the local government 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 Notwithstanding any provisions to the contrary under the scheme, a change in the use of land from one use to another is permitted without any requirement for planning approval, if—

- (a) the change is to a use within the same use class 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 requirements applicable under the Scheme including any requirements applicable under any current planning approval pertaining to the land and the change of use is not accompanied by and does not involve any building or other development work; or
- (b) the change is to an incidental use that does not change the predominant use of the land, and complies with all the relevant development standards and requirements applicable under the Scheme including any requirements applicable under any current planning approval pertaining to the land.

4.3.4 A proposal to commence or carry out development involving a “P” use which is not a proposal for a change in the use of land under the preceding clause requires planning approval: where an application is made for planning approval of any development involving a “P” use, the local government shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that the local government may in its discretion impose conditions upon the approval to commence or carry out the use, and if the application proposes or necessarily involves any building or other work the local government upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.

- Note:*
1. *The planning approval of the local government 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. *In considering a “D” or “A” use, the local government will have regard to the matters set out in clause 10.2.*
  3. *The local government must refuse to approve any “X” use of land.*

#### **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 class the local government 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.

#### **4.5 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 under the Zoning Table in the zone in which the land is situated subject to the conditions 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 permitted or permissible in the zone that applies to the land.*



#### 4.6 Restricted Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

*Note: A restricted use is the only use or uses that is/are permitted on a specific portion of land and other uses that would otherwise be permitted or permissible in the zone are not permitted.*

#### 4.7 Special Use Zones

4.7.1 Special Use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

- Note:*
1. *Special Use zones apply to special categories of land use that do not comfortably sit within any other zone in the Scheme.*
  2. *The provisions of Part 5A—Structure Planning Areas apply to those Special Use Zones for which a structure plan is required as a condition of subdivision or development.*

#### 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 but where use of the land for the permitted purpose had not commenced prior to the gazettal date; or
- (c) subject to clause 11.2.2, 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 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 local government 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 local government, 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 local government 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: Part 11, Division 4 of the Planning Act enables the local government 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, that section and the Scheme.*

#### 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 local government.

### PART 5—GENERAL DEVELOPMENT REQUIREMENTS

*Note: This part includes the general requirements for development in all zones, and should be read in conjunction with the specific provisions applicable to certain zones under Part 6, Special Control Areas and any specific provisions applicable to individual sites.*

#### 5.1 Compliance with Development Standards and Requirements

5.1.1 Any development of land is to comply with provisions of the Scheme and have due regard for any relevant planning policies effective under the Scheme.

5.1.2 Unless otherwise specified in the Scheme, development requirements shall be determined by Council having regard to any relevant local planning policies adopted under 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 local government.

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. The Codes are to have effect in the Scheme as contemplated by section 77(2) of the *Planning and Development Act 2005*.

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 Design Code* density, as being contained within the area defined by the centre-line of those borders.

## 5.3 Special Application of Residential Design Codes

5.3.1 Within the “City Centre-Residential” zone and “City Centre-Mixed Uses” zone, the minimum boundary setback for all dwelling types along a Primary Regional Road and Other Regional Road shall be 12 metres.

5.3.2 The Council may consider an application for the development within that part of the Guildford Conservation Precinct, with a *Residential Design Codes* designation of R5 of a single dwelling on a lot which does not comply with the requirements of the minimum land area per dwelling and may grant approval with or without conditions or may refuse the application.

5.3.3 The Council may consider an application for the reinstatement within any Conservation Precinct of any grouped dwelling development which has been accidentally destroyed, notwithstanding that the proposed works do not comply with the *Residential Design Codes* requirements for the minimum area of land per dwelling.

## 5.4 Restrictive Covenants

5.4.1 Subject to clause 5.4.2, 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 the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the *Residential Design Codes* which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government 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.

## 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 local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, 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 local government 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 local government 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) without affecting the generality of (a), 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 Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

5.6.3 The local government 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 local government.

*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 Swan Valley Planning Act

5.7.1 For the purposes of this scheme “Swan Valley Planning Act” means the *Swan Valley Planning Act 1995*.

5.7.2 A copy of the Swan Valley Planning Act shall be kept and made available for public inspection at the offices of the City of Swan.

5.7.3 In this clause (5.7) the term “Swan Valley” has the same meaning as is given to it in Section 3 of the Swan Valley Planning Act.

5.7.4 The Swan Valley may be depicted on the Scheme Map by the authority of this subclause by a solid black line for convenience of reference.

### 5.8 Telecommunications Infrastructure

5.8.1 When considering an application for planning approval for Telecommunications Infrastructure, the Council shall have regard to any relevant planning policy adopted by the Council pursuant to clause 2.4, WAPC State Planning Policy 5.2 (Telecommunications Infrastructure), any other relevant State Planning Policy and to the following objectives—

- (a) To encourage co-location as a means of preventing unnecessary proliferation and duplication of such infrastructure;
- (b) To minimise the visual impact of such infrastructure on the surrounding locality; and
- (c) To prevent ad-hoc development of such infrastructure by requiring applicants to provide a report in accordance with the requirements of WAPC State Planning Policy 5.2 and any other relevant State Planning Policy and to demonstrate an industry-wide strategic approach to the location of such infrastructure throughout the City.

### 5.9 Re-use of Disused Vehicles

5.9.1 Without affecting the generality of the other provisions of this Scheme dealing with the approval of the commencement of carrying out of any development, no person shall use store or allow to remain stationary for more than thirty days any disused vehicle, on any land in the Scheme Area without the prior Development Approval of the Council.

5.9.2 In considering an application made pursuant to paragraph (a), the Council shall have regard to—

- (i) the type, size and condition of the vehicle;
- (ii) the potential of the vehicle to be located and modified, as necessary, so as to be complementary with its surroundings and any associated development;
- (iii) the capability and suitability of the vehicle to be used for the purpose for which it is proposed to be used;
- (iv) the purpose of the zone in which the vehicle is proposed to be located;
- (v) the provisions of clause 10.2 insofar as they are applicable;
- (vi) any other matter which Council considers relevant whether or not of the same kind as the foregoing.

5.9.3 Notwithstanding the provisions of clause 5.5, the maximum number of disused vehicles that can be approved by the Council on any land owned or occupied as one parcel shall not exceed four (4) unless the land is an approved Salvage Yard, Transport Depot or Vehicle Wrecking Premises, as defined under the Scheme.

5.9.4 In addition to the requirement for Development Approval, no person shall place, park or otherwise locate, or permit or suffer the placing, parking or locating of one or more disused vehicles on any land within the Scheme Area unless a building licence has first been applied for and issued in respect thereof.

## PART 5A —STRUCTURE PLANNING AREAS

*Note: This Part includes the procedures for preparation and approval of Structure Plans and Development Contribution Areas, as well as the application of structure plans in the Development zones, the Rural Residential zone, the Special Rural zone, the Landscape zone, the City Centre—Commercial Deferred zone and other areas in which structure plans are required.*

### 5A.1 STRUCTURE PLANNING AREAS

#### 5A.1.1 Interpretation

In this part, unless the context otherwise requires—

“**Detailed Area Plan**” means a plan prepared and adopted pursuant to clause 5A.1.16 of this Part;

“**owner**” means an owner or owners of land in the Structure Planning Area; and

“**structure plan**” means a structure plan that has come into effect in accordance with clause 5A.1.12 and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the previous town planning scheme of the local government, where applicable to a structure planning area.

“**structure planning area**” means any of the following—

- (a) Residential Development zone;
- (b) Residential Redevelopment zone;

- (c) Industrial Development zone;
- (d) Rural-Residential zone, Special Rural zone or Landscape zone;
- (e) City Centre—Commercial Deferred zone;
- (f) any of the Special Use zones for which a structure plan is required as a condition of subdivision or development.

#### 5A.1.2 Purpose of Structure Planning Areas

5A.1.2.1 The purposes of Structure Planning Areas are to—

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

#### 5A.1.3 Subdivision and Development in Structure Planning Areas

5A.1.3.1 The subdivision and development of land within a Structure Planning Area is to be generally in accordance with any structure plan that applies to that land.

#### 5A.1.4 Structure Plan required

5A.1.4.1 The local government is not to—

- (a) consider recommending subdivision; or
- (b) approve development

of land within a Structure Planning Area unless there is a structure plan for the area or for the relevant part of that area that adequately defines the comprehensive planning detail required to guide orderly subdivision and development for urban land use.

*Note: In the absence of a structure plan for the whole of the Structure Planning Area, a structure plan for part of the area is to accord with the requirements of clause 5A.1.5.2*

5A.1.4.2 Notwithstanding clause 5A.1.4.1, a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Structure Planning Area.

5A.1.4.3 Where a proposed Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or the *Residential Design Codes*, and such Proposed Structure Plan requires the preparation of a Development Contribution Plan, the proposed Structure Plan may only be adopted if the subject area is listed in Schedule 13 of the Scheme as a Development Contribution Area.

5A.1.4.4 Where building envelopes are depicted on a Structure Plan, all buildings and effluent disposal facilities shall be located within the building envelopes shown on those plans.

5A.1.4.5 Notwithstanding the provisions of sub-clause 5A.1.4.4, Council may approve the construction of the following structures outside of building envelopes—

- (a) water tanks;
- (b) windmills;
- (c) stock watering and feed troughs; and
- (d) roofed structure open on all sides for the purpose of providing shelter to animals.

#### 5A.1.5 Preparation of proposed structure plans

5A.1.5.1 A proposed structure plan may be prepared by—

- (a) the local government; or
- (b) an owner.

5A.1.5.2 A proposed structure plan may be prepared for all, or part of, a Structure Planning Area.

#### 5A.1.6 Details of proposed structure plan

5A.1.6.1 A proposed structure plan is to contain the following details—

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
  - (i) landform, topography and land capability;
  - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
  - (iii) hydro geological conditions, including approximate depth to water table;
  - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including—
  - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
  - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
  - (iii) existing and future land use;
- (d) for district structure plans, a map showing proposals for—
  - (i) the pattern of neighbourhoods around town and neighbourhood centres;
  - (ii) arterial routes and neighbourhood connector streets;
  - (iii) the protection of natural features such as water courses and vegetation;

- (iv) major open spaces and parklands;
- (v) major public transport routes and facilities;
- (vi) the pattern and disposition of land uses; and
- (vii) schools and community facilities;
- (e) for local structure plans, a map showing proposals for—
  - (i) neighbourhoods around proposed neighbourhoods and town centres;
  - (ii) existing and proposed commercial centres;
  - (iii) natural features to be retained,
  - (iv) street block layouts;
  - (v) the street network including street types;
  - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
  - (vii) land uses including residential densities and estimates of population;
  - (viii) schools and community facilities;
  - (ix) public parklands; and
  - (x) urban water management areas;

*Note: Local Structure Plans may be applied as a basis for coordination of subdivision and development at the local level, and may be applied to residential, rural or industrial estates or to areas in fragmented ownership where there is a need for coordination of development and/or subdivision*

- (f) a written report to explain the mapping and to address the following—
  - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - (ii) the site analysis including reference to the matters listed in clause 5A.1.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
  - (iii) the context analysis including reference to the matters listed in clause 5A.1.6.1 (c) above;
  - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
  - (v) the design rationale for the proposed pattern of subdivision, land use and development;
  - (vi) traffic management and safety;
  - (vii) parkland provision and management;
  - (viii) urban water management;
  - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
  - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development; and
  - (xi) fire risk management.

5A.1.6.2 The maps referred to in clause 5A.1.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 5A.1.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

5A.1.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones and the *Residential Design Codes* residential density coding, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones and Residential Design Codes residential density coding when recommending subdivision or approving development of land within a Structure Planning Area.

5A.1.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

#### **5A.1.7 Submission to local government and Commission**

5A.1.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

5A.1.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

5A.1.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

5A.1.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

**5A.1.8 Advertising of structure plan**

5A.1.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5A.1.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed structure plan erected in a conspicuous place or places in the Structure Planning Area, or part of the Structure Planning Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan or requested its preparation by the local government to give notice, in writing to—
  - (i) all owners whose land is included in the proposed structure plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
  - (iii) such public authorities and other persons as the local government nominates.

5A.1.8.2 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed structure plan;
- (b) specify when and where the proposed structure plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

**5A.1.9 Adoption of proposed structure plan**

5A.1.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

5A.1.9.2 (a) In making a determination under clause 5A.1.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

- (b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 5A.1.9.1.

5A.1.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may—

- (a) readvertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to re-advertise the proposed structure plan;

and thereafter, the procedures set out in clause 5A.1.8.1 onwards are to apply.

5A.1.9.4 If within the period referred to in clause 5A.1.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5A.1.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

**5A.1.10 Endorsement by Commission**

5A.1.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5A.1.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

5A.1.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

5A.1.10.3 The Commission is to notify the local government of its determination under clause 5A.1.10.2.

**5A.1.11 Notification of structure plan**

5A.1.11.1 As soon as practicable after adopting a proposed structure plan under clause 5A.1.9.1 and if clause 5A.1.10 applies, as soon as practicable after being notified of the Commission's decision under clause 5A.1.10.3, the local government is to forward a copy of the structure plan to—

- (a) any public authority or person that the local government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

**5A.1.12 Operation of structure plan**

5A.1.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5A.1.10.2; or
- (b) on the day on which it is adopted by the local government under clause 5A.1.9.1 in all other cases.

5A.1.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

5A.1.12.3 Subject to clause 5A.1.12.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or the *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) the provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Planning Area.

5A.1.12.4 Without limiting the generality of clause 5A.1.12.3, 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 residential density code under the Scheme apply to the areas having corresponding designations under the Structure Plan, unless otherwise provided in a detailed area 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; and
- (d) any 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.

5A.1.12.5 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.

5A.1.12.6 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or *Residential Design Codes* is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

5A.1.12.7 It is intended that the Infrastructure Cost sharing provisions in clause 5A.2 will ensure that the cost of providing infrastructure within a Structure Planning Area will be shared equitably between affected landowners. Consequently it is intended that no claim for compensation for injurious affection will arise as a consequence of any provision in a Structure Plan or Detailed Area plan.

*Note: Where the Scheme has been amended in such a way that a structure plan is no longer required for a particular area, any existing structure plan for that area will cease to have effect. It is intended that the Scheme will be amended by rezoning of the land or removal of reference to the requirements for a structure plan, upon the effective completion of subdivision and/or development within structure planning areas.*

#### 5A.1.13 Inspection of structure plan

5A.1.13.1 The structure plan and the Commission's notification under clause 5A.1.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

#### 5A.1.14 Variation to structure plan

5A.1.14.1 The local government may vary a structure plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 5A.1.6 onwards.

5A.1.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

5A.1.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

5A.1.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 5A.1.14.3, the Commission is to determine whether to endorse the proposed variation.

5A.1.14.5 The Commission is to notify the local government of its determination under clause 5A.1.14.4.

5A.1.14.6 A variation to a structure plan by resolution comes into effect—

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5A.1.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 5A.1.14.1(a).

5A.1.14.7 A variation to a structure plan otherwise than by resolution comes into effect in accordance with clause 5A.1.12.1 as if it were a structure plan.

#### 5A.1.15 Detailed area plan

5A.1.15.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by—

- (a) the local government; or
- (b) an owner.

5A.1.15.2 A detailed area plan is intended to enhance, elaborate or expand the details or provisions contained in a Structure Plan for a particular lot or lots and may include details as to—

- (a) building 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 local government.

5A.1.15.3 When a proposed detailed area plan is prepared under clause 5A.1.15.1, the local government is to—

- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Structure Planning Area, or part of the Structure Planning Area, to which the proposed detailed area plan applies; and
- (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed detailed area plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
  - (iii) such public authorities and other persons as the local government nominates.

5A.1.15.4 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed detailed area plan;
- (b) specify when and where the proposed detailed plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

5A.1.15.5 The local government is to consider all submissions received and—

- (a) approve the detailed area plan with or without conditions; or
- (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.

5A.1.15.6 If within 60 days of receiving a detailed area plan prepared under clause 5A.1.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 5A.1.15.5, the local government is deemed to have refused to approve the detailed area plan.

5A.1.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan and has effect as such.

5A.1.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 5A.1.14 onwards provided such variations do not prejudice the intention of any related structure plan.

#### 5A.1.16 Applications for Review (Appeals)

5A.1.16.1 An owner who has submitted a proposed structure plan under clause 5A.1.7.1 may apply to review, under Part 14 of the Planning Act—

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 5A.1.8.1;
- (b) any determination of the local government—
  - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
  - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

5A.1.16.2 An owner who has submitted a detailed area plan in accordance with clause 5A.1.15 may apply to review, in accordance with Part 14 of the Planning Act, any discretionary decision made by the local government under clause 5A.1.15.

## 5A.2 DEVELOPMENT CONTRIBUTION AREAS

5A.2.1 Development Contribution Areas are shown on the Scheme Map as DCA with a number and included in Schedule 13.



5A.2.2 In respect of a Development Contribution Area shown on a Scheme Map, the provisions applying to the Development Contribution Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

#### 5A.2.3 Interpretation

In clause 5A.2, unless the context otherwise requires—

“**Administrative Costs**” means such costs as are necessary for the implementation of the Development Contribution Plan;

“**Cost Apportionment Schedule**” means a schedule prepared and distributed in accordance with clause 5A.2.12;

“**Cost Contribution**” means the contribution to the cost of Infrastructure and Administrative Costs payable by an Owner pursuant to a Development Contribution plan;

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

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

#### 5A.2.4 Purpose

The purpose of having Development Contribution Areas is to—

- (a) provide for the equitable sharing of the costs of Infrastructure and Administrative Costs between Owners;
- (b) ensure that Cost Contributions are reasonably required as a result of the subdivision and development of land in the Development Contribution Area; and
- (c) coordinate the timely provision of Infrastructure.

#### 5A.2.5 Development Contribution Plan required

5A.2.5.1 A Development Contribution Plan is required to be prepared for each Development Contribution Area.

5A.2.5.2 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 or detailed in a Structure Plan.

#### 5A.2.6 When a Development Contribution Plan has effect

The Development Contribution Plan does not have effect until it has been endorsed by the Commission or incorporated in Schedule 13 as part of the Scheme.

#### 5A.2.7 Subdivision and Development

5A.2.7.1 The local government is not to—

- (a) consider recommending subdivision; or
- (b) approve development of land within a Development Contribution Area until—
- (c) a Development Contribution Plan is in effect; or
- (d) the Owner who has applied for subdivision or development approval has made arrangements in accordance with clause 5A.2.16 for the payment of the Owner’s Cost Contribution.

5A.2.7.2 Clause 5A.2.7.1 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 clause 5A.2.

5A.2.7.3 Notwithstanding clause 5A.2.7.1, where a Development Contribution Plan is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner’s contribution towards the provision of Infrastructure and Administrative Costs in the Development Contribution Area.

#### 5A.2.8 Guiding Principles for Development Contribution Plans

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

- (a) it is to provide for Cost Contributions to only the cost of such Infrastructure and Administrative Costs as fairly and reasonably relate to, and are 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; and
- (d) Cost Contributions are to be based upon the proportion that the area of that Owner’s land bears to the total area of land within the Development Contribution Area for which Cost Contributions have yet to be made.

#### 5A.2.9 Recommended content of Development Contribution Plans

5A.2.9.1 The Development Contribution Plan is to specify—

- (a) the Development Contribution Area to which the Development Contribution Plan applies;
- (b) the Infrastructure and Administrative Costs to be funded through the Development Contribution Plan;

- (c) the method of determining the Cost Contribution of each Owner; and
- (d) the priority and timing for the provision of Infrastructure.

#### 5A.2.10 **Period of Development Contribution Plan**

5A.2.10.1 A Development Contribution Plan may specify the period during which it is to operate.

5A.2.10.2 The period during which a Development Contribution Plan is to operate may be extended and the Development Contribution Plan may be amended accordingly.

#### 5A.2.11 **Land excluded**

In calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided in that Development Contribution Area for—

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

is to be excluded.

#### 5A.2.12 **Cost Apportionment Schedule**

5A.2.12.1 Within 90 days of the Gazettal or the Commission's endorsement of the Development Contribution Plan, the local government is to distribute a Cost Apportionment Schedule to all Owners in the Development Contribution Area.

5A.2.12.2 The Cost Apportionment Schedule sets out in detail the calculation of the Cost Contribution for each Owner in the Development Contribution Area.

5A.2.12.3 The Cost Apportionment Schedule does not form part of the Scheme.

#### 5A.2.13 **Cost Contributions based on estimates**

5A.2.13.1 The value of Infrastructure and Administrative Costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government.

5A.2.13.2 Where a Cost Apportionment Schedule contains estimated costs; such estimated costs are to be reviewed at least annually by the local government—

- (a) in the case of land to be acquired, in accordance with clause 5A.2.14;
- (b) in all other cases, in accordance with the best and latest information available to the local government,

until the expenditure on the relevant item of Infrastructure or Administrative Costs has occurred.

5A.2.13.3 Where requested in writing by an owner, the local government is to have such estimated costs independently certified by an appropriate qualified person and must provide such independent certification to an Owner where requested to do so.

5A.2.13.4 Where any Cost Contribution has been calculated on the basis of an estimated cost, the local government—

- (a) is to adjust the Cost Contribution of any Owner in accordance with the revised estimated costs; and
- (b) may accept a Cost Contribution, based upon estimated costs, as a final Cost Contribution and enter into an agreement with the Owner accordingly.

5A.2.13.5 Where an Owner's Cost Contribution is adjusted under clause 5A.2.13.4, the local government, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.

#### 5A.2.14 **Valuation**

5A.2.14.1 Clause 5A.2.14 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

5A.2.14.2 In clause 5A.2.14—

**“Value”** means fair net expectation value which is to be calculated by determining the highest and best use of the land in its unimproved state either on its own or with other land ripe for subdivision and adding the margin for profit foregone had the land been able to be subdivided in its optimum form including allowances for all usual costs and expenses attributed to that land required to carry out such an exercise but not including an allowance for risk as might otherwise have been made.

**“Profit”** is to be 10% calculated by the difference between—

- (a) the gross realisation of the lots or part lots yielded from the subject land less the advertising and legal expenses so required to sell the lots; and
- (b) the amount of (a) divided by 1.1.

**“Valuer”** means a licensed Valuer agreed by the local government and the Owner, or where the local government and the Owner are unable to reach agreement, a Valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

5A.2.14.3 If an Owner objects to a valuation made by the Valuer, the Owner may give notice to the local government requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.

5A.2.14.4 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined—

- (a) by any method agreed between the local government and the Owner; or
- (b) if the local government and the Owner cannot agree, by arbitration in accordance with the *Commercial Arbitration Act 1985*.

#### 5A.2.15 Liability for Cost Contributions

5A.2.15.1 An Owner is required to make a Cost Contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 5A.2.

5A.2.15.2 An Owner's liability to pay the Owner's Cost Contribution to the local government arises on the earlier of—

- (a) 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;
- (b) the commencement of any development on the Owner's land within the Development Contribution Area; or
- (c) the time of applying to the local government or Commission for approval of any development on the Owner's land within the Development Contribution Area.

5A.2.15.3 Notwithstanding clause 5A.2.15.2, an Owner's liability to pay the Owner's Cost Contribution does not arise if the Owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided since the Gazettal of the Development Contribution Plan.

#### 5A.2.16 Payment of Cost Contribution

5A.2.16.1 The Owner, with the agreement of the local government, is to pay the Owner's Cost Contribution by—

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the Cost Contribution;
- (c) some other method acceptable to the local government; or
- (d) any combination of these methods.

5A.2.16.2 The Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by installments or in such other manner acceptable to the local government.

5A.2.16.3 Payment by an Owner of the Cost Contribution, including a Cost Contribution based upon estimated costs, constitutes full and final discharge of the Owner's liability under the Development Contribution Plan.

#### 5A.2.17 Charge on land

5A.2.17.1 The amount of any Cost Contribution for which an Owner is liable under clause 5A.2.15, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the local government may lodge a caveat, at the Owner's expense, against the Owner's title to that land.

5A.2.17.2 The local government, at the Owner's expense and subject to such other conditions as the local government thinks fit, is to withdraw a caveat lodged under clause 5A.2.17.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

5A.2.17.3 If the Cost Contribution is paid in full, and if requested to do so by the Owner, the local government, at the expense of the Owner, is to withdraw any caveat lodged under clause 5A.2.17.

