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PLANNING AND DEVELOPMENT ACT 2005

CITY OF BELMONT

LOCAL PLANNING SCHEME No. 15

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME

City of Belmont

Local Planning Scheme No. 15

Ref: TPS/0264

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Belmont Local Planning Scheme No. 15 on 4 November 2011, the scheme text of which is published as a schedule annexed hereto.

G. J. GODFREY, Mayor.
S. COLE, Chief Executive Officer.

Local Planning Scheme No. 15

District Zoning Scheme

This Local Planning Scheme of the City of Belmont 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 Local Planning Policies which set out the general policies of the local government on matters within the Scheme.

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

Scheme Details

City of Belmont

Local Planning Scheme No. 15

District Zoning Scheme

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

PLANNING AND DEVELOPMENT ACT 2005

CITY OF BELMONT

LOCAL PLANNING SCHEME No. 15

TABLE OF CONTENTS

PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Responsible Authority
- 1.3 Scheme Area
- 1.4 Contents of Scheme
- 1.5 Purposes of Scheme
- 1.6 The Aims of the Scheme
- 1.7 Definitions
- 1.8 Relationship with Local Laws
- 1.9 Relationship with Other Schemes
- 1.10 Relationship with the Metropolitan Region Scheme

PART 2—LOCAL PLANNING POLICY FRAMEWORK

- 2.1 Scheme Determinations to conform with Local Planning Strategy
- 2.2 Local Planning Policies
- 2.3 Relationship of Local Planning Policies to Scheme
- 2.4 Procedure for Making or Amending a Local Planning Policy
- 2.5 Revocation of Local Planning Policy

PART 3—RESERVES

- 3.1 Reserves
- 3.2 Regional Reserves
- 3.3 Local Reserves
- 3.4 Use and Development of Local Reserves

PART 4—ZONES AND THE USE OF LAND

- 4.1 Zones
- 4.2 Objectives of the zones
- 4.3 Zoning Table
- 4.4 Interpretation of the Zoning Table
- 4.5 Additional Uses
- 4.6 Restricted Uses
- 4.7 Special Use Zones
- 4.8 Non Conforming Uses
- 4.9 Extensions and Changes to a Non Conforming Use
- 4.10 Discontinuance of Non Conforming Use
- 4.11 Termination of a Non Conforming Use
- 4.12 Destruction of Non Conforming Use Buildings

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

- 5.1 Compliance with Development Standards and Requirements
- 5.2 Residential Design Codes
- 5.3 Special Application of Residential Design Codes
- 5.4 Restrictive Covenants
- 5.5 Variations to Site and Development Standards and Requirements
- 5.6 Environmental Conditions
- 5.7 Residential Zone
- 5.8 Special Development Precincts
- 5.9 Residential and Stables Zone
- 5.10 Town Centre and Commercial Zone
- 5.11 Mixed Use Zone
- 5.12 Mixed Business Zone
- 5.13 Industrial Zone
- 5.14 Public Assembly Zone
- 5.15 Service Station Zone
- 5.16 Vehicle Parking and Loading
- 5.17 Bicycle Parking
- 5.18 Parking of Commercial Vehicles on Residential Land
- 5.19 Development on Great Eastern Highway
- 5.20 Structures Height Control Contours Map
- 5.21 Prohibited Signage

PART 6—SPECIAL CONTROL AREAS

- 6.1 Operation of Special Control Areas
- 6.2 Development Areas
- 6.3 Development Contribution Areas

PART 7—HERITAGE PROTECTION AND TREE PRESERVATION

- 7.1 Heritage List
- 7.2 Designation of a Heritage Area
- 7.3 Tree Preservation Orders and Planting of Trees
- 7.4 Agreements
- 7.5 Heritage and Tree Assessment
- 7.6 Variations to Scheme Provisions for a Heritage Place and Heritage Area

PART 8—DEVELOPMENT OF LAND

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

PART 9—APPLICATIONS FOR PLANNING APPROVAL

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

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

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

PART 11—ENFORCEMENT AND ADMINISTRATION

- 11.1 Powers of the Local Government
- 11.2 Removal and Repair of Existing Advertisements
- 11.3 Delegation of Functions
- 11.4 Person must comply with provisions of Scheme
- 11.5 Compensation
- 11.6 Purchase or Taking of Land
- 11.7 Notice for Removal of Certain Buildings

PART 12—SCHEDULES

- Schedule No. 1—Dictionary of Defined Words and Expressions
- Schedule No. 2—Additional Uses
- Schedule No. 3—Restricted Uses
- Schedule No. 4—Special Use Zones
- Schedule No. 5—Exempted Advertisements
- Schedule No. 6—Form of Application for Planning Approval
- Schedule No. 7—Additional Information for Advertisements
- Schedule No. 8—Notice of Public Advertisement of Planning Proposal
- Schedule No. 9—Notice of Determination on Application for Planning Approval
- Schedule No. 10—Environmental Conditions
- Schedule No. 11—Car Parking Layout
- Schedule No. 12—Structures Height Control Contours Map
- Schedule No. 13—Lots Coded R12.5 within the 25-30 ANEF
- Schedule No. 14—Development Areas
- Schedule No. 15—Statutory Static Feasibility Assessment Model
- Schedule No. 16—Development Contribution Plan

LIST OF TABLES

- Table 1—Zoning Table
- Table 2—Car Parking Requirements
- Table 3—Bicycle Parking Requirements

PLANNING AND DEVELOPMENT ACT 2005

CITY OF BELMONT

LOCAL PLANNING SCHEME No. 15**PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The City of Belmont Local Planning Scheme No. 15 (the Scheme) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

City of Belmont Town Planning Scheme No. 14—District Zoning Scheme gazetted 10 December 1999.

1.2 Responsible Authority

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

1.3 Scheme Area

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

Note: The Scheme Area is also subject to the Metropolitan Region Scheme.

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map(s).

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

1.5 Purposes of 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 the Seventh Schedule to the Planning Act.

1.6 The Aims of the Scheme

The aims of the Scheme are—

- (a) to assist the effective implementation of regional plans and policies including the State Planning Strategy;
- (b) to ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space;
- (c) to provide for housing choice and variety in neighbourhoods with a community identity and high levels of amenity;
- (d) to assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment;
- (e) to protect and enhance the environmental values and natural resources of the City and to promote ecologically sustainable land use and development;
- (f) to safeguard and enhance the character and amenity of the built and natural environment of the City;
- (g) to incorporate public art to enhance the character and amenity of the built and natural environment of the City;

- (h) to maximise the built-in safety of the City;
- (i) to protect and maximise efficacy of existing and future community infrastructure needs.

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 and Development Act 2005*; 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 residential development, the definition in the Residential Design Codes shall prevail; and
- (b) in any other case the definition in the Dictionary prevails.

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

1.8 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 Belmont are, at the Gazettal date of the Scheme, complementary to the Scheme—

Scheme No.	Gazettal date
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There are no other Schemes of the City of Belmont which apply to the Scheme area.