#### 5A.2.18 Administration of Funds

5A.2.18.1 The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure and Administrative Costs within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

5A.2.18.2 Interest earned on Cost Contributions credited to a reserve account in accordance with clause 5A.2.18.1 is to be applied in the Development Contribution Area to which the reserve account relates.

5A.2.18.3 The local government is to provide to every Owner who has a liability to make a Cost Contribution an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

#### 5A.2.19 Shortfall or Excess in Cost Contributions

5A.2.19.1 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 local government 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 5A.2.19.1(a) restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard.

5A.2.19.2 If there is an excess in funds available to the Development Contribution Area when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to apply the excess funds for the provision of additional facilities or improvements in that Development Contribution Area.

#### 5A.2.20 Powers of the local government

The local government in implementing the Development Contribution Plan has the power to—

- (a) acquire any land or buildings within the Scheme area under the provisions of the Planning Act; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

#### 5A.2.21 Arbitration

Subject to clause 5A.2.14.4, any dispute between an Owner and the local government in connection with the Cost Contribution required to be made by an Owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

### PART 6—SPECIAL CONTROL AREAS

#### 6.1 Operation of Special Control Areas

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

- (a) Aircraft Noise Exposure Areas.
- (b) Flood Prone Areas.

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.

#### 6.2 Aircraft Noise Exposure Areas

6.2.1 Aircraft Noise Exposure Areas are defined on the Scheme Map in accordance with the WA Planning Commission's Statement of Planning Policy "*Land Use Planning in the Vicinity of Perth Airport*", and the Australian Noise Exposure Forecast referred to in the Commission's policy and the most recent Australian Noise Exposure Forecast prepared for RAAF Pearce.

*Note: The designation of particular parts of the district as Aircraft Noise Exposure Areas should not be interpreted to imply that areas outside the respective noise exposure contours are un-affected by aircraft noise.*

6.2.2 In addition to development which otherwise requires approval under the Scheme, planning approval is required for any development involving building types identified as either "conditionally acceptable" or "unacceptable" for the relevant noise exposure zone in Australian Standard AS 2021.

*Note: An extract from Australian Standard AS 2021-2000 detailing the Building Site Acceptability based on the ANEF (350,000) zones which make up the Aircraft Noise Exposure Area, is included in Schedule 12. While residential development is the primary focus of control under this clause, there are other examples of noise-sensitive development included in AS 2021, which will also be subject to control.*

6.2.3 Such development is to be subject to the discretion of the local government, notwithstanding that the use may be designated a "P" use under the Scheme. The local government may exercise discretion as to approval of the use.

6.2.4 The local government may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) require noise attenuation measures to be incorporated into the design of buildings;
- (b) require the registration of notifications on title advising of the potential for aircraft noise nuisance.

*Note 1: The local government may require registration of notification on title under the provisions of section 75A of the Transfer of Land Act.*

*2 Noise attenuation (insulation) is to be mandatory for all new residential development subject to forecast noise exposure levels above 25 ANEF (350,000) but is advisory for such development in the ANEF 20-25 noise exposure zone. All development, to which this clause applies, will be subject to a condition requiring the registration of a notice on title advising of the potential for aircraft noise nuisance.*

#### 6.3 Flood Prone Areas

6.3.1 Flood Prone Areas are defined on the Scheme Map in accordance with the 1 in 100 year flood levels defined by the Department of Environment, Water and Catchment Protection.

*Note: The designation of particular parts of the district as Flood Prone Areas should not be interpreted to imply that areas outside the designated areas are necessarily free from risk associated with flood or extreme rainfall events.*

6.3.2 In addition to development which otherwise requires planning approval under the Scheme, planning approval is required for any development within a Flood Prone Area, which involves the construction or extension of any building or earth works. Such development is to be subject to the discretion of the local government, notwithstanding that the use may be designated a "P" use under the Scheme.

6.3.3 The local government may refuse any application for planning approval or impose conditions on any planning approval so as to—

- (a) constrain the location or level of development;
- (b) require the registration of notifications on title advising of the potential risk associated with flood events.

*Note: The local government may require registration of notification on title under the provisions of section 75A of the Transfer of Land Act 1893.*

## PART 7—HERITAGE PROTECTION

### 7.1 Heritage List

7.1.1 The local government 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 local government is to—

- (a) have regard to the municipal inventory prepared by the local government 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 local government 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 local government 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 local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6 The local government 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: 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.

### 7.1A Municipal Heritage Inventory under Previous Scheme

7.1A.1 The Municipal Heritage Inventory adopted as the basis for heritage protection under Town Planning Scheme No. 9 shall be employed as the basis for heritage protection under this Scheme as if it were established as a Heritage List under clause 7.1 unless and until a Heritage List is established under that clause. Until that time—

- (a) The Municipal Heritage Inventory shall have effect under this Scheme as if it was a Heritage List established under clause 7.1; and
- (b) a reference to the Heritage List shall apply as if it was a reference to the Municipal Heritage Inventory.

7.1A.2 The Municipal Heritage Inventory referred to in clause 7.1A.1 may be amended in accordance with the provisions of clause 7.1 as if it were the Heritage List under the current Scheme, but will cease to have effect upon the adoption of a Heritage List under that clause.

*Note: The purpose of this savings clause is to recognise the application of the existing Municipal Heritage Inventory under Town Planning Scheme No. 9, and to avoid a situation in which there is no basis for heritage protection upon the gazettal of the new scheme. N.B. The enabling provisions of clause 7.1 cannot be acted upon prior to gazettal of the scheme, and the sometimes extensive consultation associated with the approval of a heritage list would otherwise leave the local government without any effective basis to consider heritage issues.*

### 7.2 Designation of a Heritage Area

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

7.2.2 The local government 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 a local government proposes to designate an area as a heritage area, the local government 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 local government considers appropriate to ensure widespread notice of the proposal;
- and
- (c) carry out such other consultation as the local government 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 local government 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 local government resolves to adopt the designation, the local government 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 local government 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 an amendment of the designation of a heritage area.

7.2A Conservation Precincts under previous scheme

7.2A.1 Where an area of land has been duly classified as a Conservation Precinct under the previous Town Planning Scheme, it shall be employed as the basis for heritage protection under this Scheme as if it were designated as a Heritage Area under clause 7.2.

*Note: The purpose of this savings clause is to recognise the application of the existing Conservation Precincts under Town Planning Scheme No 9, and to avoid a situation in which there is no basis for heritage protection upon the gazettal of the new scheme. N.B. The enabling provisions of clause 7.2 cannot be acted upon prior to gazettal of the scheme.*

### 7.3 Heritage Agreements

The local government 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 local government 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 local government 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.

### 7.6 Conservation Incentives

7.6.1 In dealing with any application concerning or affecting a place of cultural heritage significance or a conservation precinct, the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses and the transfer from a place of cultural heritage significance or a conservation precinct to another place within the district of unused development rights.

7.6.2 Where in the Council's opinion the granting of a conservation incentive is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the incentive, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising "A" uses pursuant to clause 9.4 and shall have regard to any expressed views prior to making its decision to grant the incentive.

7.6.3 In granting a conservation incentive under this subclause, the Council may enter into an agreement with an owner who would benefit from the incentive which may specify the owner's obligations and contain covenants capable of being noted on relevant Certificates of Title, or otherwise capable of being protected by Caveat.

#### 7.6.4 Density Bonuses

7.6.4.1 Within a conservation precinct, the Council may permit on a residential lot an increase up to 50% of permitted dwelling density which otherwise would apply on that lot under the *Residential Design Codes*, where the increased development would not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct, and if one or more of the following circumstances apply—

- (a) provision is made for the preservation of significant landscape features, including significant trees or other vegetation;
- (b) provision is made for the carrying out of conservation works approved by the Council on a heritage place; or
- (c) a cash contribution is made to a fund set up by the Council for the purpose of heritage conservation.

7.6.4.2 In any case where the Council has allowed under paragraph 7.6.4 an increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to that permitted dwelling density shall apply.

#### 7.6.5 Transfer of Development Rights

The Council may approve the transfer of development rights from a residential lot within a conservation precinct to a recipient's lot provided that—

- (a) the recipient lot is not or does not include a place of cultural heritage significance, and is not within a conservation precinct;
- (b) the recipient lot has an area of not less than 850 square metres;
- (c) the increase in the permitted dwelling density of the recipient lot does not amount to more than 25% and in any case does not exceed two additional units;
- (d) where an increased dwelling density is permitted on a recipient lot, the standards applicable to the resulting density code shall apply;
- (e) the increased development density on the recipient lot will not have an adverse impact on the locality of that lot; and
- (f) with the exception of the increased density under item (c), the development complies with the provisions of the Scheme and all other applicable written laws.

#### 7.7 Advisory Committee

The Council may establish an Advisory Committee pursuant to sub-clause 11.4 to advise it on any matter arising under this clause. The membership of the advisory Committee may include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the conservation or adaptation of places of cultural heritage significance, and a person representing the community within a conservation precinct.

### PART 8—DEVELOPMENT OF LAND

#### 8.1 Requirement for Approval to Commence Development

Subject to clauses 3.4 and 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Note:*
1. *The planning approval of the local government 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.*
  3. *Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme.*

#### 8.2 Permitted Development

8.2.1 Except as otherwise provided in the scheme, the Council's planning approval is not required for any use or development listed in Schedule 5 or any advertisement listed in Schedule 5A of the Scheme, provided it is in accordance with the conditions corresponding to that use, development or advertisement in those Schedules.

- Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157 of the Planning Act.*

#### 8.3 Amending or Revoking a Planning Approval

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

## 8.4 Unauthorised Existing Developments

8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring the Local government's approval prior to the commencement of development.

8.4.2 The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

*Note: Applications for approval to an existing development are made under Part 9.*

## 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 or carrying out of development on a Local Reserve under clause 3.4;
- (b) commencement or carrying out 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 or carrying out 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 or carrying out 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 local government to the Commission for determination. No separate determination is made by the local government.*
  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 local government to the Swan River Trust for determination by the Minister responsible for the Swan and Canning Rivers Management Act 2006.*
  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 part 7 of the Planning and Development Act, 2005;*
    - (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 16 of the Planning and Development Act 2005 and is not of a type which may be determined by the local government under that notice,**is to be referred by the local government to the Commission in accordance with the requirements of the Metropolitan Region Scheme and notice of delegation.*

### 9.2 Accompanying Material

Unless the local government 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 the—
  - (i) location of the site including street names, lot numbers, north point and the dimensions of the site;
  - (ii) 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) existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;



- (iv) existing and proposed means of access for pedestrians and vehicles to and from the site;
  - (v) location, number, dimensions and layout of all car parking spaces intended to be provided;
  - (vi) 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) 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) 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 local government 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 local government 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, the local government may require an applicant to provide one or more of the following to assist the local government 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 local government 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.

### 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; or
- (b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

9.4.3 The local government 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 local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government 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 local government 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.

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

9.4.5 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 local government.

9.4.6 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 local government 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 local government 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 local government is to consult that authority before making its determination.

## 10.2 Matters to be considered by Local Government

The local government 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 local government 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 local government 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 local government 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 in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the cultural heritage significance of any place or area affected by the development, in particular those heritage places included on the Municipal Inventory of Heritage Places;
- (j) whether there would be a detrimental impact on the streetscape;
- (k) the compatibility generally of a use or development with its setting;
- (l) any social issues that have an effect on the amenity of the locality;
- (m) 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;
- (n) 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;
- (o) the preservation of the amenity of the locality;
- (p) 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;
- (q) 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;
- (r) 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;
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) whether adequate provision has been made for access by disabled persons;
- (w) 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;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 10.1.1;
- (zb) any other planning consideration the local government considers relevant.

## 10.3 Determination of Applications

In determining an application for planning approval the local government 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 local government 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 local government's determination.

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

### 10.5 Term of Planning Approval

10.5.1 Where the local government 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 been substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the local government 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 local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

*Note: A temporary planning approval is where the local government 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 local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

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

10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, 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 local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

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 local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the local government 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 Applications for Review (Appeals)

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may apply to review that determination under Part 14 of the Planning Act.

## PART 11—ENFORCEMENT AND ADMINISTRATION

### 11.1 Powers of the Local Government

11.1.1 The local government 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 Planning Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the 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 local government authorised by the local government 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 In this clause 11.2 the term “owner” means the owner of the land on or over which an advertisement is displayed.

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

11.2.3 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the owner to—

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

11.2.4 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the owner 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 owner to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the local government’s determination, within which the action specified is to be completed by the owner.

11.2.5 A person on whom notice is served under this clause may apply under Part 14 of the Planning Act to review the determination of the local government.

## 11.3 Delegation of Functions

11.3.1 The local government 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 local government 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 Advisory Committees

11.4.1 The Council may from time to time establish Advisory Committees to advise it on any matters in the Scheme subject to such terms of reference, procedures and conditions of office as it thinks fit.

11.4.2 An Advisory Committee shall be chaired by the Mayor of the Council or a nominee, and subject to any provision of this Scheme dealing with membership of an Advisory Committee for any specific purpose, the membership of an Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the Council have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.

11.4.3 A member of an Advisory Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.

11.4.4 When dealing with any matter involving an application for Development Approval or when considering an Outline Development Plan or when dealing with any other matter involving a development proposal, the Council shall have due regard to any relevant recommendation of an Advisory Committee.

## 11.5 Person must comply with Provisions of Scheme

11.5.1 A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area—
  - (i) otherwise than in accordance with the Scheme;
  - (ii) unless all approvals required by the Scheme have been granted and issued;
  - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
  - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.
- (v) contrary to any directive issued under section 214 of the Planning Act.

*Note:* 1. Section 218 of the Planning Act provides that a person who contravenes—

- (a) a town planning scheme; or
- (b) any condition imposed with respect to a development by a responsible authority pursuant to its powers under a town planning scheme, commits an offence. Penalty: \$50 000, and a daily penalty of \$5 000.

2. Section 223 provides similar penalties for failure to comply with a section 214 direction.

### 11.6 Compensation

11.6.1 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 173 of the 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.

11.6.2 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 11.6.1.

- 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 Planning Act.
  2. A claim for compensation under section 173 of the Planning Act may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

### 11.7 Purchase or Taking of Land

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

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

*Note: Part 11, Division 4 of the Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a scheme.*

### 11.8 Notice for Removal of Certain Buildings

11.8.1 Under section 214(6) of the Planning Act, not less than 60 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.

11.8.2 The local government may recover expenses under section 215(2) of the Planning Act in a court of competent jurisdiction.

### 11.9 Control of Over Stocking

11.9.1 Where in the opinion of Council the livestock keeping is causing adverse environmental, health or amenity impacts, the Council may by written notice (giving clear reasons) require the owner of the land to—

- (a) take action to temporarily or permanently reduce the amount of stock kept on the land; or
- (b) remove all the stock from the land either temporarily or permanently; or
- (c) rectify the adverse impacts of the livestock keeping.

11.9.2 For the purposes of this clause, any notice to be served on the owner of the livestock is to specify—

- (a) the livestock the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the owner to comply with the notice; and
- (c) the period, being not less than 60 days from the date of Council's determination, within which the action specified is to be completed by the owner.

11.9.3 A person on whom notice is served under this clause may appeal under Part 14 of the Planning Act against the determination of Council.

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### Schedules

Schedule 1	Dictionary of defined words and expressions <ol style="list-style-type: none"> <li>A. General definitions</li> <li>B. Land Use definitions</li> <li>C. Land Use definitions applicable to Schedules 2, 3 and 4 only</li> </ol>
Schedule 2	Additional uses
Schedule 3	Restricted uses
Schedule 4	Special use zones
Schedule 4A	Ellenbrook Town Centre Zoning Table

Schedule 4B	Ellenbrook Town Centre Map
Schedule 5	Exempted development
Schedule 5A	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
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Schedule 10	Environmental conditions
Schedule 11	Special rural zones
Schedule 12	Building Site Acceptability Based on Aircraft Noise Zones
Schedule 13	Development Contribution Areas

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### *Schedule 1*

#### Dictionary of defined words and expressions

[cl. 1.7]

#### A. General Definitions

In the Scheme—

“**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;

“**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“**appendix**” means an appendix to the Scheme, unless explained otherwise within the Scheme;

“**building 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;

“**City**” means the City of Swan;

“**commercial vehicle**” means a vehicle, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be an attachment to any of them, and any omnibus or any earthmoving machine whether self-propelled or not. The term does not include a vehicle not greater than 4.5 tonnes gross vehicle mass (gvm) designed for use as a passenger car, utility, van or light truck or any trailer or other thing most commonly used as an attachment to a passenger car, utility, van or light truck which is rated by the manufacturer as having a gross vehicle mass not greater than 4.5 tonnes;

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**Council**” means the Council of the City of Swan;

“**cultural heritage significance**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**development**” has the same meaning as in the Planning Act;

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

“**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 2 or more roads, the one to which the building or proposed building faces;

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87(3) of the Planning Act;

“**Gross Leasable Area (GLA)**” means the area in square metres derived from measuring all floors occupied by an owner occupier or a tenant for exclusive use from the centre line of inter-tenancy walls or partitions and from the outside faces of external walls of the building alignment including shop fronts;

“**habitable room**” in the case of residential dwellings has the same meaning as in the Residential Design Codes;

“**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 roof height directly above;

“**heritage list**” means the Heritage List established under clause 7.1 and until a Heritage List is established under that clause, means the Municipal Heritage Inventory adopted under Town Planning Scheme No. 9;

“**incidental domestic structure**” means a structure or apparatus that is associated with but is incidental and subservient to the domestic environment of a residence, and includes structures such as letter boxes, hot water heating systems, air-conditioning units, clothes-lines and under-eave water tanks;

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

“**local government**” means the City of Swan;

“**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 Planning Act but does not include a strata or survey strata lot;

“**Metropolitan Region Scheme**” has the same meaning as in the Planning Act;

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

“**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 172 of the Planning Act;

“**Outline Development Plan**” means a document prepared as an Outline Development Plan that has been both approved by the Commission and adopted by the local government;

“**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 clause 6.7, unless the context otherwise requires, means an owner of land that is located within a Development (Structure Plan) 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*;

“**Planning Act**” means the *Planning and Development Act 2005*;

“**plot ratio**”, in the case of residential dwellings 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**” for the purposes of an Structure Plan, means any owner or owners of land to which the Structure Plan relates that has or have submitted that Proposed Structure Plan alone or in combination with any other;

“**public utility**” means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;

“**pylon sign**” means a sign, greater than three metres in height, supported by one or more piers and not attached to a building and includes an attached frame supported on one or more piers to which sign in-fills can be added;

“**Region Scheme—Metropolitan**” means the Metropolitan Region Scheme within the meaning of the Planning Act;

- “**Residential Design Codes**” means the Codes, as approved by the Governor and published in the *Government Gazette* as State Planning Policy No. 3.1;
- “**residential outbuilding**” means any building incidental to a dwelling and includes a cubby house, bird aviary, green house, hot house, gazebo and garden shed, but does not include an incidental domestic structure;
- “**Residential zone**” means any zone included under the generic heading of Residential in the Zoning Table;
- “**retail**” means the sale or hire of goods or services to the public;
- “**retaining wall**” means a walled structure erected for the purpose of supporting land at a level higher than land immediately adjacent to it;
- “**Rural zone**” means any zone included under the generic heading of Rural in the Zoning Table;
- “**schedule**” means a schedule to the Scheme, unless explained as otherwise within the Scheme;
- “**Scheme**” means the City of Swan Local Planning Scheme No. 17 (District Zoning Scheme);
- “**shade structure**” means a roofed structure that is incidental to a commercial or industrial building on a site, and is either freestanding or fixed to such building for the purpose of providing shade or shelter from the weather over entrances to the building, external entertaining areas, vehicles, loading/unloading areas, or the like, but does not include the use of land under that structure, which would otherwise require a separate development approval;
- “**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;
- “**temporary building**” means any building that is placed on land for a limited period of time that is used incidental to a public event or approved development and will be removed at the completion of such event or development and is used as an office, store, work room, lunch room and the like and includes any temporary plant or equipment associated with the same;
- “**watercourse**” means any river, stream or creek as depicted on a plan attached to or associated with the “Interpretation of Watercourses and Wetlands Policy”;
- “**water storage tank**” means a structure constructed to store water;
- “**wetlands**” means an area of seasonal, intermittent or permanent waterlogged soils or inundated land with ecological attributes as depicted on the attached plans associated with the “Interpretation of Watercourses and Wetlands Policy”;
- “**wholesale**” means the sale of goods or materials other than by retail, and being generally a sale to a person other than the ultimate consumer or user;
- “**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 or special control area.

## B. Land Use Definitions

In the Scheme—

- “**aged or dependent persons dwelling**” has the same meaning as in the *Residential Design Codes*;
- “**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—
- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
  - (b) the establishment and operation of plant or fruit nurseries;
  - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
  - (d) aquaculture;
- “**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;
- “**amusement machine**” means a game or device which is mechanical or electronic or a combination of both;
- “**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;



- “**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 *Racing and Wagering Western Australia Act 2003*;
- “**cabin or chalet**” means a dwelling that is used or provided for holiday purposes and is available to the public at large or to a part of the public defined by a common class, trade, employment, religion or association;
- “**camping area**” means land set aside for the erection of tents and other similar structures for temporary accommodation;
- “**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 “Child Care Service” in the *Child Care Services Act 2007*;
- “**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 local government, for administrative, recreational or other purposes;
- “**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
- “**consulting rooms**” means premises 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;
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “**equestrian facility**” means land and or equipment used or intended to be used for private or commercial purposes for the training or exercising of horses or the training of riders, drivers or jockeys in the art of horsemanship or in the care of horses, and which may include as an incidental use, with the approval of the local government, the accommodation of patrons;
- “**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 *Child Care Services Act 2007*;
- “**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;
- “**food and beverage production**” means a building in which food and beverages are manufactured or processed, and which in the opinion of the local government does not affect the amenity of the locality by the emission of noise, odours or other waste, the generation of vehicular traffic or visual intrusion;
- “**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 parlour**” means premises used to prepare and store bodies for burial or cremation;
- “**garden centre**” means land or buildings used for the propagation, rearing and sale of plants and the storage and sale of landscaping materials and products associated with garden decor;
- “**grouped dwelling**” has the same meaning as in the Residential Design Codes;
- “**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 Control 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 the use of 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; and
- (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 in which the processes involved constitute an offensive trade within the meaning of the *Health Act 1911* (as amended) but does not include wet fish shops or piggeries or a waste disposal process operation carried out by or under the direct management and supervision of the City;
- “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;
- “marina”** means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;
- “marine filling station”** means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
- “market”** means premises used for the display and sale of goods from stalls by independent vendors;
- “medical centre”** means premises, other than a hospital, used or designed for use 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 Control Act 1988*;
- “motor vehicle, boat or caravan sales”** means premises wherein motor vehicles, boats or caravans are kept, exposed or offered for sale or hire;
- “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 or cleaning 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 Control Act 1988*;
- “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 assembly”** means premises provided for people to assemble for a public activity;
- “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;
- “radio and t.v. installation—private”** means masts, aerials, satellite dishes and other associated equipment used for the transmission and reception of radio or television signals for personal or hobby purposes only, associated with a dwelling on the lot, but does not include similar equipment used for business purposes or for gain;
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- “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 generally 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 Control Act 1988*;
- “**restricted premises**” means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—
- (a) publications that are classified as restricted under the *Classification (Publications Films and Computer Games) Enforcement 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;
- “**roadhouse**” means land and buildings used for the predominant purpose of a service station but incidentally including a café or restaurant and/or a shop;
- “**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 or provided for use for the storage of goods, equipment, plant or materials;
- “**tavern**” means premises licensed as a tavern under the *Liquor Control 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 and includes Radio and T.V. Installations used for business purposes or commercial gain;
- “**tourist facilities**” means facilities used or intended to be used by visitors, and includes short-stay accommodation, provision of food and refreshments, recreational activities and the sale of goods produced in adjacent rural areas;
- “**trade display**” means premises used for the display of trade goods and equipment for the purpose of advertisement;
- “**transport depot**” means land and/or buildings used for the transfer of goods or persons from one road motor vehicle to another such vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair, garaging or parking or storage of such vehicles;
- “**vehicle wrecking**” means the use of any land or building for dismantling of motor vehicles and the sale of spare parts derived from such dismantling;
- “**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 of the produce.