1.10 Relationship with the Metropolitan Region Scheme

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

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

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 Scheme Determinations to conform with Local Planning Strategy

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the 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;

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 5.6.

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 date 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 inclusive, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) the adoption by the 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.

PART 3—RESERVES

3.1 Reserves

Certain lands within the Scheme Area on the Scheme Map are classified as—

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

3.2 Regional Reserves

3.2.1 The lands shown as “Regional Reserve” 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 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.

PART 4—ZONES AND THE USE OF LAND

4.1 Zones

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

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

4.2 Objectives of the zones

The objectives of the zones are—

Residential Zone

The purpose and intent of the Residential Zone is to increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population.

Special Development Precinct Zone

The "Special Development Precinct" Zone is intended to allow for the development of predominantly residential precincts which also allows for a mix of varied but compatible supporting land uses such as offices, showrooms and eating establishments which do not generate nuisances detrimental to the amenity of the precincts' residents. Buildings should be of a very high standard of architectural design.

Residential and Stables Zone

The Residential and Stables Zone is intended to provide for compatible and environmentally responsible use of land in proximity to the Ascot Racecourse and the Swan River by residential accommodation and stables and ancillary functions of the horse racing industry.

Town Centre and Commercial Zones

The Town Centre and Commercial Zones are intended to provide for the retail commercial function and entertainment.

Mixed Use Zone

The Mixed Use Zone is intended to allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads.

Mixed Business Zone

The "Mixed Business" zone is intended to allow for the development of a mix of varied but compatible business uses such as offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of residents and workforce. Uses can mix on adjacent lots of land or on the same lot and uses may mix horizontally on the same or separate lots and/or vertically in buildings. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads.

Industrial Zone

The Industrial Zone is intended to provide for the industrial development of the Kewdale Industrial Estate and the Redcliffe Industrial Estate. The significance of the Kewdale Industrial Estate as a transport and logistics hub as part of the Kewdale-Hazelmere Integrated Masterplan is acknowledged. The City may approve a wide range of industrial activities within this zone subject to conditions designed to achieve a high standard of industrial environment.

Service Station Zone

The "Service Station" zone is intended to allow for the development of service stations and appropriate support activities which do not generate nuisances detrimental to the amenity of the district and having particular regard for the health, welfare and safety of any residents and workforce associated with any immediately abutting zoned land.

Places of Public Assembly Zone

The "Places of Public Assembly" zone is intended to allow for special places of assembly, such as halls, private schools, grounds for athletics, sports grounds with provision for spectators, racecourses, trotting track, stadia and/or showgrounds.

4.3 Zoning Table

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted 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 Symbols

The symbols used in the cross-reference in the Zoning Table, and where used elsewhere in the Scheme have the following meanings—

- "P" means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- "D" means that the use is not permitted unless the 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 A change in the use of land from one use to another is permitted if—

- (a) the local government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol "P" in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

Note—

1. The planning approval of the 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. The local government will not refuse a “P” use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
3. In considering a “D” or “A” use, the local government will have regard to the matters set out in clause 10.2.
4. The local government must refuse to approve any “X” use of land. Approval to an “X” use of land may only proceed by way of an amendment to the Scheme.

4.4 Interpretation of the Zoning Table

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

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

TABLE 1—ZONING TABLE

ZONES										
USE CLASSES	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Aged or Dependent Persons Dwelling	D	X	D	D	A	X	X	X	D	D
Amusement Parlour	X	P	X	D	D	X	X	X	X	X
Ancillary Accommodation	D	X	X	D	D	X	X	X	D	D
Auction Mart	X	X	X	A	D	D	X	X	X	X
Bed and Breakfast	D	X	X	A	X	X	X	X	A	X
Betting Agency	X	P	P	P	P	X	X	X	X	D
Car Park	D	P	P	P	P	P	D	D	D	D
Caravan Park	X	X	X	X	X	X	X	X	X	X
Caretaker's Dwelling	X	X	P	P	P	D	X	P	P	D
Child Care Premises	A	D	D	D	P	D	X	D	A	A
Child Family Day Care	P	X	X	D	D	X	X	D	D	X
Civic Use	D	D	D	D	D	D	X	X	D	D
Club Premises	X	P	D	D	P	P	X	P	X	X
Community Home	D	X	X	D	D	X	X	A	X	D
Consulting Rooms	X	P	P	P	P	P	X	A	X	A
Convenience Store	X	A	X	A	X	X	A	X	X	X
Corrective Institution	X	X	X	X	X	X	X	X	X	X
Dog Kennels	X	X	X	X	X	X	X	X	X	X
Dry-cleaning Premises	X	P	P	D	D	P	X	X	X	X
Educational Establishment	A	X	D	D	P	X	X	D	D	X
Fast Food/Take Away	X	P	P	A	A	X	A	X	X	X
Fuel Depot	X	X	X	X	X	D	X	X	X	X
Funeral Parlour	X	X	X	D	D	D	X	X	X	X
Garden Centre	X	D	D	D	D	P	X	X	X	X
Grouped Dwelling	P	D	D	D	A	X	X	X	D	D
Health Centre	X	X	X	D	D	D	X	X	X	X
Health Studio	X	D	D	D	D	X	X	X	X	D

ZONES										
USE CLASSES	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Home Business	P	D	P	P	P	X	X	X	P	P
Home Occupation	P	D	P	P	P	X	X	X	P	P
Home Store	A	X	X	D	D	X	X	X	A	D
Hospital	A	X	X	A	A	X	X	X	X	X
Hotel	X	D	X	D	A	X	X	X	X	A
Industry—General	X	X	X	X	X	D	X	X	X	X
Industry—Hazardous	X	X	X	X	X	X	X	X	X	X
Industry—Light	X	X	X	D	P	P	X	X	X	X
Industry—Noxious	X	X	X	X	X	A	X	X	X	X
Industry—Service	X	X	X	D	P	P	X	X	X	X
Laundromat	X	P	P	P	P	P	X	X	X	X
Liquor Store	X	P	P	D	D	A	A	X	X	D
Logistics Centre	X	X	X	X	A	D	X	X	X	X
Lunch Bar	X	P	P	P	P	P	X	X	X	D
Massage Parlour	X	X	X	A	D	D	X	X	X	X
Medical Centre	X	X	D	D	D	D	X	X	X	A
Mobile Phone Tower & Associated Facilities	X	D	D	D	D	D	X	D	X	A
Motel	X	X	X	D	A	X	X	X	X	A
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X	D	X	X	X	X
Motor Vehicle Hire	X	X	X	X	X	D	X	X	X	X
Motor Vehicle Repair	X	X	X	A	D	P	D	X	X	X
Motor Vehicle Wash	X	X	X	X	X	D	D	X	X	X
Motor Vehicle Wrecking	X	X	X	X	X	X	X	X	X	X
Multiple Dwelling	D	D	D	D	A	X	X	X	X	D
Night Club	X	A	X	A	A	D	X	X	X	X
Nursing Home	D	X	X	D	A	X	X	X	X	X
Office	X	P	P	P	P	X	X	X	X	D
Open Air Display	X	X	X	X	X	D	X	X	X	X
Pet Day Care	X	A	X	A	A	P	X	X	A	X
Private Recreation	X	X	X	D	D	D	X	D	X	A
Place of Worship	X	A	X	A	D	X	X	P	X	X
Public Amusement	X	D	A	D	D	X	X	D	X	X
Radio or TV Installation	D	D	D	D	D	D	X	D	D	X
Reception Centre	X	X	X	A	D	X	X	D	X	X
Residential Building	D	X	X	D	A	X	X	X	D	D
Restaurant	X	P	P	D	D	X	X	X	X	D
Restricted Premises	X	D	D	D	D	X	X	X	X	X
Salvage Yard	X	X	X	X	X	X	X	X	X	X
Service Station	X	A	X	A	X	X	P	X	X	X
Serviced Apartments	D	X	X	D	A	X	X	X	X	D
Shop	X	P	P	X	X	X	X	X	X	D
Showroom	X	D	D	P	P	P	X	X	X	D
Single House	P	X	D	D	A	X	X	X	P	P
Stables	X	X	X	X	X	X	X	X	P	X
Studio	X	X	X	P	P	P	X	X	D	D
Trade Display	X	X	X	X	X	X	X	X	X	X
Tavern	X	D	A	A	D	A	X	X	X	A
Transport Depot	X	X	X	X	D	P	X	X	X	X
Truck Stop	X	X	X	X	D	D	X	X	X	X
Vet Consulting Rooms	X	D	D	D	D	D	X	X	D	X
Vet Hospital	X	X	X	A	D	D	X	X	A	X
Video Store	X	P	P	D	P	X	D	X	X	D
Warehouse	X	X	X	P	P	P	X	X	X	X