### C. LAND USE DEFINITIONS APPLICABLE TO SCHEDULES 2, 3 AND 4 ONLY

The following definitions apply only to land use terms where they appear in Schedules 2, 3 or 4 where the land use definition does not otherwise appear in A. or B. above. The definitions below have effect only in relation to the land described in the Schedules and do not have general application or effect within the Scheme.

—In Schedules 2, 3 and 4 only—

- “**auction mart**” means any land or building 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, vegetables or livestock;

**“boarding house”** means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include—

- (a) premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the *Liquor Control Act 1988* (as amended);
- (b) premises used as a boarding school approved under the *School Education Act 1999* (as amended);
- (c) a single, attached, grouped or multiple dwelling unit;
- (d) any building that is the subject of a strata title issued under the provisions of the *Strata Titles Act 1966* (as amended);

**“car sales lot”** means any land or building used for the display and sale of motor vehicles whether new or second-hand but does not include a workshop;

**“caravan or trailer yard”** means any land or building used for—

- (a) the hire and/or sale of caravans, car trailers, non-motorised horse floats and mobile homes; and
- (b) the hire and/or sale of tents, camping gear and other items of a similar nature, where such use is incidental to the use falling within (a) above;

**“civic building”** means a building designed, used, or intended to be used by Government Departments, statutory bodies representing the Crown, or the Council alone or in combination with other bodies, as offices or for administrative or other like purposes;

**“construction yard”** means any land or buildings used for the storage of of building material, pipes or similar items related to any trade, and may include manufacture, assembly or dismantling processes where incidental to such use;

**“consulting rooms—group”** means a building (other than a hospital) used in the practice of the profession of more than two practitioners, dentists, physiotherapists, chiropractors, masseurs, or persons ordinarily associated with a medical practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices;

**“cultural use”** means any use aimed at the improvement or refinement of people by entertainment and/or education but shall not include an education establishment;

**“factory tenement building”** means a building or structure, or a group of buildings or structures on one lot, in which are carried on 2 or more separate industries not owned or managed by the same person, or in which provision is made for the carrying on of 2 or more separate industries not owned or managed by the same person;

**“hire service (industrial)”** means any land or building used for the offering for hire or rent of bulky items including machines and mechanical equipment;

**“hire service (non-industrial)”** means any land or building used for the offering for hire or rent of goods of a non-bulky nature which do not include large mechanical devices or equipment;

**“holiday cottages”** means two or more detached dwellings on one lot or adjoining lots in one ownership let for holiday purposes, none of which is occupied by the tenant for a period of more than four calendar months in any year;

**“horticultural pursuit”** means the use of land for any purpose set out hereunder and the use of buildings normally associated therewith—

- (a) the intensive growing of vegetables, fruit, cereals or food crops for commercial purposes;
- (b) the growing of trees, shrubs, plants or flowers for replanting, excluding the use of Turf Farm;
- (c) the sale of produce grown solely on the lot or on adjoining or nearby lot forming part of the same landholding used for horticultural pursuits;

**“kiosk”** means the use of land or buildings which is incidental to the predominant use and which complements that use for the purpose of the display and sale of souvenirs and/or refreshments to patrons of the predominant use.

**“local shop”** means the use of land and buildings wherein the only goods or services offered for sale are foodstuffs, toiletries, stationary or goods or services of a similar domestic nature, intended for day to day consumption or use by persons living or working in the locality of the shop and which may include a delicatessen, greengrocery, general smallgoods, butcher’s shop, newsagency, hairdressers, chemist, but not a supermarket, and any other shop which in the opinion of Council serves the day to day shopping needs of the immediate locality;

**“milk depot”** means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised;

**“museum”** means any land or building used for the storing and exhibiting of objects illustrative of antiquities, natural history, art, nature and curiosities;

**“nursery”** means land and buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden décor;

**“office—professional” or “professional office”** means a building used for the purpose of conducting the professional work of an accountant, architect, artist, author, barrister, consular official, engineer, land surveyor, quantity surveyor, solicitor, teacher (other than a dancing teacher or a music teacher), or a town planner or a person having in the opinion of the Council, an occupation of a similar nature, and professional person has a corresponding interpretation;

**“office—service” or “service office”** means a building wherein is carried on a predominantly administrative type of business but which is dependent on direct access to the public and without limiting the generality of the foregoing includes an estate agency, insurance office, travel agency, bank, building society, post office, and any other public orientated Government agency and a public transport office, but excluding the garaging or servicing of vehicles and excluding a general office;

**“produce store”** means any land or building wherein fodders, fertilizers and grain are displayed and offered for sale;

**“public amusement”** means the use of land and buildings as a theatre, a cinema, a night club, a dance hall, skating rink, swimming pool, or gymnasium, or for games or otherwise for the entertainment of the public with or without charge;

**“public assembly”** means any special place of assembly and without limiting the generality of the definition includes grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadiums or showgrounds, but does not include club premises;

**“retail establishment”** means any building where goods are of a bulky or non-bulky character, not normally purchased on a daily basis, are kept for display or sale by retail or wholesale and the area for display and sale is not less than 400 square metres;

**“Rural Home Occupation”** means an occupation carried on in a dwelling or land around a dwelling by a resident of the dwelling or in a domestic outbuilding on the land by a resident of the dwelling which—

- (a) entails the conduct of a business, office or workshop only;
- (b) is carried out on a lot which has a minimum area of one hectare;
- (c) does not occupy an area greater than 150 square metres, providing that no more than 25 square metres is within the dwelling on the property, no more than 100 square metres is within another approved building and no more than 100 square metres is used for outside storage;
- (d) does not entail the sale of goods, other than goods of an arts or craft nature which are manufactured in the occupation;
- (e) does not entail the hire of goods of any nature;
- (f) does not entail hairdressing, services involving skin penetration, the preparation of food, vehicle services or repairs, or the storage of disused materials or vehicles, but may include a child family care centre;
- (g) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (h) does not entail employment of more than one person not a member of the occupier's household;
- (i) does not display more than one sign and that sign not exceeding 0.6 square metres in area;
- (j) does not impose a load on any utility greater than normally required for domestic use;
- (k) does not entail the presence, parking or garaging of a commercial vehicle contrary to the provisions of this Scheme;
- (l) will not adversely affect the amenity of the neighbourhood in any way including—
  - the appearance of any buildings, works or materials used;
  - the parking of motor vehicles;
  - the transporting of materials or goods to or from the dwelling;
  - the hours of operation;
  - electrical interference;
  - the storage of chemicals, gases or other hazardous materials; or
  - emissions from the site including noise;

**“Salvage Yard”** means land used for the storage or sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;

**“Sawmill”** means a mill or premises where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein;

**“shopping centre”** means a group of shops, service offices and general offices and related activities, the group being in excess of 5,000 square metres gross leasable area, developed as an integrated unit together with the required on-site parking facilities;

“**spray painting—non-automotive**” means the use of any land or building for painting or coating by spray process of items other than motor vehicles;

“**Stable**” means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules;

“**Storage Yard**” means any land used for the storage of goods;

“**vehicle sales and service**” means any land or buildings used for the sale and servicing of motor vehicles and includes showrooms and workshop;

“**veterinary consulting rooms**” means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which no patient remains on the premises overnight;

“**veterinary hospital**” means any land or building used for, or in connection with the treatment of sick animals and pets and includes accommodation of sick animals and pets. A crematorium for the disposal of animal carcasses or remains may be included with the written consent of the Council;

“**woodyard**” means any land on which wood is stored, sawn, or cut for use as domestic firewood and on which no wood or timber is stored, sawn or cut for any other purpose.

#### Schedule 2—Additional uses

[cl. 4.5]

No.	Description of land	Additional use	Conditions
1.	Lot 190 on P4804 (No. 2299) Great Northern Highway (cnr Warren Road) Bullsbrook	“P”—Local Shop	Gross leasable area restricted to the 70m <sup>2</sup>
2.	Part of Lot 24 on D82744 (No. 398) Great Northern Highway Middle Swan	“P”—Caravan Park	
3.	Part of Lot 102 (No. 2507) Toodyay Road Gidgegannup	“P”—Local Shop with Retail Fuel Sales.	Restricted to the area of approximately 7500m <sup>2</sup> shown on the approved plan.
4.	Lot 250 on SP22405 (No. 25) Victoria Street Midland	“P”—Office	1. The additional use is restricted to lots 2, 3 and 4 on Strata Plan 22405.
5.	Part of Lot 19 on P9452 (No. 1686) Great Northern Highway Upper Swan	“P”—Salvage Yard.	Restricted to 1.56 ha as indicated on the approved plans. The use is personal to P B Brajkovich only and will automatically cease upon his demise or when the property is sold (i.e. the right is not transferable to other members of his family or any other person).
6.	Land generally bounded by Beach Road to the north, Camboon Road to the west, Malaga Drive to the East and located to the north of the intersection of Malaga Drive and Mulgul Road, in the locality of Malaga, as indicated on the Planning Scheme Maps <i>Note: Reference should be made to the scheme maps to determine the precise extent of the subject area.</i>	“P”—Industry—General	The Council shall refer any application to commence development to the Department of Environment for any use which has the potential to cause pollution to the groundwater and may, notwithstanding that a use is permitted, refuse such application on the recommendation of the Department of Environment,

No.	Description of land	Additional use	Conditions
7.	Lot 93 on P18594 (No. 2-6) Capital Road Lot 94 on P18594 (No. 27) Bonner Drive Lot 1 on D85499 (No. 23) Bonner Drive Lot 2 on S35683 (No. 15) Bonner Drive Lot 3 on S29476 (No. 9) Bonner Drive Lot 97 on D83390 (No. 7) Bonner Drive Malaga	"P"—Office; —Market; —Restaurant; —Occupational Health Centre; —Amusement Parlour;	Development to be generally in accordance with the approved plans and subject to the following conditions— <ol style="list-style-type: none"> <li>1. The office component not to exceed 3000m<sup>2</sup> (GLA) Gross Leasable Area;</li> <li>2. The market stalls and associated activities, (excluding food hall) hours of operation to be limited to weekends and public holidays only;</li> <li>3. The food hall to be in accordance with the provisions of Council's Local Laws Related to Eating Houses and the Health Act and Regulations made thereafter;</li> <li>4. Application for development approval to be made to Council for each specific use listed above, to be assessed in accordance with Scheme requirements;</li> <li>5. The additional use, Amusement Parlour, is restricted to Unit 5 facing Bonner Drive, Malaga and is limited to 200m<sup>2</sup> Gross Leasable Area.</li> </ol>
8.	Lot 1 on P16113 (No. 1904) Beach Road, Malaga	"P"—Office	Offices—are limited to operate from the first floor floorspace only.  Application be made to Council to use each unit for Office purposes.
9.	Part of Lot 109 on P15431 Corona Way Belhus	"P"—Winery; —Display, sale and consumption of wine "D"—Restaurant —Kiosk	<ol style="list-style-type: none"> <li>1. No on-site effluent disposal system shall be located within 100 metres of any water course and shall be located to the satisfaction of the Health Department of the City of Swan and the Department of Environment.</li> <li>2. Reticulated sewerage or alternatively an effluent disposal system shall be provided and designed to the requirements and approval of the Health Department of the City of Swan and the Department of Environment</li> <li>3. Approval to the restaurant use as a "D" use will relate to a singular site only and is not to be construed as approval for two restaurant sites.</li> </ol>
10.	Lot 46 on S20583 (No. 16) Stanford Way Malaga	"P"—Liquor Retail	Liquor sales from the premises to be in an aggregate quantity per person of no less than 9 litres, and to be for consumption off the premises.



No.	Description of land	Additional use	Conditions
11.	Lot 1 on D29455 (No. 2125) Toodyay Road Gidgegannup	"D"—Real Estate; —Financial Management; —Second-hand furniture sale; —Domestic Appliance Maintenance; —Medical practice	The additional uses are restricted to the existing buildings as indicated on the approved site plan.
12.	Lot 7 on D55984 (No. 5691) West Swan Road (cnr Harrow Street) West Swan	"P"—Auction Mart	<ol style="list-style-type: none"> <li>1. The auctioneering and storage of items associated with the Auction Mart is to be confined within the 360m<sup>2</sup> shed identified on the approved plan.</li> <li>2. No more than 12 auctions are to be carried out within any 12 month period.</li> <li>3. All car parking associated with the activity is to be contained on site.</li> <li>4. The additional use is limited to the period of the ownership of Lot 7, West Swan Road by the owner registered on the Certificate of Title as of July 5, 1994.</li> </ol>
13.	Lot 1 on D98336 (No. 1) Vale Road Hazelmere	"P"—Agricultural Machinery Sales and Services	
14.	Portion of Lots 2 & 3 on D68912 Great Eastern Highway South Guildford	"D"—Club Premises; —Office	
15.	Lot 26 on P2112 (No. 67) Great Northern Highway, Midland	"D"—Office	
16.	Lot 44 on D91077 (No. 1) Clayton Street Bellevue	"P"—Markets; —Public Amusement	
17.	Portion of Lot 40 on D93909 (No. 40) Rutland Road, Bullsbrook	"P"—LPG Storage Depot (above ground tanks only); "D"—Office	Limited to the 4 hectares as indicated on the approved plan
18.	Lot 102 on S38735 (No. 8) Exchange Road Lot 103 on D90446 (No. 2) Exchange Road, Lot 306 on S40293 (No. 11) Exchange Road Portion of Lot 303 on D90796 (No. 7) Capital Road, Malaga	"P"—Office;	Offices are limited to 300m <sup>2</sup> GLA.
19.	Lot 72 on P17782 (No. 3) Exhibition Drive, Malaga	"P"—Office	Limited to a bank and restricted to 400m <sup>2</sup> on the eastern side of Lot 72.
20.	Lot 4 on D48761 (No. 6581) West Swan Road West Swan	"P"—Caravan Park	
21.	Lot 377 on P22671 (No. 746) Marshall Road, Malaga	"D"—Shop	
22.	Part of Lot 15 on D10151 (No. 1715) Gnangara Road Ellenbrook	"P"—Rural Produce Sales	<ol style="list-style-type: none"> <li>1. The maximum Gross Leasable Area used for display and sale of produce being limited to 75m<sup>2</sup> and restricted to the area indicated on the approved plan</li> </ol>

No.	Description of land	Additional use	Conditions
			<p>2. Sale and display being limited to untreated or processed vegetables, fruit, crops, cereals or produce, flowers and tourist-related information</p> <p>3. The "Rural Produce Sales" being accommodated within a building that is sympathetic to the Swan Valley, to the satisfaction of Council's Planning Service</p>
23.	Lot 324 on P20784 (No. 15) Action Road Malaga	"P"—Continental Smallgoods Shop	Limited to a maximum floor area of 70m <sup>2</sup> as shown on the approved plan and is restricted to the sale of goods manufactured on-site.
24.	Lot 131 on P3598 (No. 255) Lefroy Avenue Herne Hill	"P"—Cattery	<p>1. The maximum number of felines to be accommodated within the cattery at any one time is 20</p> <p>2. The cattery be setback a minimum of 20 metres from the southern side boundary.</p> <p>3. The cattery shall not include the sale or breeding of cats.</p> <p>4. At the time a development application is lodged, the proposal will be assessed in accordance with the relevant scheme provisions and issues such as effluent disposal, odour and noise will need to be addressed to the satisfaction of Council.</p>
25.	Lot 1 on P2962 (No. 950) West Swan Road (cnr Hamersley Road) Caversham	"P"—Light Industry (Timber Craft Work—Manufacture, Restoration, Display and Sales)	Limited to the 3 buildings—open workshop, display room, work shed which are 110m <sup>2</sup> , 50m <sup>2</sup> and 37m <sup>2</sup> respectively, and a car parking area serving these buildings.
26.	Lot 2 on D5887 (No. 2529) Great Northern Highway Bullsbrook	"P"—Shop; —Shopping Centre	
27.	Portion of Swan Loc. K (cnr Marshall Road and Malaga Drive) Malaga	"P"—Shop; —Offices; —Restaurant "D"—Retail Establishment	<p>Maximum floor space of the respective additional uses are as follows—</p> <p>Shop: 750m<sup>2</sup> GLA Offices: 1100m<sup>2</sup> GLA Restaurant: 400m<sup>2</sup> GLA Retail Establishment: 5000m<sup>2</sup> GLA</p>
28.	Lot 100 on P21707 (No. 1) Mulgool Road Lot 101 on P21707 (No. 2) Commerce Street Lot 102 on P21707 (No. 8) Commerce Street Lot 103 on P21707 (No. 12) Commerce Street Lot 104 on P21707 (No. 16) Commerce Street	"P"—Restaurant "D"—Retail Establishment	

No.	Description of land	Additional use	Conditions
	Lot 105 on S37520 (No. 20) Commerce Street Lot 106 on P21707 (No. 24) Commerce Street Lot 107 on P21707 (No. 28) Commerce Street Malaga		
29.	Lots 116 on P21707 (No. 25) Trade Road Lot 117 on P21707 (No. 23) Trade Road Lot 118 on P21707 (No. 21) Trade Road Lot 119 on P21707 (No. 19) Trade Road Lot 120 on P21707 (No. 15) Trade Road Lot 121 on P21707 (No. 9) Trade Road Lot 122 on P21707 (No. 5) Trade Road Lot 123 on P21707 (No. 5) Mulgul Road Malaga	"D"—Retail Establishment: —General Industry	
30.	Portion of Swan Location K fronting Marshall Road affected by Western Power easement, Malaga	"P"—Stable: —Horticultural Pursuit; —Rural Pursuit	The Council shall refer any application for development to Western Power and notwithstanding that a use is permitted, may refuse such applications on the recommendations of Western Power.
31	Lot 49 on D90404 (No. 49) Jenkins Road Bullsbrook	"P"—Animal Establishment —Cattery Only	1. The sign for the cattery shall not exceed 0.64m <sup>2</sup> and shall be sympathetic to the area. 2. All buildings shall be located within the building envelope depicted on the approved Annotated Building Envelope Plan.
32.	Lot 3 on D22957 (No. 3) Adelaide Street Hazelmere	"D"—Light Industry and Warehouse	
33.	Lot 10 on P28606 (No. 831) Chittering Road Bullsbrook	"D"—Private Recreation; —Shop (Tourist)	The "Shop" shall be limited to the sale of packaged food, drinks and goods of an arts and craft nature.
34.	Lot 26 on D80839 (No. 26) Copley Road (cnr Great Northern Highway) Upper Swan	"P"—Sales and Assembly of Transportable Buildings.	
35.	Lot 18 on D75099 (No. 510) Great Northern Highway Middle Swan	"P"—Wooden Furniture Making.	Restricted to an area of 990m <sup>2</sup> .
36.	Lots 16 on D44943 (No. 1392) & Lot 32 on D82609 (No. 1398) Great Northern Highway, Upper Swan	"P"—Machinery and Vehicle Sales and Service.	The owner shall prepare a site audit and management plan relating to soil contamination to the satisfaction of the Principal Planner in consultation with the Department of Environment prior to the approval of any development application on site.
37.	Lot 25 on D74305 (No. 1084) Great Northern Highway (cnr Haddrill Road) Baskerville	"P"—Local Shop being limited to— i. General Store ii. Newsagency	1. Limited to the following approximate retail floor areas— i. General Store and Liquor Store (475m <sup>2</sup> )

No.	Description of land	Additional use	Conditions
		iii. Hardware iv. Liquor Store v. Butcher “D”—Produce Store; —Offices; —Fuel Sales “A”—Bulk Fuel Supplies	ii. Newsagency and Butcher (75m <sup>2</sup> each) iii. Offices (100m <sup>2</sup> each). 2. The total floor space for all retail (excluding office and produce store) uses on the site is to be limited to 625m <sup>2</sup> GLA. 3. A maximum of 5 fuel pumps are permitted on the site.
38.	Lot 532 on D97924 (No. 252) Benara Road Beechboro	“P”—Medical Centre: —Office; —Convenience Store	The Convenience Store is to be restricted to a maximum floor area of 101m <sup>2</sup> .
39.	Lot 2 on P5881 (No. 10) Mellar Court, Midland	“P”—Office	
40.	Lot 4 on P10263 (No. 168) Morrissey Road Bullsbrook	“D”—Construction Yard	The use is limited to an area of 4000m <sup>2</sup> .
41.	Pt Lot 155 on P4553 (No. 155) Talbot Road (cnr Stirling Crescent) Hazelmere	Sales and Assembly of Relocatable Buildings and Equipment; Storage; Repairs and the Warehousing of Fitout Equipment.	
42.	Portion of Lot 6 on P3220 (No. 220) Almeria Parade Upper Swan	“P”—Stockfeed Manufacturing and Wholesale Activity (defined as any land or buildings used for the manufacturing, cleaning, processing, packing, storage, wholesaling and incidental administration of any rural primary products intended for animal consumption.)	1. The “Stockfeed Manufacturing and Wholesale Activity” is permitted only on the area of 1 hectare of land which is, on the date of gazettal, being used for stockfeed manufacturing and wholesale activities, and not the whole of Lot 6 Almeria Parade, Upper Swan. 2. The Stockfeed Manufacturing and Wholesale Activity shall be restricted to the following hours of operation— <ul style="list-style-type: none"> <li>• Monday to Friday (7.00am to 6.00pm)</li> <li>• Saturday (8.00am to 1.00pm)</li> <li>• Sunday and Public Holidays (not permitted)</li> </ul> 3. No stock shall be kept within the area used for the Stockfeed Manufacturing and Wholesale Activity. 4. The Stockfeed Manufacturing and Wholesale Activity shall not involve the processing of animal based products. 5. As part of development application and approval, the City of Swan will require— <ul style="list-style-type: none"> <li>• The monitoring and reporting by the applicant to demonstrate the compliance with conditions of approval.</li> </ul>

No.	Description of land	Additional use	Conditions
			<ul style="list-style-type: none"> <li>• A minimum building floor level of 0.5 metres above the 100 year flood level and development (e.g. filling, building etc.) located outside the floodway for Ellen Brook.</li> <li>• A licence being obtained from the Department of Environment for the manufacturing operation.</li> <li>• The introduction of dust suppression, unloading and processing techniques to prevent the movement of material blown off-site to the satisfaction of Council in consultation with Agriculture WA.</li> <li>• The implementation of noise suppression measures as required, to ensure compliance with the Environmental Protection (Noise) Regulations.</li> <li>• The implementation of noise suppression measures as outlined in the report of N.D. Engineering, and other measures as required, to ensure compliance with the Environmental Protection (Noise) Regulations.</li> <li>• The planting and continual maintenance of a wind "net" of appropriate density to surround the site to reduce movement of wind borne material off-site to the satisfaction of Council in consultation with Agriculture WA.</li> </ul>
43.	Lot 800 on D98651 (No. 1915) Beach Road (cnr Oxleigh Drive) Malaga	"P"—Shop: —Office	<ol style="list-style-type: none"> <li>1. The Shop is restricted to a maximum size of 1500m<sup>2</sup> GLA with individual tenancies limited to 300m<sup>2</sup> GLA.</li> <li>2. The site shall be developed generally in accordance with an approved Indicative Development Plan.</li> </ol>
44.	Part of Lot 5 on D13130 (No.754) Great Northern Highway Herne Hill	'D'—Oenological and Viticultural Equipment & Products Showroom	<ol style="list-style-type: none"> <li>1. The additional use may only be established within the existing building.</li> <li>2. External display of items for sale is not permitted.</li> <li>3. If the existing building is removed the additional use must cease.</li> <li>4. Notwithstanding point 3. above Council may consider approving the additional use within a new building</li> </ol>

No.	Description of land	Additional use	Conditions
			<p>subject to it being restricted to 219m<sup>2</sup> in total floor area and if it is considered compatible with the objectives of Area B of the Swan Valley Planning Act 1995.</p> <p>5. Notwithstanding point 3. above, Council when considering a development for a new building shall not support—</p> <ul style="list-style-type: none"> <li>• an encroachment into the Primary Regional Road reservation under the Metropolitan Region Scheme;</li> <li>• more than one driveway onto Great Northern Highway;</li> <li>• street or verge parking;</li> <li>• earthworks or stormwater drainage being discharged on to the Great Northern Highway.</li> </ul>
45.	Lot 2 on D44255 (No. 2) Stirling Crescent Hazelmere	“P”—Truck Sales	<ol style="list-style-type: none"> <li>1. The additional use of “Truck Sales” is restricted to 1500m<sup>2</sup> as indicated on the Scheme Map.</li> <li>2. Vehicles offered for sale to be those repaired and reconditioned on site.</li> </ol>
46.	Lot 1314 on P247991 Great Northern Highway, Bullsbrook	“D”—Greenwaste Recycling Facility	<ol style="list-style-type: none"> <li>1. The additional use referred to is restricted to the area of 5ha.</li> <li>2. The additional use referred to is subject to the following conditions— <ol style="list-style-type: none"> <li>1. No Biosolids are to be produced or stored on site.</li> <li>2. No Manures are to be produced or stored on site.</li> <li>3. The additional use shall not be continued after 30 June 2005, unless otherwise approved by the Council.</li> </ol> </li> </ol>
47.	Lot 3 on D47901 (No. 777) Great Northern Highway Herne Hill	“D”—Local Shop —Fuel Sales —Lunch Bar —Shop and being limited to— <ol style="list-style-type: none"> <li>(i) Café; and</li> <li>(ii) Arts &amp; Craft Shop; and/or</li> <li>(iii) Tourist Information.</li> </ol> —Service Office.	<ol style="list-style-type: none"> <li>1. The total floor space for all uses on the site is limited to 350 square metres Gross Leasable Area (GLA).</li> <li>2. A maximum of 2 fuel pumps are permitted on site.</li> <li>3. The display and sale of Arts, Crafts and Tourism Information is to predominantly relate to and/or be produced in the Swan Valley to the satisfaction of the Principal Planner.</li> <li>3. The design and siting of buildings, landscaping and signage is to be in keeping</li> </ol>

No.	Description of land	Additional use	Conditions
			with the traditional rural character of the Swan Valley to the satisfaction of the Principal Planner.
48.	Lot 134 on D85619 (No. 6) Toodyay Road Middle Swan	"P"—Caravan Park	
49.	Lot 307 on D94779 (No. 2672) Toodyay Road Gidgegannup	"P"—Hotel	
50.	Pt Lot 498, Lot 499, 500, 501 & 511 on P2505 Blackburn Street Bellevue	"P"—Motel	
51.	Lot 228 on P6061 (No. 2081) Toodyay Road Gidgegannup	"P"—Antique Furniture Reproduction and Residence	The use is limited to a maximum factory floor space of 120m <sup>2</sup> .
52.	Part of Lot 50 on D65225 (No. 189) Midland Road Hazelmere	"P"—Rural Tavern and Restaurants	
53.	Lot 23 (No. 40) Great Northern Hwy (cnr North Street) Midland	"P"—Consulting Rooms and Pharmacy	
54.	Lot 300 on P632 (No. 105) Terrace Road Lot E1 on P632 (No. 103) Terrace Road Guildford	"P"—Dwelling (Single House) (R20); —Grouped Dwellings (2 only) (R20); "D"—Museum; —Restaurant; —Shop: Local; —Shop: Tourism	
55.	Lot 194 on P222550 (No. 24) Stirling Street Guildford	"D"—Cultural Use; —Civic Building; —Museum; —Restaurant; —Shop (Restricted to cultural/heritage and tourism sale of goods)	
56.	Lot 24 on D74543 Cathedral Ave Brigadoon	"P"—Shop —Service Station "D"—Veterinary Consulting Rooms; —Veterinary Hospital; —Produce Store; —Nursery; —Fast Food Outlet; —Boarding House; —Consulting Rooms; —Farrier; —Office; —Restaurant	<ol style="list-style-type: none"> <li>1. Shop is restricted to 300m<sup>2</sup> maximum floor area.</li> <li>2. No development shall be permitted on the site unless the Council is satisfied that the development will be connected to a suitable effluent disposal system to the satisfaction of both the Health Department of Western Australia and Council.</li> <li>3. The total development on the site shall not exceed 2,500m<sup>2</sup> GLA.</li> <li>4. The total area used for Office shall not exceed 100m<sup>2</sup>.</li> </ol>
57.	Portion of Lot 2 on D13124 (No. 436) Portion of Lot 7 on D16327 (No. 432) Portion of Lot 8 on D16327 (No. 428) Lot 12 on D18576 (No. 422) Lot 10 on D18576 (No. 418) Lot 11 on D18576 (No. 416) Portion of Lot 23 on	"P"—Industry (Rural); —Radio & TV Installations (Private); "D"—Construction Yard; —Hire Service (Industry); —Hire Service—Non Industry; —Milk Depot; —Nursery;	

No.	Description of land	Additional use	Conditions
	D45252 (No. 426) Great Northern Hwy Middle Swan	—Produce Store; —Public Utility; —Radio & TV Installations (Small Scale Commercial); —Recreation Public; —Recreation Private; —Sawmill; —Storage Yard; —Transport Depot; —Veterinary Hospital; —Woodyard	
58.	Lots 105 & 106 on P7340 (No. 380) Clenton Road Gidgegannup	“D”—Cultural use; —Education establishment; —Industry: Rural; —Nursery;	<ol style="list-style-type: none"> <li>1. The development of the subject land to be generally in accordance with an approved site plan.</li> <li>2. No dwelling may be constructed with a roof area of less than 190 square metres.</li> <li>3. No building on the lot shall be constructed closer to any boundary of the lot than a distance of 40 metres except that the Council may approve a lesser distance if it can be shown to be necessary or desirable for reasons of topography or other site conditions.</li> <li>4. No more than 18 dwellings and associated community facilities to be constructed on the lots.</li> <li>5. A secondary water supply shall be provided by a dam or bore.</li> <li>6. No septic tank or leach drain shall be located within 100 metres of any watercourse.</li> <li>7. A Bushfire Management Plan shall be prepared to the satisfaction of the City of Swan and the Bushfires Board and reviewed annually.</li> <li>8. The access road and strategic firebreaks will have a six metre wide clearing and a four metre wide trafficable surface.</li> </ol>
59.	Lots 71& 72 on P22111 (No. 1239 & 1235) Great Northern Hwy, Upper Swan	“D”—Equestrian Facility	
60.	Lot 38 on S26082 (No. 57) Great Eastern Highway, Bellevue	“P”—Drive-In Bottle Shop and Restaurant	
61.	Lot 14 on D77199 (No. 6639) West Swan Road West Swan	“P”—Convenience Store	
62.	Lot 50 on D90849 (No. 1383) Great Northern Hwy, Upper Swan	“P”—Service Station and Roadhouse	<ol style="list-style-type: none"> <li>1. Development to be in accordance with Ultimate Development Concept Plan A8906-120-1A which forms part of this amendment document.</li> </ol>



No.	Description of land	Additional use	Conditions
			<p>2. The retail area comprises two stages to a maximum gross leasable floor space of 560 sqm— —Stage 1—360 sq.m —Stage 2—200 sq.m</p> <p>3. The restaurant comprises two stages to a maximum of 175 seats— —Stage 1—25 seats —Stage 2—150 seats</p> <p>4. The approval of the Health Department of Western Australia is required for the establishment of any retail activity on the site which in the opinion of Council may discharge large amounts of waste water.</p> <p>5. To enable the development of Stage 2 of the retail and restaurant areas the following special condition must be complied with— the site is to be provided with an effluent disposal system designed and installed to the requirements of the Environmental Protection Authority, Health Department of Western Australia, the City of Swan and other relevant Government Authorities or Departments and/or on the provision of a reticulated sewer and immediate connection to that service.</p>
63.	Lot 612 on S23932 (No. 110) Lot 613 on S15405 (No. 114) Lot 614 on D73269 (No. 118) Illawarra Crescent Ballajura	"P"—Restaurant "P"—Post Office "P"—Chiropractor "P"—Veterinary Hospital "P"—Medical Centre "P"—Real Estate Office	
64.	Lot 105 on P13745 (No. 45) Casuarina Place Henley Brook	"D"—Holiday Cottages	<p>1. The strata titling or subdivision of the holiday cottages is not permitted</p> <p>2. The holiday cottages shall be built within the building envelope designated for the property</p> <p>3. The size of the two holiday cottages shall be restricted to a maximum floor area of 100m<sup>2</sup> each</p>
65.	Lot 72 on P24287 (No. 181) Great Eastern Highway Midland	"P"—Motor Vehicle Repair	
66.	Lot 123 on D1590 (No. 50) East Street Guildford	"P"—Hotel	
67.	Lot 1 on D70533 (No. 2131) West Swan Road Caversham	"P"—Service Station	

No.	Description of land	Additional use	Conditions
68.	Lot 1 on D9938 (No. 2532) Great Northern Highway Bullsbrook	"P"—Service Station	
69.	Lot 9 & 10 on P1510 (No. 22) Johnson Street Guildford	"P"—Service Station	
70.	Lot 550 on D68616 (No. 35) Great Eastern Highway Bellevue	"P"—Place of Public Assembly	
71.	Lot 50 on D98581 (No. 87) Benara Road Caversham	"P"—Caravan Park	
72.	Lots 18 & 19 on P1859 (No. 305) Morrison Road Swan View	"P"—Tavern	
73.	Lot 61 on P16883 (No. 6) Purton Place Bellevue Lot 60 on D19917 (No. 107) Clayton Street Bellevue Lots 57 & 58 on D18384 (No. 103) Clayton Street Bellevue Lots 48—56 on P1796 Henkin Street Bellevue	"D"—Industry - Light —Industry - Cottage —Lunch Bar —Warehouse —Motel	<ol style="list-style-type: none"> <li>1. The uses listed as additional uses, and other non-residential uses which are permissible within the Residential Development zone, may be approved only on lots which are identified for non-Residential use on a Structure Plan approved by the Council.</li> <li>2. Where land is identified for a combination of residential and non-residential use on an approved Structure Plan— <ol style="list-style-type: none"> <li>(i) No development shall be established or permitted unless a dwelling is erected first and forms an integral part of the development. The dwelling is required to be located on the portion of the land which directly faces any residential lot to provide continuity of streetscape and residential amenity.</li> <li>(ii) Any dwelling development within this area shall be used for residential purposes only, and shall not be used for any other purpose.</li> <li>(iii) All non residential development shall be located, designed and constructed so as to ensure that the amenity of adjoining residential properties is maintained, in terms of visual amenity, noise, dust, vibration and vehicular access.</li> </ol> </li> <li>3. In considering an application to commence development for any non-residential development, Council may, in addition to</li> </ol>

No.	Description of land	Additional use	Conditions
			<p>those matters to which it may have regard under the Scheme, impose conditions for the maintenance and protection of residential amenity, including noise attenuation measures, maintenance of visual amenity and vehicular access.</p> <p>4. In considering applications for approval to commence development of residential uses, the Council, for the purpose of ensuring that the compatibility and amenity of land uses within the vicinity are not adversely affected by the impact of noise and vibration from trains using the nearby freight rail line, may require an applicant to submit a report from a suitably qualified acoustic consultant detailing the likely adverse impacts on the proposed use, and design features to ameliorate such effects in accordance with Australian Standard—AS 2107-2000.</p>
			<p>5. In relation to providing advice to the Western Australian Planning Commission concerning subdivision, the Council may request the land owner to provide a report from a suitably qualified acoustic consultant detailing the likely adverse impacts of noise and vibration emanating from the nearby freight rail line. In those instances where Council has formed the view that adverse impacts are likely, it may recommend to the Commission the imposition of a condition requiring a memorial to be placed on the titles advising of the likely impacts.</p>
74.	Lot 1 on P21618 (No. 1) Bingham Road Bullsbrook	"P"—Composting Greenwaste and Chicken Manure	<p>1. In considering an application for Approval to Commence Development, Council may at its discretion determine the most appropriate location for the listed additional uses.</p> <p>2. At the time of Approval to Commence Development, the Council shall require, as a condition of Development Approval, the applicant to pay a contribution towards the upgrading and/or construction of Bingham Road, or alternatively upgrade or construct</p>

No.	Description of land	Additional use	Conditions
			<p>Bingham Road to the satisfaction of the Council.</p> <p>3. At the time of Approval to Commence Development, the Council shall require, as a condition of Development Approval, the preparation and implementation of a Conservation and Management Plan for the Bush Forever Site No. 97 area on the site. The Conservation and Management plan shall include a detailed report addressing—</p> <ul style="list-style-type: none"> <li>• protection of regionally significant vegetation;</li> <li>• provision for initial and ongoing weed control being undertaken within the areas where regionally significant vegetation exists which are primarily to the north, west and south of the land identified for the compost facility;</li> <li>• rehabilitation of degraded areas with local native species to the north, west and south of the land identified for the compost facility;</li> <li>• no stock is permitted on the lot, unless appropriate fencing is implemented to restrict stock movement and access into areas of regionally significant vegetation;</li> </ul> <p>and shall be to the satisfaction of the Commission and the Council prior to any development commencing on the site.</p>
			<p>4. At the time of Approval to Commence Development, the Council shall, as a condition of Development Approval, require the applicant to prepare and implement a detailed Bushfire Management Plan for the subject land which is to be to the satisfaction of the Fire and Emergency Services Authority and Council.</p> <p>5. Council shall require, as a condition of Approval to Commence Development, that the proponent prepare and implement a conservation covenant to ensure the protection and enhancement of the natural environment and the long</p>

No.	Description of land	Additional use	Conditions
			<p>term management of the land. The conservation covenant should have regard for—</p> <ul style="list-style-type: none"> <li>• the protection of natural values from the presence of weeds, pests and diseases;</li> <li>• the value of protecting the regionally significant vegetation; and</li> <li>• restricting the type, number and movement of livestock on the property.</li> </ul>
75	Lot 198 Midland Road, Hazelmere and Lot 197 Adelaide Street, Hazelmere	Caravan Park—"D"	In accordance with development approval.
76	Part Lot 3 Campersic Road, Herne Hill	Cement and Concrete Product Manufacture	<ol style="list-style-type: none"> <li>1. portion of the site which extends 417 metres from the eastern boundary. "AA" use - Concrete and cement product manufacture and associated production and commercial processes including concrete and cement batching, maintenance, administration, storage and distribution of products.</li> <li>2. Council may require that future proposals provide for the screening of development from the abutting rural lots and may consider the impact of the development on the amenity of the locality in assessment of development applications.</li> <li>3. Clause 4.8 Non-Conforming Uses of Town Planning Scheme No. 17 shall not apply to the western section (measuring 190 metres from the western boundary) of the Lot.</li> <li>4. Vegetation shall be planted along the northern, southern and western boundaries of the subject site zoned for Additional Use, to the satisfaction of Council.</li> <li>5. The remnant vegetation located on the eastern boundary shall not be removed without Council approval.</li> <li>6. The hardstand areas used for storage, distribution, access and parking shall be sealed to the satisfaction of Council.</li> </ol>

No.	Description of land	Additional use	Conditions
			<p>7. Prior to the occupation of any of the buildings on the western portion of Lot 3, the owner shall enter into a legal agreement with the Council to ensure that—</p> <ol style="list-style-type: none"> <li>a. the current non-conforming use rights applicable to the western portion of the lot are relinquished to the Council's satisfaction;</li> <li>b. the existing office building on the western portion of the Lot is converted to a residence to the Council's satisfaction; and</li> <li>c. the existing workshop building on the western portion of the Lot is reduced in size to the Council's satisfaction.</li> </ol>

**Schedule 3—Restricted uses**

[cl. 4.6]

No.	Description of Land	Restricted use	Conditions
1.	Lot 51 on D72876 (No. 174—176) Great Eastern Highway Midvale	Post Office Lunch Bar	No other uses permitted except those uses considered to be incidental to the Post Office use.
2.	<p>Land generally fronting Weir Road, Daniel Place, Abraham Close and Joshua Mews, in the locality of Baskerville, as delineated on the scheme maps.</p> <p><i>Note: There is land fronting the roads listed above that is not included in the subject area. Reference should be made to the scheme maps to determine the precise extent of the restricted use site.</i></p>	<p>“P”—Dwelling; —Home Occupation; —Rural Home Occupation</p> <p>“D”—Home Business; —Private Recreation; —Public Recreation; —Public Utility; —Rural Pursuit; —Stable</p>	<ol style="list-style-type: none"> <li>1. Only one dwelling per allotment shall be permitted.</li> <li>2. There shall be no clearing of the site other than that deemed necessary for the construction of the dwelling, ancillary outbuildings and bushfire control purposes.</li> <li>3. No on-site effluent disposal system are to be located within 100 metres of any water course and shall be located to the satisfaction of the Health Department of the City of Swan and the Health Department of Western Australia.</li> <li>4. All dwellings and ancillary buildings are to be located within the building envelopes designated for each allotment shown on the plan of subdivision approved by the Commission, unless otherwise approved by Council.</li> </ol>

No.	Description of Land	Restricted use	Conditions
			5. A Bushfire Management Plan is to be prepared to the satisfaction of the City of Swan and the Bushfires Board and reviewed every year by the owners of the land.
3.	Lot 42 on P934 (No. 86) Great Northern Highway (cnr John Street) Midland	"P"—Local Shop; —Car Sales Lot	
4.	Lot 303 & 304 on P31770 (No. 65 & 63) Great Northern Highway Midland	"P"—Local Shop	
5.	Lot 8 on P2112 (No. 107) Great Northern Highway Midland	"P"—Local Shop	
6.	Lot 38 on P1236 (No. 52) Great Northern Highway (cnr Charles Street) Midland	"P"—Local Shop; —Dry Cleaning Premises	
7.	Lot 22 on P2112 (No. 75-77) & Lot 23 on S26729 (No. 66-73) Great Northern Highway (cnr Charles Street) Midland	"P"—Local Shop	
8.	Lot 107 & 108 on D84494 (No. 155) Viveash Road Jane Brook	"P"—Dwelling (Single House); —Home Occupation; —Rural Home Occupation; "D"—Home Business; —Public Utility; "A"—Radio & TV Installation Private	1. The minimum lot area shall be 1 ha. 2. All buildings shall be located within the Building Envelope depicted on the approved Outline Development Plan for the site. 3. The removal of vegetation shall be limited to the building envelope and those areas necessary for access, fencing and firebreaks.
9.	Portion of Lot 107 & 108 on D84494 (No. 155) Viveash Road Jane Brook	The uses on the sites shall be restricted as follows with respect to a 13m wide buffer along Viveash Road and subject to the following.	1. The subject area shall not be used for any buildings, vehicle parking or storage. 2. The subject area shall be landscaped in accordance with a landscaping plan approved in writing by the Council and maintained by the owner. 3. Prior to the subdivision of the land, uniform fencing approved by the Council shall be constructed along Viveash Road. Such fencing shall be maintained by the owners. 4. Setback requirements under the Residential Design Codes shall be measured from the western edge of the buffer strip.
10.	Lot 1 on D87544 (No. 20) Bonner Drive Lot 2 on S34061 (No. 28) Bonner Drive	Uses which could adversely be affected by dust or grit emanating from the adjacent brickworks are not permitted except with the special	

No.	Description of Land	Restricted use	Conditions
	Lot 3 on S31562 (No. 2) Enterprise Crescent Lot 4 on S32680 (No. 8) Enterprise Crescent Lot 5 on P20832 (No. 12) Enterprise Crescent Lot 6 on S31720 (No. 16) Enterprise Crescent Lot 7 on P20832 (No. 22) Enterprise Crescent Malaga	approval of Council. The Council may seek advice from the Environmental Protection Authority in respect of any use proposed to ascertain whether that use will be so affected.	
11.	Lot 852 on D75520 (No. 1892) Beach Road (cnr Crocker Drive) Malaga	<p>“P”—Industry—Cottage; —Industry—Service; —Recreation—Public; —Motor Vehicle Wash; —Warehouse</p> <p>“D”—Car Park; —Caretaker’s Dwelling; —Community Purpose; —Consulting Rooms (except for accountants); —Industry—Light; —Industry—Service; —Medical Centre; —Recreation—Private; —Storage— —Telecommunications Infrastructure; —Veterinary Centre; —Sporting Goods Retailer; —Chemist; —Stationer; —Newsagents; —Photographic Studio and Supplies; —Florist; —Dry Cleaning Agencies; —Hairdressers and Barbers; —Café; —Liquor Store.</p> <p>“A”—Service Station.</p>	The restricted uses which are permitted shall occupy a gross leasable floor area (GLA) of no greater than 1400m <sup>2</sup> .
12.	Lot 338 on S24014 (No. 181) Morrison Road Midvale	<p>“P”—Amusement Parlour; —Cinema/Theatre; —Fast Food Outlet; —Restaurant —Recreation—Private</p>	

**Schedule 4—Special Use Zones**

[cl. 4.7]

No.	Description of land	Special use	Conditions
1.	Lots 2983-2987 Harper Street, Caversham	“P”—Manufacture and Sale of Building Products and Associated Activities including Clay Extraction	



No.	Description of land	Special use	Conditions
2.	Lot 4-11 on D9863 Lot 13 on D56706 Bullsbrook Road and Great Northern Hwy, Bullsbrook	"D"—Amusement Parlour; —Betting Agency —Caravan or Trailer Yard; —Caretaker's Dwelling; —Child Day Care Centre; —Club Premises; —Convenience Store; —Fast Food Outlet; —Industry: Cottage; —Industry: Light; —Industry: Rural; —Industry: Service; —Lunch Bar; —Market; —Motor Repair Station; —Nursery; —Office; —Public Utility; —Recreation: Private; —Restaurant; —Roadhouse; —Service Station; —Shop; —Shopping Centre; —Spray Painting: Non-Automotive; —Storage Yard; —Transport Depot; —Vehicle Sales and Service; —Veterinary Consulting Rooms; —Warehouse "A"—Hotel; —Tavern	
3.	Land generally bounded by Ellen Brook Drive to the south, the Ellen Brook to the east and the Ellenbrook Estate to the north and west, in the locality of The Vines, as delineated on the scheme maps. <i>Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to</i>	"P"—Home Occupation; —Tourism & Recreation Resort comprising— <ul style="list-style-type: none"> <li>• Golf Courses;</li> <li>• Resort Centre Facilities including restaurants etc;</li> <li>• Outdoor recreation including tennis, bowls, swimming pool, horse riding;</li> <li>• Indoor Recreation (including squash, gym, billiards);</li> <li>• Hotel/motel accommodation;</li> <li>• Ancillary retailing including souvenirs,</li> </ul>	<ol style="list-style-type: none"> <li>1. Subdivision and development within the resort area shall be subject to the provisions of Part 5A of the Scheme, including the preparation and approval of a Structure Plan.</li> <li>2. The Structure Plan shall incorporate the following design components and staging requirements—               <ul style="list-style-type: none"> <li>— a Resort Centre comprising Members Facilities, Hotel/Motel and other density tourist accommodation and recreation facilities;</li> <li>— dwelling units amongst the golf course connected to the Resort Centre by footpaths, cycleways and bridle paths as well as roads and golf buggy paths;</li> <li>— a vegetated fore-shore area along Ellen Brook blended with the golf course which will assist in the management of nutrients, such foreshore being provided to the satisfaction of the Environmental Protection Authority;</li> </ul> </li> </ol>

No.	Description of land	Special use	Conditions
	<i>determine the precise extent of the zoning.</i>	convenience goods; • Ancillary services such as hairdressing; • Single houses or multiple dwellings at densities depicted on the Structure Plan. “D”—Home Business	<ul style="list-style-type: none"> <li>— a vegetated fore-shore Protection Area along Saw Pit gully and its major tributary blended with the development which will assist in the management of nutrients and run-off from the golf course and residential components;</li> <li>— no development is to take place within 30 metres either side of Ellen Brook;</li> <li>— Bush fire management provisions.</li> </ul> 3. The resort centre area and such other areas as depicted on the Structure Plan shall be connected to a package waste water treatment system approved by the Council and the Health Department. 4. All the tourism, recreational and residential accommodation elements of the Resort shall be connected to a reticulated water supply system 5. No development shall occur until a plan for the management or nutrient input to Ellen Brook has been prepared and approved by the Council and the Environmental Protection Authority.
			6A.3 With the intention of preserving the natural environment of the resort area a minimum of 60% of the area of a lot designated for development at a density of R2.5 and 40% of the area of a lot designated for development at a density of R7.5 such that the minimum area of lot per dwelling shall be 1500m <sup>2</sup> shall be retained in its natural state subject to the following— <ul style="list-style-type: none"> <li>(a) The Council in writing may approve a variation to the area to be retained in a natural state;</li> <li>(b) The area to be retained in a natural state on Lots 169 to 173 (inclusive) shall include the 25 metre rear building setback.</li> <li>(c) The term natural state does not exclude “Parkland clearing”.</li> </ul> 7. Owners of land within the resort area may form and be financial members of a tourist and recreation club with a constitution approved by the Council. 8. The owner of the Resort Centre shall be responsible for— <ul style="list-style-type: none"> <li>(a) Maintenance and management of the golf course, and other recreation facilities.</li> <li>(b) Maintenance of overall landscaping of road verges and other public places.</li> <li>(c) Advising Council on proposals for other development in the resort area.</li> <li>(d) Advising land owners of their rights and obligations under the Scheme.</li> <li>(e) Preparing and enforcing rules relating to such matters as keeping of horses and other animals, fencing standards, building and outbuilding standards and maintenance.</li> </ul>