4.5 Additional Uses

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

There are no restricted uses which apply to the Scheme.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be 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: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

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 authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the *Planning and Development Act 2005* 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: Clause 190 and 191 of the *Planning and Development Act 2005* 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 per cent 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

5.1 Compliance with Development Standards and Requirements

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

5.2 Residential Design Codes

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

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 Residential Design Codes—Variations and Inclusions

The Residential Design Codes (R Codes) are hereby varied as set out hereunder.

5.3.2 Residential Zone

(1) Where an existing R20 coded lot is 450 square metres or less, the City will—

- (a) allow a front setback of a minimum of 2 metres and an average of 4 metres; and
- (b) allow an open space requirement of 45 per cent.

(2) The City may permit the development, or support the subdivision of an existing flexible-coded or R20-coded corner lot to a maximum density of R30 provided—

- (a) All existing improvements which in the opinion of the City is—
 - (i) of low quality or incapable of being upgraded to a standard commensurate with new development; or
 - (ii) is poorly sited and fails to maximise opportunities in relation to proposed lot boundaries;

are demolished.

- (b) The lot has frontage to 2 constructed roads; and
- (c) The created lots are not of an irregular shape or can demonstrate that a dwelling can be accommodated on any new lot.

(3) With the exception of minor boundary alignments, the amalgamation of abutting lots with an existing R20-coded corner lot in order to create a larger lot for the purpose of development and/or re-subdivision at a higher density is not consistent with the intent of the provisions and the R20 code shall apply to the amalgamated lot.

5.3.3 Residential and Stables Zone

The provisions of the R10 Code with regard to “Open Space” and “Minimum Setbacks from Boundaries” only, shall apply to any residential development to the Residential and Stables Zone. These requirements may be varied by the City in order to allow the satisfactory development of a residence and stables on a lot.

The City in exercising such discretion must be satisfied in regard to the following matters—

- (a) That the landowner within the zone will develop the lot for both a residence and stables and that this intention be supported by an application to commence development.
- (b) The standard of the proposed development is of a sufficiently high quality appropriate for the area.
- (c) That acceptable standards of residential amenity and health will be maintained or improved.
- (d) The appearance of the streetscape will in the opinion of the City be either maintained or enhanced.

5.3.4 Special Development Precincts

(1) The provisions of the R Codes relating to front and rear setbacks, car parking and open space may be varied at the discretion of the City in the four Special Development Precincts provided Local Planning Policies are adopted for each of the Precincts pursuant to clause 2.3 of the Scheme.

(2) The provisions of the R Codes relating to plot ratio may be varied at the discretion of the City on land within the Ascot Waters Special Development Precinct and The Springs Special Development Precinct where the City considers the development to be in accordance with the character of the Ascot Waters or The Springs locality respectively.

(3) The City in exercising such discretion and in consideration of any application for Planning Approval shall make its decision having regard to relevant Council Policies adopted under this Scheme.

(4) Development, strata survey or subdivision within the Belgravia Parklands Precinct will achieve a high degree of compliance with the Subdivision and Development Plan contained in the relevant Local Planning Policy.

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) 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.

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

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 Residential Zone

5.7.1 Where residential land abuts a regional road reserve, vehicular access to that road shall not be permitted for residential development other than for a single house, unless a vehicular access plan has been approved by the responsible authority.

5.7.2 All residential development apart from a single house or an existing development (in an unsewered area) is required to be connected to a reticulated sewerage system. If no sewerage is available, development in excess of the single house is not permitted unless such development complies with the requirements of the Government Sewerage Policy.

5.7.3 In dealing with development applications involving or contemplating development of land within any of the flexible coded area up to a maximum density of R50 depicted on the Scheme Map, the base R20 code shall apply to any dwelling but may, at the discretion of City, be increased to a higher code up to the maximum specified provided—

- (a) The frontage of the lot is not less than 16 metres.
- (b) Any existing building or development which, in the opinion of the City, is of low quality and incapable of being upgraded to a standard commensurate with new development is demolished; and
- (c) Developments of 2 or more dwellings shall have a minimum side setback of 6 metres between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot; and
- (d) Rear dwellings shall be designed so that significant sections of the front elevations have an outlook to, and be visible from the public street; and
- (e) Single storey dwellings shall be permitted only up to an R30 density with a mix of single and 2 storey dwellings up to a density of R40 provided that 50 per cent or greater of the dwellings are 2 storey; and
- (f) Solid external or internal fencing is not permitted where, in the opinion of the City, views from dwellings to the public street will be limited; and
- (g) Dwellings located on the front portion of a lot, or where there is more than one street frontage, shall be oriented to address the public street(s); and
- (h) Dwellings located adjacent to public open space shall be oriented to provide informal surveillance of public areas; and

- (i) Solar design principles shall be incorporated in the dwelling design; and
- (j) For developments that propose dwellings adjacent to each other, carports and garages shall be incorporated into the house design so they do not dominate the appearance of the dwelling and the streetscape; and
- (k) Development on corner lots or lots with more than one frontage shall have driveways from the street with lesser traffic; and
- (l) The number of crossovers for any development shall be minimised.

5.7.4 The City may vary the requirement that single storey dwellings are permitted only up to an R30 density where not less than one-third of the dwellings are to be used by aged or dependent persons.