No.	Description of land	Special use	Conditions
4.	<p>Land generally bounded by the proposed Perth—Darwin Highway road reservation to the west and Maralla Road to the north, predominantly north of Gnangara Road, in the localities of Ellenbrook, Henley Brook and The Vines, as delineated on the scheme maps.</p> <p><i>Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to determine the precise extent of the zoning.</i></p>	Ellenbrook Estate	<p><b>1 Interpretation</b></p> <p>For the purpose of this Zone: “estate” means the land referred to in the Land Particulars for this Zone.</p> <p><b>2 Objectives of the Estate</b></p> <p>The purpose and intent of the Estate is expressed in the following objectives to which the Council shall have regard when dealing with any proposed Structure Plan for and any proposed development within the Estate—</p> <ul style="list-style-type: none"> <li>(a) To provide for the development of a functional and cohesive community consistent with orderly and proper planning and in the interest of the amenity of the Estate;</li> <li>(b) To encourage variety in the range of lot sizes and dwelling types within the Estate but consistent with a cohesive and attractive built environment;</li> <li>(c) To enhance the Estate with the provision of open space and recreation networks and facilities with particular attention being given to the timely provision of appropriate community services;</li> <li>(d) To make provision for school sites and other appropriate educational facilities within the Estate designed to encourage their management and use as a resource for local communities;</li> <li>(e) To provide appropriate retail and commercial facilities to service the needs of residents of the Estate and with a view to the integration of retail areas with other commercial and business areas and with social services so as to maximise convenience;</li> <li>(f) To provide retail and commercial centres, business parks and industrial and service areas to satisfy the need for such services within the Estate and to provide local employment opportunities;</li> <li>(g) To employ strategies and designs aimed at optimising accessibility to local centres by the use of comprehensive movement networks and by other means which will facilitate connection with public transport and arterial road links to Midland, Perth and other parts of the Metropolitan Region.</li> </ul> <p><b>3 Structure Plan</b></p> <p>Subdivision and development within the Estate shall be subject to the provisions of Part 5A of the Scheme, including the preparation and approval of a Structure Plan, Local Structure Plans (also referred to as Development Plans in 4 below) and Detailed Area Plans.</p>

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			<p><b>4 Development Plan</b></p> <p>An approved development plan together with all approved amendments shall apply in relation to the land within the area of the Development Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect within the area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Development Plan the use classes referred to in the Zoning Table shall have the same permissibility spread as set out in that table.</p> <p>Notwithstanding the above, on land in the Ellenbrook Town Centre the permissibility of land uses within the precincts described in the Development Plan is as set out in Schedule 4A.</p> <p>In this Clause the “Ellenbrook Town Centre” means all that land shown on the map titled “Ellenbrook Town Centre” as appended to the scheme as Schedule 4B.</p> <p>5 As provided by item 11(1) of Schedule 7 of the <i>Planning and Development Act 2005</i>, the restrictive covenant, Document Number I687182 is extinguished in respect of those land parcels detailed below so that the land is no longer subject to the restrictive covenant—</p> <table border="1" data-bbox="805 1086 1316 1680"> <thead> <tr> <th>Location</th> <th>Lot Description</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td colspan="3">Charlotte's Vineyard:</td> </tr> <tr> <td></td> <td>POS Lot 3079</td> <td>3815m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 3666</td> <td>5911m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 3668</td> <td>4.6710ha</td> </tr> <tr> <td></td> <td>Drainage Lot 3832</td> <td>3814m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 4165</td> <td>3815m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 4782</td> <td>1.6410ha</td> </tr> <tr> <td></td> <td>POS Lot 4991</td> <td>1.5872ha</td> </tr> <tr> <td></td> <td>Drainage Lot 5221</td> <td>15603m<sup>2</sup></td> </tr> <tr> <td colspan="3">Coolamon Village:</td> </tr> <tr> <td></td> <td>Drainage Lot 3848</td> <td>2390m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 4388</td> <td>2390m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 5190</td> <td>882m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 5219</td> <td>2.3804ha</td> </tr> <tr> <td></td> <td>POS Lot 5148</td> <td>1212m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 5177</td> <td>1161m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 2438</td> <td>7.2230ha</td> </tr> <tr> <td></td> <td>POS Lot 5731</td> <td>11,715m<sup>2</sup></td> </tr> <tr> <td></td> <td>PAW Lot 5734</td> <td>269m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 5710</td> <td>2,301m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 5719</td> <td>1,024m<sup>2</sup></td> </tr> <tr> <td></td> <td>POS Lot 3055</td> <td>1.2356ha</td> </tr> </tbody> </table>	Location	Lot Description	Area	Charlotte's Vineyard:				POS Lot 3079	3815m <sup>2</sup>		POS Lot 3666	5911m <sup>2</sup>		POS Lot 3668	4.6710ha		Drainage Lot 3832	3814m <sup>2</sup>		POS Lot 4165	3815m <sup>2</sup>		POS Lot 4782	1.6410ha		POS Lot 4991	1.5872ha		Drainage Lot 5221	15603m <sup>2</sup>	Coolamon Village:				Drainage Lot 3848	2390m <sup>2</sup>		POS Lot 4388	2390m <sup>2</sup>		POS Lot 5190	882m <sup>2</sup>		POS Lot 5219	2.3804ha		POS Lot 5148	1212m <sup>2</sup>		POS Lot 5177	1161m <sup>2</sup>		POS Lot 2438	7.2230ha		POS Lot 5731	11,715m <sup>2</sup>		PAW Lot 5734	269m <sup>2</sup>		POS Lot 5710	2,301m <sup>2</sup>		POS Lot 5719	1,024m <sup>2</sup>		POS Lot 3055	1.2356ha
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No.	Description of land	Special use	Conditions
			Malvern Springs: POS Lot 5991 83,780m <sup>2</sup> POS Lot 6018 3,261m <sup>2</sup> POS Lot 6100 1,806m <sup>2</sup> POS Lot 6224 15,377m <sup>2</sup> POS Lot 6319 3,387m <sup>2</sup> POS Lot 6411 2,546m <sup>2</sup> POS Lot 6503 3,844m <sup>2</sup> Drain Reserve Lot 6477 15,742m <sup>2</sup>
5.	Portion of Swan Loc 11942 (Reserve 43131) Lord Street, Caversham	"P"—Aboriginal Community Accommodation and incidental associated facilities; —Home Occupation; —Rural Home Occupation; —Local Shop/Education Establishment "D"—Cultural use; —Home business; —Cottage industry; —Tourist activities	1. Subdivision and development of the land shall be in accordance with an Outline Development Plan approved by the Council. 2. Tourist activities shall be limited to— — the sale and display of traditional aboriginal arts and crafts manufactured on the land by the residents; — the display of aboriginal cultural material and performances by permanent residents of the community. 3. No building on the lot shall be constructed closer to any boundary of the lot than a distance as set out following— Front — 20 metres measured from the road widening to Lord Street; Side — 5 metres; Rear — 10 metres. 4. No land shall be filled within the Special Use Zone unless the filling is in association with any development upon the land approved by the Council. 5. No development shall be carried out and/or commenced within the area affected by the System 6 area, as shown on the approved Outline Development Plan without prior approval of the Council. 6. Development within the System 6 area shown on the approved Outline Development Plan shall be limited to passive recreation uses, site works associated with passive recreation uses or any other minor activities applied for and approved by the Council and other relevant Government agencies. No building or structures (other than those specifically mentioned above) shall be permitted within the System 6 area. 7. The maximum number of additional dwellings on the land shall not exceed 15, and all the existing residences shall be upgraded and rehabilitated to a standard equivalent to the new additional dwellings.
6.	All lots fronting Ellenbrook Road from its intersection with Warbrook Road to the intersection with the Perth—	"P"—Single House —Home Occupation — Public Utility "D"—Industry : Cottage All other uses are not permitted. N.B. Notwithstanding	<b>Purpose and Intent of the Zone</b> The purpose of the zone is to ensure any development, subdivision or strata-subdivision of the land— 1. Excludes land uses that may adversely affect the Western Swamp Tortoise Conservation Reserves and/or the Ellen Brook.

No.	Description of land	Special use	Conditions
	Geraldton Railway Line in the locality of Bullsbrook. As delineated on the Planning Scheme Maps.	any provision in the scheme, Council's prior approval to commence development shall be required for the development of a single house on land within this zone.	<p>2. Provides for land-uses that are compatible with, and protect the function of the adjoining Western Swamp Tortoise Conservation Reserves.</p> <p>3. Creates no adverse impacts on Ellen Brook and the Western Swamp Tortoise Reserves (including impacts in terms of nutrient loading, water quality, fire risk, and predator risk).</p> <p>4. Is compatible with surrounding rural land-uses.</p> <p>5. Subdivision, strata subdivision and development shall be in accordance with any approved Environmental Protection Policy relating to the site and/or the adjoining Tortoise Reserves.</p> <p><b>Structure Plan</b></p> <p>1. No subdivision, strata subdivision and/or development shall be permitted unless in accordance with an approved Structure Plan for the entire zoned area.</p> <p>2. The preparation, adoption and modification of the Structure Plan for this Zone shall be in accordance with the procedures set out in Part 5A of the Scheme.</p> <p>3. In addition to those considerations required elsewhere in the Scheme in regard to Structure Plans, any Structure Plan for the site shall describe, consider and resolve the following to the satisfaction of Council and the Environmental Protection Authority—</p> <p>(a) A description and assessment of the physical characteristics of the land affected, including an analysis of the geology and soil types, watercourses, wetlands, ground water, land capability, landforms and land-uses.</p> <p>(b) An assessment of the landscape qualities of the site, including its topography, vegetation, skylines, vistas, streamlines and significant natural features.</p> <p>(c) A description and assessment of the existing constraints and opportunities of the site.</p> <p>(d) Details of the likely environmental impacts of any proposed subdivision, strata subdivision and/or development and proposed conservation measures.</p> <p>(e) Demonstration that there will be an improvement in surface and ground water quality following subdivision, strata subdivision and/or development including an analysis of the existing situation as a baseline for future monitoring.</p> <p>(f) Demonstration that there will be a reduction in nutrient loadings on Ellen Brook and the adjacent Western Swamp Tortoise Habitats following subdivision, strata subdivision and/or development.</p> <p>(g) Demonstration that there will be a reduced risk to the Western Swamp Tortoise Habitats from fire, weed</p>

No.	Description of land	Special use	Conditions
			<p>invasion, die-back, domestic animals, and predators following subdivision, strata subdivision and/or development.</p> <p>(h) Proposed subdivision design which minimizes the number of lots with boundaries facing onto the Western Swamp Tortoise Reserves;</p> <p>(i) Minimum lot size of 8 hectares and which meet the environmental quality objective of protecting the beneficial uses of the Western Swamp Tortoises Habitat as well as general planning objectives,</p> <p>(j) Proposals for the provision of potable water.</p> <p>(k) Details of the means proposed to protect watercourses including the use of setbacks, reserves, nutrient management and/or other special controls.</p> <p>(l) Proposals for effluent disposal and drainage.</p> <p>(m) Detailed mapping of minimum depths to ground water across the site.</p> <p>(n) Assessment of fire risk and the preparation of a Fire Management Plan.</p> <p>(o) Mechanisms for mosquito control which do not impact on the habitat of the Western Swamp Tortoise.</p> <p>(p) Road design sensitive to tortoises crossing.</p> <p>(q) Prevention of access by domestic animals to the Western Swamp Tortoise Habitats.</p> <p>(r) A programme for revegetation and tree planting including timing and management of revegetation; size, species, location and numbers of plants proposed, plants to be of local native species.</p> <p>(s) Details of buffer areas to adjoining agricultural uses to alleviate the impact of spray drift, provide vegetation to protect watercourses, achieve pollution minimisation, reduce salinity and salinity risk and the protection of significant fauna.</p> <p>(t) Details of buffer zones relating to the Ellenbrook Speedway and the poultry farm site.</p> <p>(u) Proposed development standards.</p> <p>(v) A list of commitments by the subdividers or developers undertaking implementation of the Structure Plan including, where necessary, infrastructure cost-sharing arrangements between subdividers/developers in accordance with objectives and provisions of the zone and other conditions or criteria to be met at development, subdivision and/or strata subdivision stage</p>

No.	Description of land	Special use	Conditions
			<p>(w) A Drainage and Nutrient Management and Water Quality Management Plan including documentation of works to be undertaken (such as tree planting and watercourse protection) to maintain reduced nutrient loadings and improve water quality following subdivision, strata subdivision and/or development.</p> <p><b>Subdivision or Strata Subdivision Requirements</b></p> <ol style="list-style-type: none"> <li>1. In addition to other conditions and requirements of subdivision or strata subdivision, prior to any subdivision or strata subdivision of land within the zone, the subdivider shall undertake an extensive revegetation programme in accordance with the approved Structure Plan to the satisfaction of the City of Swan. An undertaking to this effect shall be incorporated into the approved Structure Plan.</li> <li>2. Any lots affected by noise from the Ellenbrook Speedway (to be established via the Structure Plan) shall have a notification placed on the Certificate of Title alerting prospective purchasers to potential impacts relating to noise and nuisance.</li> </ol> <p><b>Development Requirements</b></p> <ol style="list-style-type: none"> <li>1. No stocking of horses or any other beasts of burden shall be permitted.</li> <li>2. No more than 1 dwelling per lot shall be permitted.</li> <li>3. No development of a single house within the Zone shall be permitted within a buffer area of the existing Poultry Farm on Lot 28 (to be established via the Structure Plan) prior to cessation of the Poultry Farm use.</li> <li>4. Effluent disposal systems shall be considered in conjunction with applications for development on site. Council may require the use of Nutrient Retentive effluent disposal systems.</li> <li>5. No clearing or development is permitted within revegetation areas identified in the approved Structure Plan.</li> <li>6. Council may require additional tree planting as part of any development proposal for the purpose of landscape protection and enhancement, habitat protection or nutrient/water quality management or other purpose.</li> <li>7. All development shall comply with development standards as set out in the approved Structure Plan.</li> </ol>
7.	Lot 1 on D9175/1 Lot 12 on D56706 Lot 2 on S7762 Lot 2 on D5887	"P"—Car Park; —Hire Service Industrial; —Hire Service Non Industrial; —Hotel;	Subdivision and development within the Rural Service Centre should be generally in accordance with a properly prepared Outline Development Plan approved by the Council and the Western Australian Planning Commission. Preparation and consideration of the Outline Development Plan shall be in accordance with clause 6.3.



No.	Description of land	Special use	Conditions
	Great Northern Hwy, Bullsbrook	<ul style="list-style-type: none"> <li>—Industry Light;</li> <li>—Industry Rural;</li> <li>—Industry Service;</li> <li>—Lunch Bar;</li> <li>—Office Professional;</li> <li>—Office Service;</li> <li>—Restaurant;</li> <li>—Service Station;</li> <li>—Showroom</li> <li>“D”—Auction Mart;</li> <li>—Betting Agency;</li> <li>—Caravan or Trailer Yard;</li> <li>—Car Sales Lot;</li> <li>—Car Sales Showroom;</li> <li>—Consulting Rooms;</li> <li>—Consulting Rooms Group;</li> <li>—Factory Tenement Building;</li> <li>—Fast Food Outlet;</li> <li>—Fuel Depot;</li> <li>—Hotel-Motel;</li> <li>—Medical Centre;</li> <li>—Motor Repair Station;</li> <li>—Nursery;</li> <li>—Office General;</li> <li>—Produce Store;</li> <li>—Public Utility;</li> <li>—Recreation Private;</li> <li>—Roadhouse;</li> <li>—Storage Yard;</li> <li>—Tavern Greater than 200m<sup>2</sup> GLA;</li> <li>—“D” Use—Trade Display;</li> <li>—Vehicle Sales and Service;</li> <li>—Veterinary Consulting Rooms;</li> <li>—Veterinary Hospital</li> <li>—Warehouse</li> </ul>	
8.	Reserve 41579 & Reserve 41580 Gnangara Road, Cullacabardee	“P”—Addiction Treatment Facilities. Accommodation and Associated Activities.	<ol style="list-style-type: none"> <li>1. The average number of occupiers for the entire development, calculated over a period of 1 year and including non-patients, shall not exceed 75 persons, unless otherwise agreed to by the Water Authority and Council.</li> <li>2. Effluent disposal systems for the development being designed to the specifications and satisfaction of the Health Department and the Water Authority.</li> <li>3. Should scheme water not be able to be provided to the development, then arrangements shall be made to provide an adequate on-site potable water supply in accordance with the requirements of the Health Department, Local Authority and Water Authority.</li> </ol>

No.	Description of land	Special use	Conditions
9.	Part of— Lot 11 on D69105 (No. 11) Lot 2 on D68630 (No. 2) Lot 1 on D15239 Lot 12 on P26468 (No. 1204) Toodyay Road Gidgegannup As delineated on the Planning Scheme Maps	“P”—Waste Management, Receival, Recovery, Treatment, Processing and Disposal —Industry—Extractive —Radio Communications Station	Prior to determining an application for development, Council shall—  1. consult with the Department of Environment, Department of Conservation and Land Management, and Main Roads WA: and  2. have regard to the interface with John Forrest National Park, surface and groundwater quality, vegetative buffers from surrounding land, existing remnant vegetation on site and fire management.
10.	Portions of Lots 308 and 309 Park Street. Lots 16, 310, 311, portion of Lot 15 Woolcott Avenue. Portions of Lots 348, 349, 350 and 351 Park Street. Portion of Lot 10 and Lots 17, 19, 20, 345, 346 and 347 Woolcott Avenue. Portions of Lots 352, 353, 354 and 355 Murray Road. Lot 95 and portion of Lot 0. Including all road and drainage reserves within the subject area.	Albion	<b>1. Interpretation</b> For the purpose of this zone: “ <b>Estate</b> ” means the land referred to in the Land Particulars for this Zone, “ <b>proponent</b> ” means an owner of land within the estate who submits a plan to the Council for approval pursuant to the provisions hereof and the term shall include the Council where the Council proposes a plan. <b>2. Objectives of the Estate</b> The purpose and intent of the Estate is expressed in the following objectives to which the Council shall have regard when dealing with any proposed Structure Plan and Local Structure Plan and proposed development within the estate—  (a) To consider and demonstrate integration within the broader district context;  (b) To develop the Estate in a manner that protects, conserves and enhances the natural environment and cultural assets and to investigate and manage impacts;  (c) To provide for the development of a functional and cohesive community consistent with orderly and proper planning and in the interest of the amenity of the Estate;  (d) To encourage variety in the range of lot sizes and dwelling types within the Estate but consistent with a cohesive and attractive built environment;  (e) To enhance the Estate with the provision of open space and recreation networks and facilities with particular attention being given to the timely provision of appropriate community services;  (f) To make provision for school sites and other appropriate educational facilities within the Estate designed to encourage their management and use as a resource for local communities;  (g) To provide appropriate retail and commercial facilities to service the needs of residents of the Estate and with a view to the integration of retail areas with other commercial

No.	Description of land	Special use	Conditions
			<p>and business areas and with social services so as to maximise convenience;</p> <p>(h) To provide a retail and commercial centres, business parks and service areas to satisfy the need for such services within the Estate and to provide local employment opportunities; and,</p> <p>(i) To employ strategies and designs aimed at optimising accessibility to the local centres by the use of comprehensive movement networks and by other means which will facilitate connection with public transport and arterial road links to Midland, Perth and other parts of the Metropolitan Region.</p> <p><b>3. Hierarchy of Plans</b> Subdivision and development within the Estate shall be subject to the provisions of Part 5A of the Scheme, including the preparation and approval of a District Structure Plan, Local Structure Plan(s) and Detailed Area Plans. The District Structure Plan shall demonstrate integration with the district context.</p> <p><b>4. District Structure Plan</b> <b>4.1 Environmental Management Plans</b> <b>4.1.1 Strategic Acid Sulfate Soils Management Plan</b> The developer shall submit to the Local government a Strategic acid Sulfate Soils Management Plan for approval as an additional detail of a District Structure Plan pursuant to Part 5A. The Local Government must notify the Department of Environment and Conservation (DEC) of the proposed plan in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). The Strategic ASS Management Plan shall include, but is not limited to the following—</p> <p>(a) Field validation of ASS areas and the delineation of high and medium risk areas and broad scale determination of acid generating potential soils; and</p> <p>(b) Develop a strategic plan for further investigation and associated management plan for all further stages of development.</p> <p>The Strategic ASS Management Plan required by 4.1.1 shall be implemented to the satisfaction of the Local Government and the DEC's Land and Water Quality Branch.</p> <p><b>4.1.2 Local Water Management Strategy</b> The developer shall submit to the Local Government a Local Water Management Strategy for approval as an additional detail of a District Structure Plan pursuant to Part 5A in order to ensure that surface and ground waters are managed with the aim of maintaining the natural water balance. The Local Government must notify the DEC and Department of Water of the proposed strategy in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii).</p>

No.	Description of land	Special use	Conditions
			<p>The Local Water Management Strategy shall include, but is not limited to the following—</p> <ul style="list-style-type: none"> <li>(a) In the absence of a District Water Management Strategy (DWMS), the LWMS must include information addressing the following, which would normally be contained in a DWMS— <ul style="list-style-type: none"> <li>(i) Commit to best practice planning, design and construction;</li> <li>(ii) Refine land use scenario and identify major constraints;</li> <li>(iii) Identify water sources for drinking and other uses, consistent with fit-for-purpose water use strategy use;</li> <li>(iv) Refine conceptual stormwater management plan; and</li> <li>(v) Identify issues to be addressed at later stages.</li> </ul> </li> <li>(b) Further refine urban water management system and quantify land required to meet design objectives;</li> <li>(c) Suite of possible BMP's and design BPP's depicted in diagrams;</li> <li>(d) Identify requirements of an Urban Water Management Plan (UWMP) and commit to compliance with stated Design Objectives via future UWMP;</li> <li>(e) Incorporate best practice Water Sensitive Urban Design principles to maximise on-site water infiltration;</li> <li>(f) Undertake monitoring of nutrient levels within groundwater to enable comparisons between pre-development and post-development conditions;</li> <li>(g) Undertake groundwater monitoring programs to ensure that current groundwater levels are maintained;</li> <li>(h) Recommend monitoring framework;</li> <li>(i) Incorporate appropriate stormwater collection and disposal methods and water sensitive design principles to minimise the risk of contamination to groundwater;</li> <li>(j) Incorporate connection to main sewerage system for all dwellings to reduce the potential for contamination of drinking water supplies;</li> <li>(k) Where possible control stormwater quantity through a waterways system linked to a "treatment train" process;</li> <li>(l) Ensure that changes to surface flow volumes are not significantly altered, and that peak surface flows are not increased;</li> <li>(m) Ensure that the rate, quantity and quality of wastewater infiltrating Priority 3 UWPCA within the Estate</li> </ul>