5.7.5 No density bonus for Aged or Dependent Persons' Dwellings or Single Bedroom Dwellings, which is in addition to the increased density from the minimum site area being reduced by up to one-third, shall be granted on any land within any of the flexible coded areas depicted on the Scheme Map with the exception of the Town Centre Precinct. Any such additional bonus within the Town Centre Precinct shall be subject to compliance with the performance-based criteria contained in the relevant local planning policy.

5.7.6 In dealing with development applications involving or contemplating development of land within any of the flexible coded areas other than with a maximum density greater than R50 depicted on the Scheme Map, the base R20 code shall apply to any dwelling but may, at the discretion of the City, be increased to a higher code up to the maximum specified provided—

- (a) compliance with the requirements of clause 5.7.3 above; and
- (b) in the opinion of the City there is a high degree of compliance with the performance-based criteria contained in the relevant local planning policy.

5.7.7 In dealing with subdivision of land within any of the flexible coded areas depicted on the Scheme Map, the City may support subdivision provided—

- (a) a maximum density of R30 is not exceeded; or
- (b) development has been constructed to plate height in accordance with a Planning Approval granted by the relevant authority.

5.7.8 Floodway Limit Boundary

No building shall be constructed upon any land within the floodway limit boundary prescribed on the Western Australia Water-Authority Swan River Flood Study Review 1985 or those maps as modified by the Department of Water.

5.8 Special Development Precincts

5.8.1 There are 4 Special Development Precincts which are delineated on the Scheme Map and named as follows—

- “Ascot Waters” (generally bound by Grandstand Road, Stoneham Street, Great Eastern Highway and the Swan River, Ascot);
- “Invercloy Estate” (generally bounded by Tibbradden Circle, Hay Road, Fauntleroy Avenue and Great Eastern Highway, Ascot);
- “The Springs” (generally bound by Graham Farmer Freeway, Great Eastern Highway, Brighton Road and the Swan River, Rivervale); and
- “Belgravia Residential Estate” (generally bounded by Belgravia Street, Barker Street, Daly Street and Mixed Use zoned lots fronting Daly Street and Belgravia Street.

5.8.2 All development, including single houses, within the Special Development Precincts shall require the Planning Approval of the City.

5.8.3 All development shall be subject to compliance with the performance-based criteria contained in the relevant local planning policy.

5.9 Residential and Stables Zone

5.9.1 In the absence of a specific residential density coding for the zone, the minimum lot area shall be 1,000 square metres with no more than one dwelling unit per 1,000 square metres.

5.9.2 For requirements relating to “Open Space” and “minimum setbacks from boundaries” under the Residential Design Codes refer to clause 5.3.3.

5.9.3 Use Controls: Notwithstanding provision of the Zoning Table to the contrary, uses permitted within the zone are—

The stabling and training of horses, and with the approval of the City—

- (a) the storage of commercial vehicles used in the transport of stock; and
- (b) any other use incidental to the horse racing industry.

5.9.4 Setback of Stables and Yards from Site Boundaries

(1) No part of any stable shall be sited less than—

- (a) 24 metres from the frontage of the lot;
- (b) 6 metres from any other street boundary of the lot. The City may allow zero setbacks on the other boundaries; and

(2) Yards may at the discretion of the City be located up to a secondary street boundary provided a 1.8 metre high brick wall is erected on the property boundary.

5.9.5 Proposals for Stables or Residence Only

An application for Planning Approval for a stables use only or a residence only shall comply with subclause 5.9.4 and make provision for the possibility of locating both a residence and a minimum of 2 stables on the lot.

5.10 Town Centre and Commercial Zone

5.10.1 Proposals for land use and development are to demonstrate good urban design by—

- (a) the presentation of buildings and facades that are attractive and inviting, and which harmoniously relate with each other, and have regard to climate; and
- (b) the creation of spaces which encourage pedestrian movement and provide places for pedestrians to congregate.

5.10.2 Site and Development Requirements

(1) The extent of development shall be governed by the City's requirements for car parking and landscaping determined in the light of the circumstances of any particular application.

(2) The City, may as a condition(s) of Planning Approval, require amongst other things the integration of building layout and design with adjoining development and determine car parking layout, vehicular access and pedestrian circulation.

(3) No part of any building shall be built upon that area of land between the street alignment and the building setback line drawn parallel thereto a distance of 2 metres within the site.

5.11 Mixed Use Zone

5.11.1 Site and Development Requirements: The following site and development requirements shall apply within the Mixed Use Zone with the exception of residential development which, subject to subclause 5.11.6 shall conform with the provisions of the Residential Design Codes.

- (a) External Space: The use of external space for storage or the conduct of any business activity associated with a premises is prohibited.
- (b) Lot Area and Dimensions: The minimum lot area shall be 2,000 square metres with a minimum effective frontage of 30 metres. However, the City may support subdivision or approve development of a lot with a lesser area or a lesser effective frontage in circumstances where—
 - (i) The lot existed prior to the approval of this Scheme, or
 - (ii) The City is satisfied that the proposal appropriately addresses issues relating to—
 - (1) Motor vehicle access, parking and circulation;
 - (2) Easements in gross for the creation of shared accessways;
 - (3) Rubbish disposal; and
 - (4) Building footprints and design, or
 - (iii) The Commission has approved a subdivision of the subject land which creates a lot or lots with an area or effective frontage less than those nominated in this clause.
- (c) Lot Coverage: Building including accessory buildings shall not cover a total of more than 60 per cent of the area of any lot. The City may consider an increase to 70 per cent of the area of any lot where the coverage includes a multi storey car park associated with the development which consists of a ground floor and uncovered upper deck.
- (d) Setbacks of Buildings from Site Boundaries: No part of any building shall be built upon that area of land between the street alignment and the building setback line drawn parallel thereto a distance of 15 metres within the site. In regard to any site having more than one street frontage, the minimum setback from the street alignment shall apply to the frontage of the site to the road or roads of higher category as determined by the City and the setback from the lesser roads shall not be less than a distance of 7.5 metres.

The City will only permit averaging of building setbacks in those cases where it is satisfied that the functioning of any proposed use will be improved without detriment to the appearance of the development or the street scene or to the safe movement of traffic on or about the site and in case will the City permit a part of any building to be built closer to the street than one half of an average building setback.
- (e) Setback Areas: No use of the area between the street alignment and building setback lines shall be permitted other than for planting or for pedestrian and vehicular circulation and vehicle parking in accordance with the provisions of this Scheme, except that an area up to 25 per cent of the building setback area may be used for trade display purposes with the approval of the City.
- (f) Pedestrian and Garden Areas: No less than 3 metres of the building setback area to the primary street frontage and 1 metre to the secondary street frontage must be set aside, developed and maintained as garden space for pedestrian use only. A landscaping and reticulation plan must be submitted to the City for approval. The landscaping subsequently carried out shall be in accordance with the approved plan. The City will require as a condition of Planning Approval the reticulation and landscaping of the street verge.

5.11.2 Parking and Loading Requirements

Adequate off-street parking shall be provided on site in accordance with the requirements of Table 2, together with adequate parking space for customers and visitors as required by the City. The City shall also require adequate space for parking, loading and unloading of trade vehicles to be provided on site.

5.11.3 Vehicular Cross Access

Where necessary vehicular cross access shall be provided over all parcels of land to give customer and service traffic access to streets wherever access to Great Eastern Highway or other important roads is inappropriate or should be minimised. Cross access provision shall take the form of easements in gross or encumbrances on titles granting right of carriageway with the City a party to the agreements. All documentation costs shall be met by respective owners.

5.11.4 Building Facades

The primary street frontage of all buildings must have a facade predominantly constructed of brick, concrete, glass or steel or a combination of these materials acceptable to the City. Where a proposed structure is to extend from one street frontage to another, as distinct from the double street frontage of a corner lot, there must be a full height facade to both street frontages of the above materials or similar materials to acceptable to the City.

In the cases of walls fronting secondary streets, the construction must be as above to a minimum height of 2 metres except that in the case of a building having walls in excess of 5 metres to plate height the construction must be increased to half the vertical height of the wall. The City shall retain the discretion to determine which is a primary and which is a secondary street frontage.

5.11.5 Fencing and Walls

(1) It is the City's intention that in the Mixed Use zone fencing facing any street frontage should be kept to a minimum to allow for an attractive and open streetscape. In special circumstances, the City may allow fencing facing a street frontage or along a secondary street frontage, provided that in the opinion of the City it is of exceptionally high quality, is visually permeable, and visually appealing.

(2) Notwithstanding clause 5.5, in the Mixed Use zone—

- (a) the use of cyclone link mesh fencing is prohibited for any fence other than a boundary fence; and
- (b) the use of barbed wire in any fence is prohibited.

5.11.6 Discretion to Vary Standards—

Without affecting the generality of clause 5.2.3, for residential development in the Mixed Use Zone the City may allow a relaxation or variation of the standards and requirements applicable to the Mixed Use Zone if the City is satisfied that the matters referred to in items (a) and (b) conditioning the discretion in clause 5.5.3 are complied with.

5.12 Mixed Business Zone

5.12.1 Site and Development Requirements

The following site and development requirements shall apply within the "Mixed Business" zone with the exception of residential development which, subject to subclause 5.12.6 shall conform with the provisions of the Residential Design Codes.

- (a) **External Space:** The use of external space for storage or the conduct of any business activity associated with a premises is prohibited.
- (b) **Lot Area and Dimensions:** The minimum lot area shall be 2,000 square metres with a minimum effective frontage of 30 metres. However, the City may support subdivision or approve development of a lot with a lesser area or a lesser effective frontage in circumstances where—
 - (i) The lot existed prior to the approval of this Scheme, or
 - (ii) The City is satisfied that the proposal appropriately addresses issues relating to—
 - (1) Motor vehicle access, parking and circulation;
 - (2) Easements in gross for the creation of shared accessways;
 - (3) Rubbish disposal; and
 - (4) Building footprints and design, or
 - (iii) The Commission has approved a subdivision of the subject land which creates a lot or lots with an area or effective frontage less than those nominated in this clause.
- (c) **Lot Coverage:** Building including accessory buildings shall not cover a total of more than 60 per cent of the area of any lot. The City may consider an increase to 70 per cent of the area of any lot where the coverage includes a multi storey car park associated with the development which consists of a ground floor and uncovered upper deck.
- (d) **Setbacks of Buildings from Site Boundaries:** No part of any building shall be built upon that area of land between the street alignment and the building setback line drawn parallel thereto a distance of 15 metres within the site. In regard to any site having more than one street frontage, the minimum setback from the street alignment shall apply to the frontage of the site to the road or roads of higher category as determined by the City and the setback from the lesser roads shall not be less than a distance of 7.5 metres.

The City will only permit averaging of building setbacks in those cases where it is satisfied that the functioning of any proposed use will be improved without detriment to the appearance of the development or the street scene or to the safe movement of traffic on or about the site and in no case will the City permit a part of any building to be built closer to the street than one half of an average building setback.

- (e) **Setback Areas:** No use of the area between the street alignment and building setback lines shall be permitted other than for planting or for pedestrian and vehicular circulation and vehicle parking in accordance with the provisions of this Scheme, except that an area up to

25 per cent of the building setback area may be used for Trade Display purposes with the approval of the City.

- (f) Pedestrian and Garden Areas: No less than 3 metres of the building setback area to the primary street frontage and 1 metre to the secondary street frontage must be set aside, developed and maintained as garden space for pedestrian use only. A landscaping and reticulation plan must be submitted to the City for approval. The landscaping subsequently carried out shall be in accordance with the approved plan. The City will require as a condition of Planning Approval the reticulation and landscaping of the street verge.

5.12.2 Parking and Loading Requirements

Adequate off-street parking shall be provided on site in accordance with the requirements of Table 2 of the Scheme, together with adequate parking space for customers and visitors as required by the City. The City shall also require adequate space for parking, loading and unloading of trade vehicles to be provided on site.

5.12.3 Vehicular Cross Access

Where necessary vehicular cross access shall be provided over all parcels of land to give customer and service traffic access to streets wherever access to Great Eastern Highway or other important roads is inappropriate or should be minimised. Cross access provision shall take the form of easements in gross or encumbrances on titles granting right of carriageway with the City a party to the agreements. All documentation costs shall be met by respective owners.

5.12.4 Building Facades

(1) The primary street frontage of all buildings must have a facade predominantly constructed of brick, concrete, glass or steel or a combination of these materials acceptable to the City. Where a proposed structure is to extend from one street frontage to another, as distinct from the double street frontage of a corner lot, there must be a full height facade to both street frontages of the above materials or similar materials acceptable to the City.

(2) In the cases of walls fronting secondary streets, the construction must be as above to a minimum height of 2 metres except that in the case of a building having walls in excess of 5 metres to plate height the construction must be increased to half the vertical height of the wall. The City shall retain the discretion to determine which is a primary and which is a secondary street frontage.

5.12.5 Fencing and Walls

(1) It is the City's intention that in the Mixed Business zone fencing facing any street frontage should be kept to a minimum to allow for an attractive and open streetscape. In special circumstances, the City may allow fencing facing a street frontage or along a secondary street frontage, provided that in the opinion of the City it is of exceptionally high quality, is visually permeable, and visually appealing.

(2) Notwithstanding clause 5.5, in the Mixed Business zone—

- (a) the use of cyclone link mesh fencing is prohibited for any fence other than a boundary fence; and
- (b) the use of barbed wire in any fence is prohibited.

5.12.6 Discretion to Vary Standards

Without affecting the generality of clause 5.2.3, for residential development in the "Mixed Business" zone the City may allow a relaxation or variation of the standards and requirements applicable to the "Mixed Business" zone if the City is satisfied that the matters referred to in items (a) and (b) conditioning the discretion in clause 5.5.3 are complied with.

5.13 Industrial Zone

5.13.1 Site and Development Requirements: The following site and development requirements shall apply to all applications for Planning Approval within the Industrial Zone.