No.	Description of land	Special use	Conditions
			<p>is maintained at levels compliant with the minimum requirements for the protection of a Priority 3 Groundwater Source Protection Area;</p> <ul style="list-style-type: none"> <li>(n) Protect in areas of open space, significant vegetation and wetlands with an appropriate buffer determined in accordance with DEC's current policies;</li> <li>(o) Consider siting and risk prevention factors for potentially polluting commercial activities;</li> <li>(p) Minimise fertiliser sources and incorporate effective nutrient stripping features into drainage systems;</li> <li>(q) Specify ongoing maintenance requirements and ongoing management responsibility;</li> <li>(r) Specify contingency plans in the event that the criteria are temporarily not achieved, and;</li> <li>(s) Identify issues to be addressed at later stages.</li> </ul> <p>The LWMS required by 4.1.2 shall be implemented to the satisfaction of the Local Government, having regard to any advice from the DEC and Department of Water.</p> <p><b>4.1.3 Noise Management Plan</b></p> <p>The developer shall submit to the Local Government a Noise Management Plan for approval as an additional detail of a District Structure Plan pursuant to Part 5A. The Local Government must notify DEC of the proposed plan in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii).</p> <p>The Noise Management Plan shall include, but is not limited to—</p> <ul style="list-style-type: none"> <li>(a) Noise mapping is carried out in areas within 200 metres of the Perth Darwin Highway, to determine road and rail noise amenity ratings, using direct measurement of noise levels and predicted noise levels using an accepted model, and incorporating predicted traffic volumes at a date 25 years after assessment;</li> <li>(b) Current and predicted noise levels and definitions of areas to be noise mapped should be evaluated using criteria supplied by the Western Australian Planning Commission;</li> <li>(c) In areas where noise mapping shows that the noise amenity for residential areas or other noise-sensitive environments is conditionally acceptable, appropriate noise attenuation measures are implemented; and</li> <li>(d) In areas where noise mapping shows that the noise amenity for residential areas or other noise-sensitive environments is unacceptable, these land uses will not be situated on these sites, or other appropriate measures are taken.</li> </ul>

No.	Description of land	Special use	Conditions
			<p>The Noise Management Plan required by 4.1.3 shall be implemented to the satisfaction of the Local Government, having regard to any advice from the DEC.</p> <p><b>4.1.4 Quantitative Risk Assessment Plan</b></p> <p>The developer shall submit to the Local Government a Quantitative Risk Assessment plan (to be implemented as part of the development) for approval as an additional detail of a District Structure Plan pursuant to Part 5A in order to enable safe co-existence of urban land uses. The Local Government must notify the Department for Planning and Infrastructure of the proposed plan in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii).</p> <p>The Western Australian Planning Commission (draft) Planning Bulletin for Gas Pipelines constitutes a Quantitative Risk Assessment.</p> <p><b>4.1.5 Bushland Management Plans</b></p> <p>The developer shall submit to the Local Government Bushland Management Plans for approval as an additional detail of a District Structure Plan pursuant to Part 5A in order to ensure the long term viability of the remnant vegetation. The Bushland management plans shall be consistent with the EPA's current Guidance Statement No. 33 Environmental Guidance for Planning and Development and shall be prepared for regionally significant vegetation including the Bush Forever Site and threatened Ecological Community (TEC). The Local Government must notify DEC of the proposed plans in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii).</p> <p><b>(a) Bush Forever Site</b></p> <p>The Bushland Management Plan for the Bush Forever Site shall include, but is not limited to the following—</p> <ul style="list-style-type: none"> <li>(i) Aims and long term management objectives for the area;</li> <li>(ii) Description of the area, including size, location, topography and major features;</li> <li>(iii) Aboriginal and European history of the area; including prior land uses, ownership or other relevant data;</li> <li>(iv) Biodiversity and ecological values of the area, including links to other areas;</li> <li>(v) Description of predevelopment flora and fauna—including flora and fauna that have been located in the area and identification of any threatened, endangered or priority species;</li> <li>(vi) Details of how the assessment was conducted, including details of any transects, monitoring points or sampling;</li> <li>(vii) Details of risk assessment for site including risk to flora and fauna from adjacent urban development—from people, litter, pets, road traffic, changes in hydrology, nutrients, pollutants or other facts;</li> </ul>

No.	Description of land	Special use	Conditions
			<ul style="list-style-type: none"> <li>(viii) Proposed management strategies to protect flora and fauna; particularly any endangered, threatened or priority species;</li> <li>(ix) Reference Legislation and Policy relevant to the Management Plan;</li> <li>(x) Risks from fire, and to community from fire;</li> <li>(xi) Risks to community from biting insects, snakes and pathogens;</li> <li>(xii) Detailed management programs to address issues identified in risk assessments;</li> <li>(xiii) Management and maintenance programs for weed control, fire control, and rehabilitation or restoration of bushland area;</li> <li>(xiv) Description of monitoring programs to be conducted during and after development has occurred;</li> <li>(xv) How the local community will be included in the management of the area, and;</li> <li>(xvi) Responsibility for conducting and financing, monitoring, restoration management and education programs.</li> </ul> <p><b>(b) Threatened Ecological Community (TEC)</b></p> <p>The Management Plan for the TEC shall include, but is not limited to the following—</p> <ul style="list-style-type: none"> <li>(i) Aims and long term management objectives for the area;</li> <li>(ii) Description of the area, including size, location, topography and major features;</li> <li>(iii) Aboriginal and European history of the area; including prior land uses, ownership or other relevant data;</li> <li>(iv) Biodiversity and ecological values of the area, including links to other areas;</li> <li>(v) Description of predevelopment flora and fauna including flora and fauna that have been located in the area and identification of any threatened, endangered or priority species;</li> <li>(vi) Details of how the assessment was conducted, including details of any transects, monitoring points or sampling;</li> <li>(vii) Details of risk assessment for site including risk to flora and fauna from adjacent urban development— from people, litter, pets, road traffic, changes in hydrology, nutrients, pollutants or other factors;</li> <li>(viii) Proposed management strategies to protect flora and fauna; particularly any endangered, threatened or priority species;</li> <li>(ix) Reference Legislation and Policy relevant to the Management Plan;</li> <li>(x) Risks from fire, and to community from fire;</li> </ul>

No.	Description of land	Special use	Conditions
			<p>(xi) Risks to community from biting insects, snakes and pathogens;</p> <p>(xii) Detailed management programs to address issues identified in risk assessments;</p> <p>(xiii) Management and maintenance programs for weed control, fire control, and rehabilitation or restoration of bushland area;</p> <p>(xiv) Description of monitoring programs to be conducted during and after development has occurred;</p> <p>(xv) How the local community will be included in the management of the area; and</p> <p>(xvi) Responsibility for conducting and financing, monitoring, restoration management and education programs.</p> <p>The Bushland Management Plans required by 4.1.5 shall be implemented to the satisfaction of the Local Government, the DPI's Bush Forever Office and/or DEC.</p> <p><b>5 Local Structure Plan</b></p> <p><b>5.1 Local Structure Plan Preparation</b></p> <p>A Local Structure Plan(s) shall be prepared in accordance with the provisions of Part 5A of the Scheme over cells within the District Structure Plan area.</p> <p>An approved Local Structure Plan together with all approved amendments shall apply in relation to the land within the area of the Local Structure Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect with the area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Local Structure Plan the use classes referred to in the Zoning Table shall have the same permissibility spread as set out in that table.</p> <p><b>5.2 Environmental Management Plans</b></p> <p><b>5.2.1 Acid Sulfate Soils (ASS) Site Assessment Management Plan</b></p> <p>The developer shall submit to the Local Government an ASS Site Assessment and management plan for approval as an additional detail of a Local Structure Plan pursuant to Part 5A in accordance with the WAPC's Planning Bulletin No.64 or its successor. The Local Government must notify the DEC's Land and Water quality Branch of the proposed plan in advertising the Local Structure Plan pursuant to clause 5A.1.8.1 (b) (iii).</p> <p>The ASS Site Assessment and Management Plan shall include, but is not limited to the following—</p> <p>(a) Detailed field assessment of ASS in proposed disturbance areas;</p> <p>(b) The preparation of ASS management plans in accordance with the DEC's current guidelines, and;</p> <p>(c) Preparation of a monitoring program for groundwater discharge areas as part of the Urban Water Management Plan.</p>



No.	Description of land	Special use	Conditions
			<p>The ASS Site Assessment and Management Plan required by 5.2.1 shall be implemented to the satisfaction of the Local Government and the DEC's Land and Water Quality Branch.</p> <p><b>5.2.2 Urban Water Management Plan</b></p> <p>The developer shall submit to the Local Government an Urban water management Plan (UWMP), which is consistent with the LWMS for approval as an additional detail of a Local Structure Plan pursuant to Part 5A. The Local Government must notify the DEC and Department of Water of the proposed plan in advertising the Local Structure Plan pursuant to clause 5A.1.8.1 (b) (iii).</p> <p>The UWMP shall include, but is not limited to the following—</p> <ul style="list-style-type: none"> <li>(a) Demonstrate compliance with Design Objectives;</li> <li>(b) Site conditions—management of water dependent ecosystems &amp; contamination/nutrient hot spots;</li> <li>(c) Specific BMP's and design of water management systems;</li> <li>(d) The results of detailed environmental and hydrological studies;</li> <li>(e) Precise predictions and post-development modelling;</li> <li>(f) Details of location and design of drainage infrastructure;</li> <li>(g) Details of monitoring program to evaluate ground and surface water quality, flows and levels, including the location and design of any current and proposed monitoring stations;</li> <li>(h) Descriptions and cost-benefit analysis (including whole of life costing) for any structural or non-structural controls;</li> <li>(i) Precise and measurable targets and limits for ground and surface water quality, flows and levels that are to be maintained for the development area. This will be accompanied by a clear description of the roles and responsibilities agreed upon by each agency and the agencies commitment for action to be taken, and;</li> <li>(j) Details of rehabilitation work to be undertaken in existing wetlands where relevant.</li> </ul> <p>The UWMP required by 5.2.2 shall be implemented to the satisfaction of the Local Government, having regard to any advice from the DEC and Department of Water.</p> <p><b>5.2.3 Wetland Management Plan</b></p> <p>The developer shall submit to the Local Government Wetland Management Plan(s) for approval as an additional detail of a Local Structure Plan pursuant to Part 5A in order for existing waterways and wetlands and their buffers to be implemented as part</p>

No.	Description of land	Special use	Conditions
			<p>of development in accordance with the water management strategies / plans. The Local Government must notify DEC and Department of Water of the proposed plan(s) in advertising the Local Structure Plan pursuant to clause 5A.1.8.1(b)(iii).</p> <p>The Wetland Management Plan(s) shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development and will include, but is not limited to, the following—</p> <ul style="list-style-type: none"> <li>(a) Outline reason(s) for preparing the management plan and overall objectives;</li> <li>(b) Include a description of the site and context;</li> <li>(c) Summarise the issues specific to the site, i.e. Conservation, ecological linkage, recreation water quality, fire management;</li> <li>(d) Preservation of the wetland's ecological values;</li> <li>(e) Specify management aim and objective and identify management responsibilities;</li> <li>(f) Outline the management actions to achieve the objectives i.e. Restoration, fencing, weed control;</li> <li>(g) Include a diagrammatic management plan;</li> <li>(h) Outline funding arrangements for management of the site and other available resources;</li> <li>(i) Identify the attributes that will be monitored, the program, criteria and management response to triggers;</li> <li>(j) Program for the restoration and preservation of native flora and fauna;</li> <li>(k) Develop restoration sites in association with constructed waterways and wetlands, to provide habitat areas for native fauna;</li> <li>(l) Incorporate buffers of public open space around significant wetlands; and</li> <li>(m) Implement an appropriate monitoring program to detect the species of mosquitoes present, the location of potential breeding areas, the population size of mosquito species and the presence of Ross River virus and Barmah Forest virus, before, during and after development.</li> </ul> <p>The Wetland Management Plan(s) required by 5.2.3 shall be implemented to the satisfaction of the Local Government and the DEC and Department of Water.</p> <p><b>5.2.4 Cultural Heritage Management Plan</b></p> <p>The developer shall submit to the Local Government a Cultural Heritage Management Plan for approval as an additional detail of a Local Structure Plan pursuant to Part 5A to be implemented as part of the development.</p>

No.	Description of land	Special use	Conditions
			<p>The Cultural Heritage Management Plan shall ensure, but is not limited to—</p> <ul style="list-style-type: none"> <li>(a) The requirements of the Aboriginal Heritage Act 1972 are met so that the development of each cell does not affect cultural heritage and associations with the area;</li> <li>(b) An application under the Aboriginal Heritage Act 1972 will be made if disturbance to the archaeological site located at Lot 351 Park Street is to occur as part of urban residential development;</li> <li>(c) Commitments made during consultation with Aboriginal groups are maintained during all stages of planning;</li> <li>(d) Appropriate recommendations are incorporated into development and subdivision plans which seek to maintain the cultural values of wetlands and creeks; and</li> <li>(e) Prior to the commencement of site works, contractors shall undergo a briefing on Aboriginal Heritage issues to enable them to recognise materials that may constitute an Aboriginal site. During earthworks, all contractors shall be supervised by a Site Manager, who shall seek advice from the Aboriginal Affairs Department to confirm the identification of any suspected site.</li> </ul> <p>The Cultural Heritage Management Plan required by 5.2.4 shall be implemented to the satisfaction of the Local Government, having due regard for advice from the Department of Aboriginal Affairs.</p> <p><b>5.2.5 Fire Management Plan</b></p> <p>The developer shall submit to the Local Government a Fire Management Plan for approval as an additional detail of a Structure Plan pursuant to 5A, to be implemented as part of the development. The local Government must notify the Fire and Emergency Service Authority (FESA) of the proposed plan in advertising the Local Structure Plan pursuant to Clause 5A.1.8.1 (b) (iii).</p> <p>The Fire Management Plan shall include, but is not limited to the following—</p> <ul style="list-style-type: none"> <li>(a) Addressing key fire management issues;</li> <li>(b) Provision of a detailed risk assessment for wildfires within the development area, or in adjoining areas;</li> <li>(c) Strategies for fire management such as separation distances and other mechanisms that will be implemented through the planning stages;</li> <li>(d) Fire management strategies and programs that will be undertaken by the developer to minimise the risk from fire to the community throughout the life of the development; and</li> </ul>

No.	Description of land	Special use	Conditions
			<p>(e) Compliance with relevant State Government policies, regulations and guidelines.</p> <p>The Fire Management Plan required by 4.2.5 shall be implemented to the satisfaction of the Local Government, and FESA.</p> <p><b>6. Development and Subdivision</b></p> <p><b>6.1 Subdivision Application</b></p> <p>Subdivision of land shall be in accordance with the approved Local Structure Plan.</p> <p><b>6.2 Environmental Management Plans</b></p> <p><b>6.2.1 Construction Management Plan</b></p> <p>Prior to final subdivision approval, the developer shall prepare and have approved by the Local Government, and to the satisfaction of the DEC, a Construction Management Plan, for all development adjoining the Bush Forever site, TEC and wetlands covered by a Wetland Management Plan, to be implemented as part of the development. The Construction Management Plan shall address, but is not limited to—</p> <ul style="list-style-type: none"> <li>(a) The minimisation of clearing and vegetation disturbance;</li> <li>(b) The control and monitoring of dust, noise and smoke;</li> <li>(c) The prevention and control of the spread of dieback; and</li> <li>(d) The inclusion of environmental protection specifications in all construction related contracts.</li> </ul> <p><b>6.2.2 Contaminated Site Assessment/Contamination Remediation Plan</b></p> <p>Prior to final subdivision approval, the developer shall prepare and have approved by the Local Government, to the satisfaction of the DEC, a Contaminated Site Assessment/Contamination Plan, covering the former RAAF Caversham Airbase and the egg production facility on Lot 350 Park Road, to be implemented as part of the development. The Contaminated Site Assessment/Contamination Remediation Plan is to be in accordance with DEC Contaminated Sites Assessment Series, and is to include, but is not limited to the following—</p> <ul style="list-style-type: none"> <li>(a) All potential sources of contamination are identified and an adequate soil (and if necessary, groundwater) sampling program is carried out to detect the extent and degree of contamination;</li> <li>(b) Appropriate management measures are put in place to reduce contaminant levels to below levels that pose (or potentially pose) an unacceptable risk to human health;</li> <li>(c) Prior to subdivision, all contaminant levels at the site are shown to be below levels that pose an unacceptable risk to human health,</li> </ul>

No.	Description of land	Special use	Conditions
			<p>using the ANZECC B and Dutch B criteria for soil, and ANZECC Drinking Water criteria for groundwater, or other appropriate criteria as recommended by the Department of Environment; and</p> <p>(d) If necessary, ongoing monitoring of contaminant levels is carried out after remediation actions have been taken.</p> <p>The Contaminated Site Assessment/Contamination Remediation Plan required by 5.2.2 shall be implemented to the satisfaction of the Local Government, and the DEC's Land and Water Quality Branch.</p> <p><b>6.2.3 Unexploded Ordnance Remediation Plan</b></p> <p>Prior to final subdivision approval the developer shall prepare and have approved by the Local Government, and to the satisfaction of the Local Government, an Unexploded Ordnance Remediation Plan, covering the former RAAF Caversham Airbase, to be implemented as part of the development. The Unexploded Ordnance Remediation Plan is to ensure, but is not limited to—</p> <p>(a) Public risk from UXO is minimised;</p> <p>(b) All UXO is removed from the site prior to subdivision, commencement of any earthworks and endorsement of any survey documents.</p> <p>The Unexpected Ordnance Remediation Plan required by 6.2.3 shall be implemented to the satisfaction of the Local Government and the relevant authorities..</p>
11.	Land generally bounded by Harrow Street to the north, Lord Street to the west, Reid Highway to the south and the "Urban" extent of the Metropolitan Region Scheme boundary to the east.	West Swan	<p><b>1. Interpretation</b></p> <p>For the purpose of this zone—</p> <p>"Estate" means the land referred to in the Land Particulars for this Zone, "proponent" means an owner of land within the estate who submits a plan to the Council for approval pursuant to the provisions hereof and the term shall include the Council where the Council proposes a plan.</p> <p><b>2. Objectives of the Estate</b></p> <p>The purpose and intent of the Estate is expressed in the following objectives to which the City shall have regard when dealing with any proposed Structure Plan, Detailed Area Plan or other proposed development within the estate—</p> <p>(j) To ensure that development in the estate achieves optimal integration with development in surrounding area;</p> <p>(k) To provide for the development of a functional and cohesive community consistent with orderly and proper planning and in the interest of the amenity of the Estate;</p> <p>(l) To develop the estate in a manner that protects, conserves and enhances the natural environment and cultural assets and to</p>

No.	Description of land	Special use	Conditions
			<p>investigate and manage impacts upon the natural environment;</p> <p>(m) To encourage variety in the range of lot sizes and dwelling types within the Estate but consistent with cohesive</p> <p>(n) To enhance the Estate with the provision of open space and recreation networks and facilities with particular attention being given to the timely provision of appropriate community services;</p> <p>(o) To make provision for school sites and other appropriate education facilities within the Estate in a manner that facilitates their management and use as a resource for local communities;</p> <p>(p) To provide appropriate retail and commercial facilities to service the needs of residents of the Estate and with a view to the integration of retail areas with other commercial and business areas and with social services so as to maximise convenience;</p> <p>(q) To provide a retail and commercial centres, business parks and service areas to satisfy the need for such services within the Estate and to provide local employment opportunities; and,</p> <p>(r) To employ strategies and designs aimed at optimising accessibility to the local centre and future public transport node(s) by the use of comprehensive movement networks and by other means which will facilitate connection with public transport and arterial road links to Midland, Perth and other parts of the Metropolitan Region.</p> <p><b>3. Development Hierarchy</b></p> <p>Subdivision and development within the Estate shall be subject to the provisions of Part 5A of the Scheme and shall be carried out in accordance with a state approval process as follows—</p> <p>(a) District Structure Plan;</p> <p>(b) local Structure Plan;</p> <p>(c) Subdivision Plan;</p> <p>(d) Detailed Area Plan as may be required.</p> <p><b>4. District Structure Plan</b></p> <p><b>4.1</b> The District Structure Plan shall demonstrate integration with the regional context to the City's satisfaction.</p> <p><b>4.2</b> The management strategies or plans referred to in sub-clauses 4.2.1 to 4.2.2 shall be—</p> <p>(a) prepared by the applicant to the satisfaction of the City;</p> <p>(b) submitted for approval together with a proposed District Structure Plan;</p>

No.	Description of land	Special use	Conditions
			<p>(c) deemed to form a part of the accompanying District Structure Plan upon the City's approval; and</p> <p>(d) Implemented to the satisfaction of the City.</p> <p><b>4.2.1 Acid Sulfate Soils Management Plan</b></p> <p>A strategic Acid Sulfate soils Management Plan shall be prepared in consultation with the Department of Environment and Conservation (DEC) and shall include, but not limited to—</p> <p>(a) An initial identification and assessment of Acid Sulfate Soils (ASS) and Potential for Acid Sulfate Soils (PASS) located within the District Structure Plan area, together with a delineation of high, medium and low risk areas.</p> <p>(b) A strategic plan for further investigation, assessment and management of potential acid sulfate soils for all further stages of development.</p> <p><b>4.2.2 Local Water Management Strategy</b></p> <p>A Local Water Management Strategy shall be prepared in consultation with the City and the DEC and shall include, but not be limited to—</p> <p>(a) Water management objectives for the District Structure Plan area;</p> <p>(b) Mapping clearly detailing the extent of the area covered by the Local Water Management Strategy.</p> <p><b>5. Local Structure Plan Preparation</b></p> <p><b>5.1</b> A Local Structure Plan(s) shall be prepared in accordance with the provisions of Part 5A of the Scheme over cells within the District Structure Plan area.</p> <p><b>5.2</b> An approved Local Structure Plan together with all approved amendments shall apply in relation to the land within the area of the Local Structure Plan as if was an amendment of the Scheme and the Structure Plan provisions shall be given full effect within the area accordingly. Without limiting the generality of the foregoing, within the land use designated in the Local Structure Plan the use classes referred to in the Zoning Table shall have the same permissibility as set out in that table.</p> <p><b>5.3</b> The management strategies or plans referred to in sub-clauses 5.3.1 to 5.3.4 shall be—</p> <p>(a) prepared by the applicant to the satisfaction of the City where relevant to that Local Structure Plan cell;</p> <p>(b) submitted for approval together with a proposed Local structure Plan;</p> <p>(c) deemed to form a part of the accompanying Local Structure Plan upon the City's approval; and</p> <p>(d) implemented to the satisfaction of the City.</p>

No.	Description of land	Special use	Conditions
			<p><b>5.3.1</b> A Wetland management Plan including mosquito monitoring and control program in accordance with EPA guidelines;</p> <p><b>5.3.2</b> Cultural Heritage Management Plan to ensure that the requirements of the <i>Aboriginal Heritage Act 1972</i> are met and consultation with local aboriginal groups and the Department of Indigenous Affairs occurs so that the development does not affect cultural heritage and associations within the area;</p> <p><b>5.3.3</b> An Odour Impact study to be undertaken to ensure development design avoids any adverse impacts of odour emissions associated with existing land uses in accordance with EPA guidelines;</p> <p><b>5.3.4</b> A Quantitative Risk assessment Plan to assess potential risks associated with any variation to the agreed Dampier to Bunbury or Parmelia gas pipeline buffer in accordance with WAPC guidelines and/or approved methodologies.</p> <p><b>6. Subdivision and Development</b></p> <p><b>6.1</b> Subdivision and development of land within the Estate shall be generally in accordance with the approved Local Structure Plan for the relevant area and in particular shall comply with the permissibility of land uses under the Scheme or the Local Structure Plan, the permissible residential densities and any policy guidelines, development standards and conditions included within an approved Local Structure Plan.</p> <p><b>6.2</b> The management programmes stipulated in this clause shall be required prior to construction commencing and shall be implemented upon approval of subdivision or development—</p> <p>(a) A Contaminated Site Assessment and Soil Contamination and Remediation Plan in accordance with the DEC Contaminated Sites Assessment Series for any sites of potential sources of contamination; and</p> <p>(b) An Urban Water Management plan, prepared to the satisfaction of Council and the Department of water.</p>

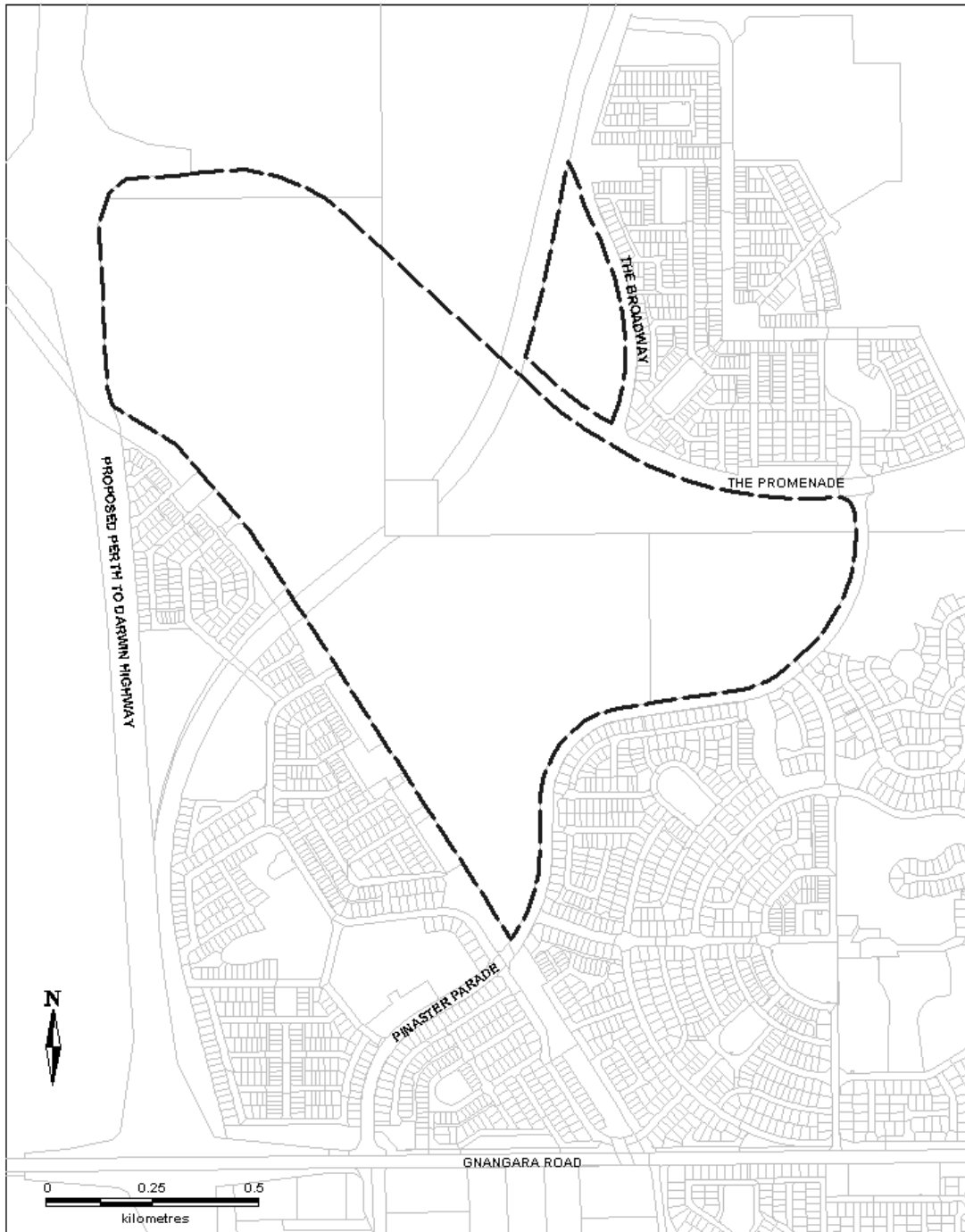


**Schedule 4A—Ellenbrook Town Centre Zoning Table**

Permissibility of Land Uses within the Precincts described in the Development Plan referred to in sub-paragraph 4 of Special Use zone No. 4 (Ellenbrook Estate) in Schedule 4 of the Scheme.