- (a) Amenity: No use or other development of land within the Industrial Zone shall cause in the opinion of the City nuisance or annoyance by way of noise or other emissions beyond the site on which it is are conducted.

When considering the design of a building proposed to be erected in the Industrial Zone the City shall have regard to and comply with the following provisions—

- (i) the City must be satisfied that the building will comply with any objectives adopted by the City from time to time for industrial development, and if appropriate, be aesthetically compatible and integrated with the exterior design of neighbouring buildings;
 - (ii) in considering the design of any building the City must give consideration to the relationship which the shape and siting of the building bears to the shape of the lot (or lots) on which erection is to take place.
 - (iii) The storage of goods and the carrying out of industrial activities in open yard areas visible from a street is not permitted. Such areas must be screened from public view by a closed wall or fence constructed of materials approved by the City.
- (b) Maximum Building Height: No part of any building shall exceed a height fixed in accordance with clause 5.20 "Structures Height Control Contours Map" as a maximum height in relation to the safe operation of Perth International Airport.
- (c) Maximum Site Cover: No site shall be built upon so as to exceed a site coverage of 70 per cent.

- (d) **Setback of Buildings from Site Boundaries:** No part of any building shall be built upon that area of land between the street alignment and the building setback line drawn parallel thereto an average distance of 15 metres within the site.

In regard to any lots having multiple street frontages, the minimum setback from the street alignment shall apply to the frontage of the site to the road or roads of higher category as determined by the City and the setback from the lesser roads shall not be less than an average of 9 metres.

Parapet walls may be erected on side and/or rear boundaries if constructed of brick or concrete panels coloured to the satisfaction of the City.

In the case of walls set back from side and/ or rear boundaries, the City shall require the use of materials of a colour and texture consistent with the intention of the zone and complementary to existing or surrounding developments.

- (e) **Building Setback Areas:** No use of the area between the street alignment and building setback lines shall be permitted other than for planting or for pedestrian and vehicular circulation and parking in accordance with the requirements of Table 2 except that not more than 25 per cent of the setback area may be used for trade display purposes approved by the City.

5.13.2 Parking and Loading Requirements

(1) Any person undertaking any development within the Industrial Zone shall submit a plan for the approval of the City showing the number, layout and dimensions of parking and loading spaces and the proposed access thereto. In those cases where the City is satisfied that a number of spaces less than those stipulated in Table 2 is appropriate, it may grant approval, subject to the number of spaces required being not less than 50 per cent of the requirements of Table 2 and then only on the condition that adequate space is reserved to meet the full parking requirement should it be needed at any future time.

(2) The City shall consider such plans having regard to the adequacy, efficiency and safety of proposals for employee, visitor and customer parking, for the loading and unloading of vehicles and for access to and from the site.

5.13.3 Pedestrian and Garden Areas

No less than 3 metres of the building setback area to the primary street frontage and 2 metres to the secondary street frontage must be set aside, developed and maintained as garden space for pedestrian use only. A landscaping and reticulation plan must be submitted to the City for approval. The landscaping subsequently carried out shall be in accordance with the approved plan. The City may require as a condition of Planning Approval the reticulation and landscaping of the street verge.

5.13.4 Facades

(1) The City shall require the primary street frontage of all buildings to have a facade predominantly constructed of brick, concrete, glass or steel or combinations of those or similar materials acceptable to the City. Where a proposed structure is to extend from one street frontage to another, as distinct from the double street frontage of a corner lot, the City shall require a full height facade of the above or similar materials to both street frontages.

(2) In the case of walls fronting secondary streets, the City shall require construction to be as above to a minimum height of 2 metres except that in the case of a building having walls in excess of 5 metres to plate height the City shall require the brickwork to be increased to half the vertical height of the wall. The City shall retain the discretion to determine which is a primary and which is a secondary street.

5.13.5 Fencing and Walls

(1) It is the City's intention that in the Industrial Zone, fencing facing any street frontage should be kept to a minimum to allow for an attractive and open streetscape. In special circumstances the City may allow fencing facing a street frontage, provided that in the opinion of the City it is of exceptionally high quality, is visually permeable and is visually appealing.

(2) In the Industrial Zone, fencing shall be constructed only out of high quality materials, such as brick piers with open infill, which open infill may include wrought iron, powder coated steel, painted wood pickets or other comparable materials specifically approved by the City.

(3) Notwithstanding the desirability of allowing fencing only if it is visually permeable and otherwise compliant with the provisions of this clause, sections of solid fencing will be permitted where they are required in order for a development to comply with sub-clause 5.13.1(a)(ii). In these cases the City may require the solid fencing to be visually enhanced and complemented by landscaping areas.

(4) Notwithstanding clause 5.5, in the Industrial zone—

- (a) the use of cyclone link mesh fencing is prohibited for any fence other than a boundary fence; and
- (b) the use of barbed wire in any fence is prohibited.

5.13.6 Subdivision of land in the Kewdale Industrial Estate

When considering applications for the subdivision of land in the Kewdale Industrial Estate the City shall have regard the provisions of any Local Planning Policy and the objectives which the policy is designed to achieve. Where reticulated sewerage is available the City will support the creation of lots less than 4,000 square metres in area provided—

- (a) no lot is less than 2,000 square metres in area with a minimum frontage of 25 metres;

- (b) an overall plan of subdivision is prepared in order to demonstrate the subdivision potential of the superlot in which the subdivision is to take place;
- (c) no lot is permitted direct access to a regional road;
- (d) vehicular cross easements are granted in appropriate circumstances as determined by the City; and
- (e) an environmental assessment of the land to be subdivided is carried out.

5.14 Public Assembly Zone

5.14.1 Proposals for land use and development are to demonstrate good urban design by—

- (a) the presentation of buildings and facades that are attractive and inviting, and which harmoniously relate with each other, and have regard to climate; and
- (b) the creation of spaces which encourage pedestrian movement and provide places for pedestrians to congregate.

5.14.2 Site and Development Requirements

- (1) The extent of development shall be governed by the City's requirements for car parking and landscaping determined in the light of the circumstances of any particular application.
- (2) The City, may as a condition(s) of Planning Approval, require amongst other things the integration of building layout and design with adjoining development and determine car parking layout, vehicular access and pedestrian circulation.
- (3) Setbacks of Buildings from Site Boundaries: No part of any building shall be built upon that area of land between the street alignment and the building setback line drawn parallel thereto a distance of 15 metres within the site. In regard to any site having more than one street frontage, the minimum setback from the street alignment shall apply to the frontage of the site to the road or roads of higher category as determined by the City and the setback from the lesser roads shall not be less than a distance of 7.5 metres.

Side or rear setbacks where a Residential land use abuts shall be a minimum of 4 metres and shall have regard to the potential impact of existing and future uses on the amenity of those residents.

- (4) Pedestrian and Garden Areas: No less than 3 metres of the building setback area to the primary street frontage and 1 metre to the secondary street frontage must be set aside, developed and maintained as garden space for pedestrian use only. A landscaping and reticulation plan must be submitted to the City for approval. The landscaping subsequently carried out shall be in accordance with the approved plan. The City will require as a condition of Planning Approval the reticulation and landscaping of the street verge.

5.15 Service Station Zone

5.15.1 Site and Development Requirements—

- (a) External Space: The use of external space for storage or the conduct of any business activity associated with a premises is prohibited.
- (b) Lot Coverage: Building including accessory buildings and petrol bowser shade shall not cover a total of more than 60 per cent of the area of any lot.
- (c) Setbacks of Buildings from Site Boundaries: No part of any building shall be built upon that area of land between the street alignment and the building setback line drawn parallel thereto a distance of 15 metres within the site. In regard to any site having more than one street frontage, the minimum setback from the street alignment shall apply to the frontage of the site to the road or roads of higher category as determined by the City and the setback from the lesser roads shall not be less than a distance of 7.5 metres.

Side or rear setbacks where a Residential land use abuts shall be a minimum of 4 metres and shall have regard to the potential impact of existing and future uses on the amenity of those residents.

- (d) Pedestrian and Garden Areas: No less than 3 metres of the building setback area to the primary street frontage and 1 metre to the secondary street frontage must be set aside, developed and maintained as garden space for pedestrian use only. A landscaping and reticulation plan must be submitted to the City for approval. The landscaping subsequently carried out shall be in accordance with the approved plan. The City will require as a condition of Planning Approval the reticulation and landscaping of the street verge.

5.15.2 Parking and Loading Requirements

Adequate off-street parking shall be provided on site in accordance with the requirements of Table 2, together with adequate parking space for customers and visitors as required by the City. The City shall also require adequate space for parking, loading and unloading of trade vehicles to be provided on site.

5.15.3 Vehicular Cross Access

Where necessary vehicular cross access shall be provided over all parcels of land to give customer and service traffic access to streets wherever access to Great Eastern Highway or other important roads is inappropriate or should be minimised. Cross access provision shall take the form of easements in gross or encumbrances on titles granting right of carriageway with the City a party to the agreements. All documentation costs shall be met by respective owners.

5.15.4 Building Facades

The primary street frontage of all buildings must have a facade predominantly constructed of brick, concrete, glass or steel or a combination of these materials acceptable to the City. Where a proposed structure is to extend from one street frontage to another, as distinct from the double street frontage of a corner lot, there must be a full height facade to both street frontages of the above materials or similar materials to acceptable to the City.

In the cases of walls fronting secondary streets, the construction must be as above to a minimum height of 2 metres except that in the case of a building having walls in excess of 5 metres to plate height the construction must be increased to half the vertical height of the wall. The City shall retain the discretion to determine which is a primary and which is a secondary street frontage.

Where a development abuts residential land use the design must have regard for the minimisation of noise and light spill.

5.15.5 External Storage

External Space: The use of external space for storage or the conduct of any business activity associated with a premises is prohibited.

5.16 Vehicle Parking and Loading

5.16.1 Any person who constructs or substantially reconstructs, alters or adds to a building or changes the use of any land or building shall make provision in accordance with the requirements of subclause 5.16.3 for vehicles used in conjunction with the site (whether by the occupiers, their employees or invitees or other persons) to stand on or, in the opinion of the City, sufficiently close to the site but not on a street, while being loaded or unloaded or awaiting use.

5.16.2 In circumstances where alterations and/or extensions to an existing development give rise to the need for temporary car parking on land not associated with the alterations and or extensions, the City may approve the establishment of temporary parking subject to such conditions and time limits as it deems appropriate.

5.16.3 Size and Location of Car Spaces and Loading Facilities—

When considering any Development Application, the City must have regard to and impose conditions to the location and design of the car parking spaces and loading facilities. In particular, the City must take into account, and may impose conditions concerning—

- (a) the proportion of spaces to be roofed or covered;
- (b) the proportion of spaces to be below natural ground level;
- (c) the means of access to each space and the adequacy of any manoeuvring area;
- (d) the location of the spaces on the site and their effect if spaces should later be roofed or covered;
- (e) the adequacy of proposed screening or planting;
- (f) the extent to which spaces are located within required setback areas;
- (g) the incorporation of Crime Prevention through Environmental Design principles;
- (h) the location of proposed footpaths and the effect on traffic movement and safety; and
- (i) the location of proposed accessways on and off public roads and the effect on traffic movement and safety.

5.16.4 Number and Layout of Parking and Loading Spaces to be Provided

(1) The number of spaces to be provided in respect of any particular site shall be determined by the City, having regard to the nature of the use and the known or likely volume of goods, material or people moving to and from the site. Subject to any provision of the Scheme to the contrary the number of car parking spaces shall be in accordance with the requirements of Table 2.

(2) Layout of parking spaces shall be in accordance with Schedule No. 11 or, at the discretion of Council, the relevant Australian Standard.

(3) When making decisions relative to parking provision, the City shall at all times have regard to any existing or proposed public parking facilities nearby.

TABLE 2—CAR PARKING REQUIREMENTS

Land Use/Use Class	Minimum Parking Provision
Amusement Centre/Betting Agency	1 space for every 10m ² of NLA
Auction Mart	Parking to be at the discretion of the City
Automotive and Marine Sales Premises	1 space for every 40m ² of vehicle display showroom plus 1 space per 50m ² outdoor trade display.
Bank	1 space for every 20m ² of NLA
Caretaker's Dwelling	1 space per dwelling
Child Day Care Centre	1 space for every employee plus 1 space per every 8 children allowed under maximum occupancy.

Land Use/Use Class	Minimum Parking Provision
Civic Use/Club Premises/Night Club/Public Amusement/Public Worship/Reception Centre	1 space for every 4 persons whom the building is designed to accommodate.
Community Home	1 space per employee or staff member plus 1 space for every 3 beds
Community Purposes	Parking to be negotiated with the City
Consulting Rooms and Consulting Rooms—Group	4 spaces for every practitioner
Convenience Store	6 spaces per 100m ² of GLA for any shop plus 1 space per petrol pump
Corner Shop/Home Store	5 spaces in addition to residential requirement
Educational Establishment	Education Establishment (Private Primary School) 1 space per classroom. Education Establishment (Private Secondary School) 1 space per classroom, plus 1 space for every 25 students the school is designed to accommodate for the final year of secondary education. Education Establishment (Private Tertiary) 1 space for every 6 students the building is designed to accommodate, plus 1 for each faculty staff member, or employee, plus additional requirements for auditoriums or stadiums. Education Establishment (Other) 1 space for every 4 students the establishment is designed to accommodate.
Family Day Care	A paved pick-up area in addition to residential requirements
Fuel Depot/Transport Depot	1 space per 75m ² GFA or 1 space per employee whichever is the greater
Funeral Parlour	6 spaces plus 1 space for every 4 persons where a chapel is included
Health Centre	4 spaces for every practitioner plus 1 bay per 20m ² GFA available to the public
Hospital	1 space for every 4 hospital beds plus 1 space for each staff member on duty
Hotel/Motel	1 space for every 2m ² of bar and lounge floor area. (1 space for every 4m ² of seating only areas) plus 1 space for every bedroom. Where other facilities are provided parking is to be negotiated with the City.
Industry—Cottage	1 space per employee in addition to residential requirements
Industry—Light	1 space for every 50m ² of open space used for industrial purposes, plus 1 space for every 50m ² of GFA; or 1 space for each employee, whichever is the greater.
Industry—Service	1 space for every 50m ² of open space used for industrial purposes, plus 1 space for every 50m ² of GFA; or 1 space for each employee, whichever is the greater.
Industry/Workshop/Factory	1 space for every 50m ² of open space used for industrial purposes, plus 1 space for every 50m ² of GFA; or 1 space for each employee, whichever is the greater.
Laundromat	1 per 20m ² of NLA
Lunch Bar	6 spaces for every 100m ² of NLA
Nursing Homes/Aged Persons Hostels	1 space for every 4 beds 1 space for every employee
Office	1 space for every 30m ² of NLA or 1 space for each employee, whichever is greater
Plant Nursery	1 space for every 50m ² of display and sales area
Restaurant	1 space for every 4 seats
Restricted Premises	6 spaces for every 100m ² NLA
Service Station	1 space for every service bay plus 1 space for every employee (bowser bays shall be excluded from any calculation of parking bays)