Land Use	Precincts described in the Development Plan					
	Retail	Cultural / Civic	Education	Commercial Enterprise	Mixed Use	Recreation
Car Park	D	D	D	D	D	D
Car Sales Lot	D	X	X	P	D	X
Car Sales Showroom	D	X	X	P	D	X
Car Wash Station	D	X	X	P	D	X
Cinema / Theatre	P	P	X	X	D	X
Civic Building	D	P	X	X	D	P
Consulting Rooms	D	D	X	P	D	X
Consulting Rooms : Group	D	D	X	P	D	X
Convenience Store	P	D	X	P	D	D
Cultural Use	D	P	D	D	D	P
Dwelling : Aged or Dependent Persons	X	X	X	X	P	X
Dwelling: Attached House Grouped (2 only) multiple	X	X	X	X	P	X
Dwelling : Attached House (more than 2)	X	X	X	X	P	X
Dwelling : Grouped (more than 2)	X	X	X	X	P	X
Dwelling : Multiple	D	D	X	D	P	X
Dwelling : Single House	X	X	X	X	P	X
Education Establishment	D	D	P	D	P	X
Factory Tenement Building	X	X	X	P	X	X
Fast Food Outlet	P	D	X	P	D	X
Funeral Parlour	D	X	X	P	D	X
Hospital	D	P	X	X	D	X
Industry : Cottage	X	X	X	P	D	X
Industry : Light	X	X	X	P	D	X
Industry : Service	X	X	X	P	P	X
Medical Centre	P	X	X	P	D	X
Motor Vehicle Repair	D	X	X	P	D	X
Exhibition Centre	D	P	X	X	D	X
Garden Centre	D	X	X	P	D	X
Office	D	X	X	P	D	X
Restaurant	P	D	X	X	D	D
Service Station	D	X	X	D	D	X
Shop	P	D	X	D	D	D
Showroom	D	X	X	P	D	X
Tavern	P	D	X	X	D	X
Veterinary Centre	D	X	X	P	D	X
Warehouse	D	X	X	P	D	X
Any other use not listed above	D	D	D	D	D	D

Schedule 4B—Ellenbrook Town Centre Map



<b>FILE</b> P:\data\GENERAL WORKSPACES\ackie\Internal Projects\ Planning\Ellenbrook_Townsite.wor	<b>Ellenbrook Town Centre</b>
<b>DATE</b> 13-6-2003 <b>CHECKED</b>	<b>--- Town Centre</b>
<b>COMPILED</b> JS. <b>DATA SOURCE</b> CITY OF SWAN	

## Schedule 5—Exempted Development

[cl. 8.2]

Exempted Development	Applicable Zone/Reserve	Conditions Applying to the Exempted Development
<b>Ancillary Accommodation</b>	Residential Development; Residential Redevelopment; Residential; All Special Use zones.	Where the ancillary accommodation meets all of the following criteria— <ul style="list-style-type: none"> <li>• complies with the Acceptable Development Standards as outlined within Clause 4.1.1 of the <i>Residential Design Codes</i>, which includes— <ul style="list-style-type: none"> <li>o the sole occupant or occupants are members of the family of the occupiers of the main dwelling;</li> <li>o the lot is not less than 450 square metres in area;</li> <li>o the open space requirements of Table 1 (<i>Residential Design Codes</i>) are met;</li> <li>o there is a maximum plot ratio area of 60 square metres; and</li> <li>o one additional car space is provided.</li> </ul> </li> <li>• Does not require approval under Part 6 of the Scheme;</li> <li>• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List;.</li> <li>• there is no more than one dwelling of any description on the lot.</li> </ul>
<b>Demolition of Single Houses and Out-buildings</b>	All zones	Where all of the following criteria are met— <ul style="list-style-type: none"> <li>• is not on a lot that contains a place on the Heritage List;</li> <li>• is not located within a Heritage Area;</li> <li>• does not affect a place that is the subject of an order under Part 6 of the <i>Heritage of Western Australia Act 1990</i>;</li> <li>• does not affect a place that is the subject of a heritage Agreement under the Scheme or Part 4 of the <i>Heritage of Western Australia Act, 1990</i>; and</li> <li>• does not affect a place that has been entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act, 1990</i>.</li> </ul>
<b>Driveways</b>	All zones	Where the driveway meets all of the following criteria— <ul style="list-style-type: none"> <li>• does not require excavation or filling along the alignment of the driveway of greater than 300mm vertically;</li> <li>• does not incorporate a bridge greater than 5 metres in length;</li> <li>• is no wider than 6 metres.</li> <li>•</li> </ul>
	All Local Reserves	No conditions.

Exempted Development	Applicable Zone/Reserve	Conditions Applying to the Exempted Development
<p><b>Single Dwelling / Addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot</b></p> <p><b>Residential Outbuilding or addition thereto, including Incidental Domestic Structures.</b></p>	<p>Residential Development; Residential Redevelopment; Residential; City Centre—Commercial Deferred; City Centre—Residential; All Special Use zones.</p>	<p>In all cases except where the development is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List except where the development—</p> <ul style="list-style-type: none"> <li>• requires approval under Part 6 of the Scheme;</li> <li>• is on a lot within or abutting the Swan River Trust Management Area or abuts or is likely to affect waters which are in the management Area.</li> </ul> <p>Or—</p> <p>Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets the following criteria—</p> <ul style="list-style-type: none"> <li>• comprises an air conditioning unit or hot water system that is located on a part of a roof of a building that does not face any adjoining street or public land.</li> </ul>
	<p>General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.</p>	<p>Where the development meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• it is proposed to be located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with the standard setback for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;</li> <li>• does not require approval under Part 6 of the Scheme;</li> <li>• is not located within a Heritage Area and is not located on a lot that contains a place on the Heritage List; and</li> <li>• is on a lot within or abutting the Swan River Trust Management Area or abuts or is likely to affect waters which are in that Management Area.</li> </ul>
<p><b>Family Day Care</b></p>	<p>City Centre—Residential; City Centre—Business; City Centre—Commercial Deferred; City Centre—Mixed Uses; Residential; Residential Development; Residential Redevelopment; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.</p>	<p>Where the development meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• does not require approval under Part 6 of the scheme;</li> <li>• is not located within a Heritage area and is not on a lot that contains a place on the Heritage List.</li> </ul> <p>Or—</p> <p>Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• does not involve any change to the external appearance of the building;</li> <li>• does not involve any construction;</li> <li>• does not involve the care of more than 4 children, exclusive of the occupants' children;</li> <li>• does not require approval under Part 6 of the Scheme.</li> </ul>

Exempted Development	Applicable Zone/Reserve	Conditions Applying to the Exempted Development
<b>Fences</b>	All zones <b>except</b> — General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	<p>Where the fence is not located within a Heritage Area or on a lot that contains a place on the Heritage List and meets any of the following criteria—</p> <ul style="list-style-type: none"> <li>• is a front fence and meets the acceptable development provisions of the Residential design Codes, including— <ul style="list-style-type: none"> <li>o front fences within the primary street setback area being visually permeable 1.2 metres above natural ground level; and</li> <li>o fences being truncated to no higher than 0.75 metres within 1.5 metres of where the fence adjoins a vehicle access point, where the driveway meets a public street and where 2 streets intersect;</li> </ul> </li> <li>• is located on a common boundary, is located greater than 4.5 metres from a primary street boundary and is no greater than 2.4 metres in height;</li> <li>• is located on a secondary street boundary and is not greater than 1.8 metres in height.</li> </ul> <p>Or—</p> <p>Where the fence is located in a heritage Area or on a lot that contains a place on the Heritage List and is no more than 2.0 metres in height and meets at least one of the following criteria—</p> <ul style="list-style-type: none"> <li>• is located on a rear property boundary, not adjoining a secondary street or any public land;</li> <li>• is located on a side property boundary, not adjoining a secondary street or any public land, and extends no closer than 4.5 metres to the front property boundary.</li> </ul> <p>Or—</p> <p>Where the fence is located within a Heritage Area or on a lot that contains a place on the Heritage List and is located on a side property boundary, not adjoining a secondary street or any public land, and extends closer than 4.5 metres to the front property boundary and is no greater than 1.0 metres in height.</p>
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource zones	<p>Where the fence meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• is located within a 14 metre visual truncation on a corner lot and is no higher than 1.2 metres;</li> <li>• is located within a 3 metre visual truncation to a vehicular accessway and is no higher than 1.2 metres;</li> <li>• is no higher than 1.8 metres in all other cases;</li> <li>• is constructed of post and wire or post and rail;</li> <li>• is not located within a heritage area and is not on a lot that contains a place on the Heritage List.</li> </ul>
	All Local Reserves	<p>Where the fence meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• is located greater than 6 metres from a street boundary;</li> <li>• is no higher than 1.8 metres.</li> </ul>

Exempted Development	Applicable Zone/Reserve	Conditions Applying to the Exempted Development
<b>Home Occupation</b>	City Centre—Residential; Residential Development; Residential Redevelopment; Residential; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.	Where a home occupation complies with the Scheme definition of a Home Occupation,
<b>Home Office</b>	City Centre-Commercial Deferred; City Centre-Residential; Residential Development; Residential Redevelopment; Residential; General rural; Special rural; Swan Valley Rural; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.	Where a home office complies with the definition of Home Office.
<b>Internal building alterations</b>	All zones	Where the internal alterations/rearrangement of the building will not increase the total floor area of the building.
<b>Keeping of Livestock</b>	General Rural	No conditions.
	Rural Residential; Rural Living; Resource; Landscape; Special Rural; Swan Valley Rural.	Where the number of livestock kept on the lot is equal to or less than the base (dry) stocking rate that applies to the land (as defined in the Agriculture Western Australia document titled "Stocking Rate Guidelines for Rural Smallholdings—Swan Coastal Plain and Darling Scarp").
<b>Maintenance and removal of non-native vegetation</b>	All zones	Where the property on which the vegetation is situated is not on a lot that contains a place on the Heritage List.
<b>Outdoor lighting and supporting poles</b>	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial; All City Centre zones (excluding City Centre Residential zone);	Where lighting meets all of the following criteria— <ul style="list-style-type: none"> <li>• is not set more than 5 metres above ground level;</li> <li>• floodlighting is directed only into the land on which it is located.</li> </ul>

Exempted Development	Applicable Zone/Reserve	Conditions Applying to the Exempted Development
	Residential; Residential Development; Residential Redevelopment; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Place of Public Assembly; All Special Use zones.	Where the lighting meets all of the following criteria— <ul style="list-style-type: none"> <li>• is not set more than 2.5 metres above ground level;</li> <li>• is fixed to a building on the property;</li> <li>• floodlighting is directed only into the land on which it is located.</li> </ul>
<b>Radio and TV Installation—Private (excepting satellite dishes)</b>	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where the development meets all of the following criteria— <ul style="list-style-type: none"> <li>• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List;</li> <li>• consists of an aerial, antenna or mast not exceeding 12 metres in height above natural ground level;</li> <li>• is located within an approved building envelope or where no building envelope exists is setback from the property boundaries in accordance with the standard setback specified for that zone. Where no setback is specified it shall be exempt if it meets the required setbacks for the general rural zone.</li> </ul> <p>Or—</p> <p>Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets the following criteria—</p> <ul style="list-style-type: none"> <li>• comprises an antenna of no higher than 1.5 metres;</li> <li>• is located on the roof of a building that does not face any adjoining street or public land.</li> </ul>
	City Centre-Residential; City Centre-mixed Use; Residential Development; Residential Redevelopment; Residential; Special Use zone.	Where the development meets all of the following criteria— <ul style="list-style-type: none"> <li>• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List;</li> <li>• complies with the Acceptable Development provisions of the Residential Design codes (where applicable).</li> </ul> <p>Or—</p> <p>Where the development is located within a Heritage Area is on a lot that contains a place on the Heritage List and meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• comprises an antenna of no higher than 1.5 metres;</li> <li>• is located on the roof of a building that does not face any adjoining street or public land.</li> </ul>
<b>Repairs and routine maintenance to an existing building</b>	All zones	No conditions

Exempted Development	Applicable Zone/Reserve	Conditions Applying to the Exempted Development
<b>Retaining Wall</b>	All zones <b>except</b> — General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource zones	Where the retaining wall meets all of the following criteria— <ul style="list-style-type: none"> <li>• has a maximum height of 1 metre above adjoining lower level;</li> <li>• is not located within a Flood Prone Area;</li> <li>• is not located within a heritage Area and is not on a lot that contains a place on the Heritage List;</li> <li>• is located on a boundary other than the primary street boundary.</li> </ul>
<b>Rural shed or outbuilding or addition thereto including railway carriages and shade structures</b>	General Rural; Swan Valley Rural	Where the building meets all of the following criteria— <ul style="list-style-type: none"> <li>• the combined area of sheds (and other outbuildings) on the land would not exceed 300m<sup>2</sup>;</li> <li>• the height does not exceed 5 metres;</li> <li>• external surfaces are clad with non-reflective materials;</li> <li>• the shed or other building is set back from the boundaries in accordance with the standard setback specified for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;</li> <li>• is not located within a Flood Prone Area;</li> <li>• is not located in a Heritage Area and is not located on a lot that contains a place on the Heritage List.</li> </ul>
	Special Rural; Rural Living; Rural Residential; Landscape; Resource	Where the building meets all of the following criteria— <ul style="list-style-type: none"> <li>• the combined area of sheds (and other outbuildings), on the land would not exceed 200m<sup>2</sup>;</li> <li>• the height does not exceed 5 metres;</li> <li>• external surfaces are clad with non-reflective materials;</li> <li>• the shed or other building is located within an approved Building Envelope, or where no Building envelope exists, is set back from the property boundaries in accordance with the standard setback for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;</li> <li>• is not located within a Flood Prone Area;</li> <li>• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.</li> </ul>



Exempted Development	Applicable Zone/Reserve	Conditions Applying to the Exempted Development
<b>Satellite Dish</b>	All zones	<p>Where the development is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets the following criteria—</p> <ul style="list-style-type: none"> <li>• a ground mounted dish has a maximum diameter of 3.0m and height not exceeding 3.0m and is located in the rear set-back of the property; or</li> <li>• a roof-mounted dish has a maximum diameter of 1.5m and is not positioned on any part of the roof facing a street; or</li> <li>• a wall mounted dish has a maximum diameter of 1.2m and is not positioned on any part of a wall facing a street.</li> </ul> <p>Or—</p> <p>Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets any of the following criteria—</p> <ul style="list-style-type: none"> <li>• has a diameter not exceeding 0.8m;</li> <li>• is located on the roof of a building that does not face an adjoining street or public land.</li> </ul>
<b>Shade Structure</b>	General Commercial; Highway Service; Industrial Development; General Industrial; Light Industrial.	<p>Where the structure meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• complies with the standard setback specified for that zone for the development existing on the site, or where no setbacks are prescribed the structure shall not be closer than 9m to the front boundary, 3m to the side boundary and 6m to the rear boundary;</li> <li>• is no greater than 5m in height;</li> <li>• is incidental to an existing commercial or industrial building on the site;</li> <li>• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.</li> </ul>
<b>Swimming Pool/Spa</b>	Residential Development, Residential Redevelopment; Residential; City Centre—Residential; All Special Use zones.	<p>Where the pool/spa meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• the area of the pool/spa is no greater than 100m<sup>2</sup>;</li> <li>• the pool/spa is to be used only for domestic purposes;</li> <li>• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.</li> </ul>

Exempted Development	Applicable Zone/Reserve	Conditions Applying to the Exempted Development
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource	Where the pool/spa meets all of the following criteria— <ul style="list-style-type: none"> <li>• the area of the pool/spa is no greater than 100m<sup>2</sup>;</li> <li>• it is located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with the standard setback specified for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone;</li> <li>• the pool/spa is to be used only for domestic purposes;</li> <li>• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.</li> </ul>
<b>Temporary Building (including temporary plant and equipment)</b>	All zones	Where the building meets all of the following criteria— <ul style="list-style-type: none"> <li>• is necessary for the construction of a current approved development that is being constructed on the same site as that temporary building;</li> <li>• will not be located on the lot for more than 6 months.</li> </ul>
<b>Temporary Sale of Foods or Other Goods</b>	All zones and all Local Reserves	Where the non-food merchandise is sold at a fete, show, swap-meet or the like held for no more than 3 days on the same lot in any 12 month period. Where the sale of food meets one of the following criteria— <ul style="list-style-type: none"> <li>• the food is sold by traders at weekend markets;</li> <li>• the temporary food premises is subject to an Itinerant Food Vendors Licence; Trader's Licence; or Stallholder's Licence under any Local Law adopted by Council from time to time.</li> </ul>
<b>Water Storage Tank</b>	All rural zones	Where it is located within an approved Building Envelope, or where no Building Envelope exists, is set back no less than 15m from any lot boundary and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.

## Schedule 5A—Exempted Advertisements

[cl. 8.2]

Exempted Development	Applicable Zone / Reserve	Conditions Applying To The Exempted Development
<b>Advertisements (excepting balloons, bunting and flags)</b>	All zones	<p>Where the advertisement is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets at least one of the following criteria—</p> <ul style="list-style-type: none"> <li>• is erected for no more than 6 months in any 12 month period during the construction of a building and/or sale of a property and advertises the sale, lease or rent of the land/building or provides the construction company details and is located on the lot for sale or where construction is taking place, and does not exceed 3sqm in area;</li> <li>• is inside a building and cannot be seen outside the building;</li> <li>• is a portable sign with a surface area of not more than 1.0sqm per each side, with a maximum of one portable sign for each lot;</li> <li>• any sign approved under a local law.</li> </ul> <p>Or—</p> <p>Where the advertisement is located within a Heritage Area or on a lot that contains a place on the Heritage List and is the only advertisement on the lot and meets at least one of the following criteria—</p> <ul style="list-style-type: none"> <li>• is erected for no more than 6 months in any 12 month period during the construction of a building and/or sale of a property and advertises the sale, lease or rent of the land/building or provides the construction company details and is located on the lot for sale or where construction is taking place, and does not exceed 3sqm in area;</li> <li>• is inside a building and cannot be seen outside the building;</li> <li>• any sign approved under a local law.</li> </ul>
	Residential Development; Residential Redevelopment; Residential; City Centre—Residential; City Centre—Mixed Use; All Special Use zones.	<p>Where there is only one advertisement on the lot and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and it meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• is flush mounted or painted on the wall of a building, fence or wall;</li> <li>• is not illuminated;</li> <li>• is no more than 0.2m<sup>2</sup> in area;</li> <li>• does not contain moving parts;</li> <li>• solely displays the details of a business operating from the lot.</li> </ul>

Exempted Development	Applicable Zone / Reserve	Conditions Applying To The Exempted Development
	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial	<p>Where the advertisement is not a pylon sign and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• is flush mounted or painted on the wall of a building so that no part of the advertisement is more than 5 metres above ground level;</li> <li>• the combined area of all signs, hoardings and advertising devices on the lot does not exceed 20m<sup>2</sup>;</li> <li>• the sign predominantly displays the name or nature of the business existing on site;</li> </ul> <p>Where the advertisement is a pylon sign and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• there is no more than one pylon sign per lot;</li> <li>• has a surface area of no more than 6m<sup>2</sup> per side;</li> <li>• the sign and its supporting pylon have a combined height of no more than 6m;</li> <li>• has a clearance under it of at least 2.4m;</li> <li>• the sign predominantly displays the name or nature of the business existing on site.</li> </ul> <p>Where the advertisement is a portable sign with a surface area not more than 1.5m<sup>2</sup> per each side and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.</p>
	All City Centre zones (excluding City Centre—Residential)	<p>Where the advertisement is not a pylon sign and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets all of the following criteria—</p> <ul style="list-style-type: none"> <li>• is flush mounted or painted on the wall of a building at a height of no greater than 5 metres above ground level;</li> <li>• the combined area of all such advertisements on the lot does not exceed 10m<sup>2</sup>;</li> <li>• the sign predominantly displays the name or nature of the business existing on site;</li> </ul> <p>Where the advertisement is a portable sign with a surface area not more than 1.5m<sup>2</sup> per each side and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.</p>

Exempted Development	Applicable Zone / Reserve	Conditions Applying To The Exempted Development
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where there is only one sign on site and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and it meets all of the following criteria— <ul style="list-style-type: none"> <li>• is fixed to or painted on an existing building, fence or wall;</li> <li>• is not illuminated;</li> <li>• is no more than 1m<sup>2</sup> in area;</li> <li>• the sign displays the name of the owner, the name of the property or the predominant nature of business conducted from the property or all of these details.</li> </ul>
	All Local Reserves	Where the advertisement is not located within a Heritage Area and is not on a reserve that contains a place on the Heritage List and is fixed to or painted on— <ul style="list-style-type: none"> <li>• bus shelters or bus seats;</li> <li>• rubbish bins in public places;</li> <li>• recreation/sporting and community facilities if the signs are visible only from within such facilities.</li> </ul>
<b>Balloons and Bunting</b>	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial; all City Centre zones (excluding City Centre—Residential)	Where the lot is not located within a heritage Area and is not on a lot that contains a place on the Heritage List and there is only one balloon on the lot and it meets the following criteria— <ul style="list-style-type: none"> <li>• is displayed for no more than 4 consecutive weeks and for no more than 3 months in any 12 month period;</li> <li>• has dimensions no greater than 9 metres in height and 8 metres in width;</li> <li>• the maximum height above ground level to the top of the balloon does not exceed 18 metres;</li> <li>• is not illuminated.</li> </ul>
<b>Flags and Flagpoles</b>	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial; all City Centre zones (excluding City Centre—Residential)	Where there are no more than 2 flagpoles on a lot and each flagpole is no more than 6 metres in height and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
	City Centre—Residential; Residential Development; Residential Redevelopment; Residential; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural-Residential; Landscape; Resource; All Special Use zones.	Where the flag and flagpole meet all of the following criteria— <ul style="list-style-type: none"> <li>• there is no more than one flagpole on the lot;</li> <li>• the height of the pole does not exceed 6 metres;</li> <li>• the flag is not used for commercial advertising;</li> <li>• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.</li> </ul>

**Schedule 6**  
**Form of Application for Planning Approval**

[cl. 9.1.1]

**APPLICATION FOR PLANNING APPROVAL**

<b>Owner details</b>		
Name:		
Address:		
		Postcode:
Phone:	Fax:	E-mail:
(work):		
(home):		
(mobile):		
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>		

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

<b>Property details</b>		
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)—		
Street name:	Suburb:	
Nearest street intersection:		

<b>Existing building/land use:</b>
Description of proposed development and/or use—
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

<b>OFFICE USE ONLY</b>	
Acceptance Officer's initials:	Date received:
Local government 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.	Details of proposed sign: (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): ..... ..... (b) Height: ..... Width: ..... Depth: ..... (c) Colours to be used: (d) Height above ground level — •(to top of advertisement): ..... •(to underside): ..... (e) Materials to be used: ..... ..... Illuminated: Yes / No If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:..... .....
3.	Period of time for which advertisement is required: .....
4.	Details of signs (if any) to be removed if this application is approved— ..... ..... ..... 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. Signature of advertiser(s): ..... (if different from land owners) ..... Date: .....

**Schedule 8**

[cl. 9.4.4]

*Planning and Development Act (2005)*  
City of Swan

**NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

The City of Swan 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 local government office. Comments on the proposal may be submitted to the local government in writing on or before the      day of		
Signed: .....		Dated: .....
.....		
for and on behalf of the City of Swan		

**Schedule 9****NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL**

[cl. 10.4.1]

*Planning and Development Act 2005*

City of Swan

**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 local government having first been sought and obtained.
Note 3:	If an applicant is aggrieved by this determination there is a right of review under Part 14 of the <i>Planning and Development Act 2005</i> . An application for review must be lodged within 28 days of the determination.
Signed:	Dated:
.....	.....
for and on behalf of the City of Swan	

*(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]

<b>Scheme or Amendment No.</b>	<b>Gazettal Date</b>	<b>Environmental Conditions</b>
		There are no environmental conditions



**Schedule 11**  
**SPECIAL RURAL ZONES**

<b>SPECIAL RURAL ZONE NO. 1—"HENLEY BROOK"</b>	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
<p>Land generally bounded by Park Street to the south, Lord Street to the west and the Swan Valley Planning Act Area to the east and located south of the intersection of Henley and Lord Streets, in the locality of Henley Brook, as delineated on the scheme maps.</p> <p><i>Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to determine the precise extent of the zoning.</i></p>	<ol style="list-style-type: none"> <li>1. Subdivision of this Special Rural Zone is to be in accordance with an approved Structure Plan and shall be in accordance with the following criteria—               <ol style="list-style-type: none"> <li>(a) Minimum lot size shall be 2 ha.</li> <li>(b) A bridle path system incorporated into the design connecting the Special Rural Zone to Whiteman Park.</li> </ol> </li> <li>2. (a) The following use is permitted "P"—within the Special Rural Zone—               <ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Home Occupation</li> <li>• Rural Home Occupation</li> </ul> </li> <li>(b) The following uses are not permitted unless Council gives its approval in writing—"D"—               <ul style="list-style-type: none"> <li>• Home Business</li> <li>• Public Utility</li> </ul> </li> <li>(c) The following use is an "A" use—               <ul style="list-style-type: none"> <li>• Grouped Dwelling</li> </ul> </li> <li>(d) The following uses are not permitted unless approval is granted by Council and Council is advised by the Department of Environment, Water and Catchment Protection that a licence would be issued for the use of groundwater in the amounts necessary for the development—               <ul style="list-style-type: none"> <li>• Stables</li> <li>• Rural Pursuit</li> <li>• Private Recreation</li> <li>• Public Recreation</li> </ul> </li> <li>(e) All other uses not mentioned under (a), (b) and (c) above and Rural pursuits, other than those referred to in (d) above, which normally require the issue of any licence and permit are not permitted—"X".</li> <li>3. The Council may specify that no house shall be constructed with an internal floor area of less than 100 square metres. No building shall be constructed within the Zone of materials, the nature, colour or texture of which, in the opinion of the Council, is undesirable for the locality.</li> <li>4. The Council may require an owner of a subdivided lot within the area to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement.</li> <li>5. The subdivider shall ensure that each prospective purchaser of a subdivided lot acknowledges in writing at the time of purchase of a lot a schedule of conditions relating to the subdivision. Such schedule shall include the following provisions—               <ol style="list-style-type: none"> <li>(a) As these lots are within a public water supply and underground water pollution control area the requirements and regulations of the Department of Environment, Water and Catchment Protection regarding the use of the groundwater and the protection of groundwater supplies shall apply. The Department of Environment, Water and Catchment Protection is unlikely to issue a licence for the use of groundwater for amounts more than 1,500 cubic metres per annum. This is sufficient for house and domestic garden requirements and for the irrigation of approximately 0.1 ha of pasture or other crops.</li> </ol> </li> </ol>

<b>SPECIAL RURAL ZONE NO. 1—"HENLEY BROOK"</b>	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
	<p>(b) The siting of bores on each lot shall be carried out in consultation with the Department of Environment, Water and Catchment Protection, having regard to the position of effluent systems, the spacing of bores between neighbouring lots and the Water Corporation's bores.</p> <p>6. Prior to Council issuing any licence to build within the zone, the Council shall be satisfied that there is sufficient vertical separation between the bottom of any proposed onsite effluent disposal system and the highest known level of the water table.</p> <p>7. Any person who keeps an animal or animals or who uses any land in the zone for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include—</p> <ul style="list-style-type: none"> <li>(i) Seeding, cultivating, top dressing and/or stocking so as to maintain vegetative cover;</li> <li>(ii) Installing sprinkler or ground water irrigation where necessary to maintain soil moisture at a level that will prevent wind blown dust;</li> <li>(iii) Constructing feed lot facilities;</li> <li>(iv) Adopting any other management system that prevents dust arising or soil erosion.</li> </ul> <p>Where in the opinion of the Council the continued presence of animals on any portion of land in the zone is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said portion of land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</p>

<b>SPECIAL RURAL ZONE NO. 2—"HENLEY BROOK"</b>	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
<p>Land generally bounded by Gngangara Road to the north, Lord Street to the west, Pine Road to the east and located to the north of the intersection of Henley and Lord Streets, in the locality of Henley Brook as delineated on the scheme map.</p> <p><i>Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to determine the precise extent of the zoning.</i></p>	<p>1. Subdivision of this Special Rural Zone is to be in accordance with an approved Structure Plan and shall be in accordance with the following criteria—</p> <ul style="list-style-type: none"> <li>(a) Minimum lot size shall be 2 ha.</li> </ul> <p>2. (a) The following use is permitted—"P"—within the Special Rural Zone—</p> <ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Home Occupation</li> <li>• Rural Home Occupation</li> </ul> <p>(b) The following uses are not permitted unless Council gives its approval in writing—"D"—</p> <ul style="list-style-type: none"> <li>• Home Business</li> <li>• Public Utility</li> </ul> <p>(c) The following use is an "A" use—</p> <ul style="list-style-type: none"> <li>• Grouped Dwelling</li> </ul> <p>(d) The following uses are not permitted unless approval is granted by Council and Council is advised by the Department of Environment, Water and Catchment Protection that a licence would be issued for the use of groundwater in the amounts necessary for the development—</p> <ul style="list-style-type: none"> <li>• Stables</li> <li>• Rural Pursuit</li> <li>• Private Recreation</li> <li>• Public Recreation</li> </ul>

<b>SPECIAL RURAL ZONE NO. 2—"HENLEY BROOK"</b>	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
	<p>(e) All other uses not mentioned under (a), (b) and (c) above and Rural pursuits, other than those referred to in (d) above, which normally require the issue of any licence and permit are not permitted—"X".</p> <p>3. The Council may specify that no house shall be constructed with an internal floor area of less than 100 square metres. No building shall be constructed within the zone of materials, the nature, colour or texture of which, in the opinion of the Council, is undesirable for the locality.</p> <p>4. The Council may require an owner of a subdivided lot within the area to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement.</p> <p>5. The subdivider shall ensure that each prospective purchaser of a subdivided lot acknowledges in writing at the time of purchase of a lot a schedule of conditions relating to the subdivision. Such schedule shall include the following provisions—</p> <p>(a) As these lots are within a public water supply and underground water pollution control area the requirements and regulations governing the use of the groundwater and the protection of groundwater supplies shall apply. The Department of Environment, Water and Catchment Protection is unlikely to issue a licence for the use of groundwater for amounts more than 1,500 cubic metres per annum. This is sufficient for house and domestic garden requirements and for the irrigation of approximately 0.1 ha of pasture or other crops.</p> <p>(b) The siting of bores on each lot shall be carried out in consultation with the Department of Environment, Water and Catchment Protection, having regard to the position of effluent systems, the spacing of bores between neighbouring lots and the Water Corporation's bores.</p> <p>6. Prior to Council issuing any licence to build within the zone, the Council shall be satisfied that there is a minimum vertical separation of 1.2 metres between the highest known groundwater level and the bottom of any proposed onsite effluent disposal system.</p> <p>7. Any person who keeps an animal or animals or who uses any land in the zone for the exercise or training of animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include—</p> <p>(i) Seeding, cultivating, top dressing and/or stocking so as to maintain vegetation cover;</p> <p>(ii) Installing sprinkler or groundwater irrigation where necessary to maintain soil moisture at a level that will prevent wind blown dust;</p> <p>(iii) Constructing feed lot facilities;</p> <p>(iv) Adopting any other management system that prevents dust arising or soil erosion.</p> <p>Where in the opinion of the Council the continued presence of animals on any portion of land in the zone is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said portion of land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice</p>

<b>SPECIAL RURAL ZONE NO. 3—“SWAN VALLEY SPECIAL RURAL AND RECREATION”</b>	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
<p>Portion of Swan Location 1317 and being Lot 15, portion of Swan Location 4 and Swan location 2, Haddrill Road, Millendon and Copley Road, Millendon, Upper Swan.</p> <p>Notwithstanding the list of properties identified above, the provisions of this zone do not apply to those lots which have been rezoned from Special Rural to Swan Valley Rural.</p>	<p>The purpose and intent of this Special Rural zone is to create a high quality rural estate with recreational facilities and to return areas of the river valley to the ownership of Council and a Government Authority for the purpose of Public Open Space and Regional Open Space respectively.</p> <ol style="list-style-type: none"> <li>1. Subdivision of Special Rural Zone No. 3 shall be in accordance with the Subdivision Guide Plan as endorsed by the Chief Executive Officer.</li> <li>2. (a) The following uses are permitted within the Special Rural Zone—Swan Valley Special Rural and Recreation—“P”— <ul style="list-style-type: none"> <li>• Dwelling House</li> </ul> </li> <li>(b) The following uses are not permitted unless Council gives its approval in writing—“D”— <ul style="list-style-type: none"> <li>• Home Occupation</li> <li>• Private Recreation</li> <li>• Public Assembly</li> <li>• Public Recreation</li> <li>• Public Utility</li> <li>• Rural Pursuit</li> <li>• Stable</li> <li>• Veterinary Hospital</li> </ul> </li> <li>(c) The following use is an “A” use— <ul style="list-style-type: none"> <li>• Grouped Dwelling</li> </ul> </li> <li>(d) all other uses not mentioned under (a), (b) and (c) above and rural pursuits which require the issue of any licence or permit, are not permitted.</li> <li>3. (a) The land depicted on the Subdivision Guide Plan No. 8A as Area “A” being transferred free of cost and without any payment of compensation to the Western Australian Planning Commission.</li> <li>(b) The land depicted on the Subdivision Guide Plan No. 8A as Area “B” being transferred free of cost and without any compensation to Council.</li> <li>(c) The land depicted on the Subdivision Guide Plan No. 8A as Area “C” being transferred free of cost to the Crown for vesting in Her Majesty as of Her Former Estate for the purpose of Reserve for Recreation.</li> <li>4. The subdivider shall prepare a Fire Management Plan to the satisfaction of the City of Swan and shall be responsible for the implementation of the proposals contained therein (or as amended from time to time).</li> <li>5. The Council and/or the Western Australian Planning Commission may require fencing to be constructed to their specifications and satisfaction along any boundaries at the subdivider’s cost, prior to the Commission endorsing any Plan or Diagram of Survey for the subdivision of any land within Special Rural Zone No. 3.</li> <li>6. Prior to the Council giving any clearance to the Western Australian Planning Commission of the conditions imposed on the Commission’s approval of the subdivision, each lot within the area proposed to be subdivided shall be supplied with a boundary fire break no less than 3 metres wide constructed to the satisfaction of the Council except in those instances where strategic fire breaks have been constructed by the subdivider in</li> </ol>

<b>SPECIAL RURAL ZONE NO. 3—“SWAN VALLEY SPECIAL RURAL AND RECREATION”</b>	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
	<p>a manner which obviates the need for additional protection.</p> <p>7. No person shall cut, remove or otherwise destroy any tree or other vegetation, except with the written approval of the Council, other than—</p> <p>(a) within the boundary of a building envelope which has been approved by Council;</p> <p>(b) is necessary for the purpose of construction of an access way from a road to an approved building envelope;</p> <p>(c) for the purpose of constructing or maintaining a fire break or strategic fire break required by the Scheme, the Fire Management Plan or under the provisions of the Bush Fires Act.</p> <p>Approval by the Council will not be granted in areas defined by the Department of Agriculture as having a land capability of Class 5 without prior approval by the Department of Agriculture.</p> <p>8. No building shall be constructed closer than 15 metres to a lot boundary, except that Council may approve a lesser distance if it can be shown to be necessary or desirable for reasons of topography or other site conditions.</p> <p>9. Where a strategic fire break designated on the Fire Management Plan passes through land in public or private ownership, the subdivider shall construct and the owner shall maintain the strategic fire break to specifications approved by the City of Swan.</p> <p>10. No septic tanks shall be installed closer than 100 metres to a creek or stream.</p> <p>11. Strategic fire breaks constructed and maintained in accordance with Provision 9 shall be kept open at all times in a manner suitable for access by vehicles during emergency situations. Vehicles shall not otherwise have thoroughfare over strategic fire breaks except for the purpose of maintaining the requirements for the Fire Management Plan.</p> <p>12. The subdivider shall provide reticulated water to all lots within Special Rural Zone No. 3 to the specifications and satisfaction of the Water Corporation.</p> <p>13. Development of land adjacent to the Swan River shall provide for the disposal of stormwater to the satisfaction of the Swan River Trust.</p> <p>14. At the time of consideration by the Western Australian Planning Commission of each stage of subdivision the subdivider may be required by Council or the Commission to mark each lot on the ground so as to enable assessment of the ability of each lot to accommodate an on-site effluent disposal system.</p> <p>15. Prior to the final approval of a plan or diagram of subdivision the subdivider shall produce certificates from a registered engineer that each of the lots within the subdivision is geologically suitable for the construction of a dwelling house within the defined building envelope.</p> <p>16. With the approval of the Western Australian Planning Commission, the Subdivision Guide Plan may be modified where circumstances direct, but the number of lots created through subdivision of the entire property shall not exceed 493, exclusive of lots for water supply, private recreation, radio transmission, public purposes or other non saleable purposes.</p>

SPECIAL RURAL ZONE NO. 3—"SWAN VALLEY SPECIAL RURAL AND RECREATION"	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
	17. At the time of subdivision of the uplands area, identified as Stages 2, 3, 4, 5 and 6 in the Scheme Report, the subdivider will provide for an escape access for motor vehicles from the property to connect to O'Brien Road and Walyunga Road.

SPECIAL RURAL ZONE NO. 4—"ADAMS ROAD, RED HILL"	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
<p>Land to the immediate south of Adams and Toodyay Roads, in the locality of Red Hill, as delineated on the scheme maps.</p> <p><i>Note: The above description refers to a general area only. Reference should be made to the scheme maps to determine the precise extent of the zoning</i></p>	<p>The purpose and intent of this Special Rural Zone is to create a high quality, rural residential estate.</p> <ol style="list-style-type: none"> <li>1. Subdivision of this Special Rural Zone shall be in accordance with the Subdivision Guide Plan as endorsed by the CEO and with the following criterion— <ol style="list-style-type: none"> <li>(a) Minimum lot size shall be 1 ha.</li> <li>2. (a) The following uses are permitted—"P" within the Special Rural Zone No. 4— <ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Home Occupation</li> <li>• Rural Home Occupation</li> </ul> </li> <li>(b) The following uses are not permitted unless Council gives its approval in writing—"D"— <ul style="list-style-type: none"> <li>• Home Business</li> <li>• Public Utility</li> <li>• Rural Pursuit</li> <li>• Stable</li> </ul> </li> <li>(c) The following use is an "A" use— <ul style="list-style-type: none"> <li>• Grouped Dwelling</li> </ul> </li> <li>(d) all other uses not mentioned under (a), (b) and (c) above and rural pursuits which normally require the issue of any licence and permit other than that referred to in (b) above, are not permitted.</li> </ol> </li> <li>3. No building on a lot shall be constructed closer to any boundary of the lot than 15 metres except that the Council may approve a lesser distance if it can be shown to be necessary or desirable for reasons of topography or other site conditions.</li> <li>4. The keeping of livestock and poultry for commercial purposes is prohibited.</li> <li>5. The land shall be managed in such a manner as to avoid the land being laid bare of vegetation resulting in loose, wind erodable conditions. In particular, lots shall not be cleared of trees except where necessary to permit strategic and general firebreaks, the construction of houses and outbuildings as approved by Council or where trees are dead or pose a hazard to safety.</li> <li>6. Where in the opinion of the Council the continued presence of animals on any portion of the land in the zone is likely to contribute, or is contributing to dust pollution and soil erosion, notice may be serviced on the owner of the said land requiring the immediate removal of animals and rehabilitation of the property to the satisfaction of Council.</li> <li>7. The Council may require an owner of a subdivided lot within the area, as a condition of development for any Building Permit issued in the zone, to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement and require the owner to maintain these trees.</li> </ol>

<b>SPECIAL RURAL ZONE NO. 4—“ADAMS ROAD, RED HILL”</b>	
SPECIFIED AREA OF SPECIAL RURAL ZONE	SPECIAL PROVISIONS
	<p>8. No septic tank or disposal area shall be sited closer than a minimum of 60 metres to any watercourse or stream within the zone, and/or located in a position to the satisfaction of Council's Environmental Health Service.</p> <p>9. No direct vehicular access or egress shall be permitted on to the proposed highway reserve or Toodyay Road.</p> <p>10. All buildings shall be constructed of materials and in colours acceptable to the Council.</p>

*Schedule 12*

**BUILDING SITE ACCEPTABILITY BASED ON AIRCRAFT NOISE ZONES**

(Adapted from Australian Standard AS 2021-2000, Table 2.1: *Building Site Acceptability*)

[Cl. 6.2.2]

<b>BUILDING TYPE</b>	<b>FORECAST NOISE EXPOSURE LEVEL (ANEF)</b>			
	<b>less than 20 ANEF</b> (Note 1)	<b>20 to 25 ANEF</b> (Note 2)	<b>25 to 30 ANEF</b>	<b>30 to 35 ANEF</b>
House, home unit, flat, caravan park	Acceptable	Conditionally Acceptable	Unacceptable (Note 4)	Unacceptable (Note 4)
School, university	Acceptable	Conditionally Acceptable	Unacceptable (Note 4)	Unacceptable (Note 4)
Hospital, nursing home	Acceptable	Conditionally Acceptable	Unacceptable (Note 4)	Unacceptable (Note 4)
Hotel, motel, hostel	Acceptable	Acceptable	Conditionally Acceptable	Unacceptable (Note 4)
Public building	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable (Note 4)
Commercial building	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable
Light Industrial	Acceptable	Acceptable	Acceptable	Conditionally Acceptable
Other industrial	Acceptable	Acceptable	Acceptable	Acceptable

NOTES—

1. *The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths.*
2. *Within 20 ANEF to 25 ANEF, some people may find that the land is not compatible with residential or educational uses. Land use authorities may consider that the incorporation of noise control features in the construction of residences or schools is appropriate.*
3. *There will be cases where a building of a particular type will contain spaces used for activities which would generally be found in a different type of building (e.g. an office in an industrial building). In these cases the above table should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by Table 3.3 of AS 2021 (Appendix 3).*
4. *This Standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing built-up areas designated as unacceptable, it is recommended that such development should achieve the required Aircraft Noise Reduction determined according to AS 2021. For residences, schools, etc., the effect of aircraft noise on outdoor areas associated with the buildings should be considered.*
5. *In no case should new development take place in greenfield sites deemed unacceptable because such development may impact airport operations.*

**Schedule 13**  
**DEVELOPMENT CONTRIBUTION AREAS**

[Cl. 5A.2]

No.	Description of Land	Development Contribution Plan
1.	<p>Referred to as <b>Albion</b></p> <p>Portions of Lots 308 and 309 Park Street;</p> <p>Lots 16, 310, 311, portion of Lot 15 Woolcott Avenue;</p> <p>Portions of Lots 348, 349, 350 and 351 Park Street;</p> <p>Portions of Lot 10 and Lots 17, 19, 20, 345, 346 and 347 Woolcott Avenue;</p> <p>Portions of Lots 352, 353, 354 and 355 Murray Road; and</p> <p>Lot 95 and portion of Lot 0.</p>	<p>Development Contribution Plan provisions will be set as part of, or an amendment to, the Albion District Structure Plan, and will constitute a Development Contribution Plan in accordance with Section 5A.2.6.</p>
2.	<p>Referred to as <b>West Swan</b></p> <p>Land generally bounded by Harrow Street to the north, Lord Street to the west, Reid Highway to the south and the "Urban" extent of the Metropolitan Region Scheme boundary to the east.</p>	<p>Development Contribution Plan provisions will be set as part of, or an amendment to, the West Swan District Structure Plan, and will constitute a Development Contribution Plan in accordance with Section 5A.2.6.</p>
3.	<p>Referred to as <b>Caversham</b></p> <p>Land generally bounded by Reid Highway to the north, the boundary of the <i>Swan Valley Planning Act</i> area to the east and south and the Lord Street extension road reserve alignment to the west.</p>	<p>Development Contribution Plan provisions will be set as part of, or an amendment to, the Caversham District Structure Plan, and will constitute a Development Contribution Plan in accordance with Section 5A.2.6.</p>

**RESOLUTION TO ADOPT SCHEME**

Adopted by resolution of the Council of the City of Swan at the Ordinary Meeting of Council held on the 25th day of June 2003

M. J. FOLEY, Chief Executive Officer.  
C. GREGORINI, Mayor.

**RESOLUTION TO ADOPT SCHEME FOR FINAL APPROVAL**

Adopted for final approval by resolution of the Council of the City of Swan at the Ordinary Meeting of Council held on the 12th day of April 2006

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

M. J. FOLEY, Chief Executive Officer.  
C. GREGORINI, Mayor.

Recommended/Submitted for Final Approval—

J. BELL, delegated under S.16 of the  
Planning and Development Act, 2005.

Date: 20th December 2007.

Final Approval Granted—

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

Date: 20th December 2007.