Land Use/Use Class	Minimum Parking Provision
Shop	6 spaces per 100m ² of NLA
Showroom	1 space for every 40m ² of NLA
Studio	1 space per 40m ² display area plus 1 bay per employee
Take Away/Fast Food Outlet	6 spaces for every 100m ² of NLA plus 1 space for every 4 seated customers (car queuing areas may be permitted to be calculated as parking spaces)
Tavern	1 space for every 2m ² of bar and lounge floor area (1 space for every 4m ² of seating only areas)
Vet Consulting Rooms	4 spaces for every practitioner
Vet Hospital	2 spaces for every employee
Video Store	6 spaces for every 100 m ² NLA
Warehouse	1 space for every 100m ² of GFA plus 1 space for every 100m ² of open space used for warehousing purpose.
Warehouse Retail Outlet	6 spaces per 100m ² of Gross Floor Area (GFA) plus 1 space per 100m ² of open space used for warehousing (storage) purpose.
Any other use	To be determined by the City

5.16.5 Cash In Lieu of Car Parking

(1) An applicant for development approval may, if the City so agrees, make a shortfall cash payment to the City in lieu of the provision of all or any of the number of car parking spaces required by the Scheme.

(2) In this clause—

“*Bay Size*” means the area of land, in square metres, which in the opinion of the City is required for the provision of a standard car parking space;

“*Construction Cost*” means the estimated cost of constructing and developing a car parking space of the Bay Size including the manoeuvring area and associated services as determined by an engineer or architect appointed by the City. The construction cost shall include the aisle and reversing space and servicing of the car parking facility;

“*Land Value per m²*” means the estimated value per square metre of land in the locality as determined by a licensed valuer appointed by the City;

“*Shortfall*” means the difference between the number of the car parking spaces required by the Scheme and the number of car parking spaces to be provided by the applicant.

(3) In this clause—

“*Shortfall Cash Payment*” means

(a) the amount fixed as such in a planning policy made by the City; or

(b) where the City has not made such a planning policy within the period of 12 months preceding the grant of the development approval, means an amount calculated according to the following formula—

$$\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$$

(4) In deciding to fix the Shortfall Cash Payment the City is to have regard to—

(a) the amount calculated in accordance with the formula set out in subclause (3); and

(b) any factors which the City considers justify varying that amount including, without limitation, the existence of any specified area rate or service charge imposed by the City to secure increased public parking areas.

(5) The City may make a planning policy specifying the areas within which it may require or accept payment of a Shortfall Cash Payment.

(6) The monies received by the City under this clause shall be paid into a reserve fund and shall only be used—

(a) for the provision of public parking;

(b) for reimbursing the City for any expenses incurred for the purpose of paragraph (a) including loan repayments.

(7) An applicant may, prior to the commencement of the development which is the subject of the development approval, refer any dispute concerning the Construction Cost or the Land Value per m² for determination by a single arbitrator agreed by the parties, or failing agreement, nominated by the Minister at the request of either the applicant or the City, to be determined in accordance with the *Commercial Arbitration Act 1985*.

5.17 Bicycle Parking

5.17.1 In the case of Uses listed in Table 3, having regard to the likely demand, the City may require bicycle parking bays to be provided at the ratio specified in that table in addition to the number of car parking bays to be provided.

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

5.17.3 Where bicycle parking spaces are required to be provided for the use of staff, shower and changing facilities shall be provided, the design and location of such facilities being to the satisfaction of the City, and the number of such facilities being at the following ratios—

- (a) number of secure well ventilated equipment lockers 1 per cycle parking space.
- (b) number of showers: 1 male and 1 female shower in separate change rooms per 10 cycle parking spaces, 2 male and 2 female showers in separate change rooms 10-30 cycle parking spaces, 3 male and 3 female showers in separate change room 30+ cycle parking spaces.

TABLE 3—BICYCLE PARKING REQUIREMENTS

Land Use/Use Class	Employee/Resident Parking Spaces	Visitor Parking Spaces
District Centre	At discretion of City	1 per 200m ² NLA for visitors
Amusement Centre/Betting Agency	At discretion of City	At discretion of City
Auction Mart	At discretion of City	At discretion of City
Automotive and Marine Sales Premises	At discretion of City	At discretion of City
Bank	1 per 200 m ² GFA	1 per 200m ² GFA
Caretakers Dwelling	N/A	N/A
Child Care Day Centre	At discretion of City	At discretion of City
Civic Use/Night Club/Public Amusement/Public worship/Reception Centre/	At discretion of City	At discretion of City
Club premises	N/A	1 per 40m ² GFA
Community Home		
Community purposes	At discretion of City	2 + 1 Per 1,500 m ² GFA
Consulting Rooms and Consulting Rooms -Group	At discretion of City	1 per 4 practitioners
Convenience Store	N/A	1 per 25 m ² GFA
Corner shop/home store	N/A	1 per 25 m ² GFA
Educational Establishment— Primary School All other	At discretion of City At discretion of City	1 per 5 pupils 1 per 3 students
Family Day care	At discretion of City	At discretion of City
Fuel Depot/Transport Depot	At discretion of City	At discretion of City
Funeral Parlour	N/A	N/A
Health Care centre	1 per 400m ² GFA	1 per 200m ² GFA
Hotel/Motel	1 per 25m ² GFA bar floor area	1 per 100m ² GFA of lounge, dining and function areas
Industry—Cottage	At discretion of City	At discretion of City
Industry—Light Workshop/Factory	2 per 1,000m ² NLA	N/A
Industry—Service	2 per 1,000m ² NLA	N/A
Industry General	3 per 1,000m ² NLA	N/A
Laundromat	N/A	At discretion of City
Nursing Homes/Aged Persons	At discretion of City	At discretion of City
Office	1 per 200m ² GFA; Less than 200m ² GFA At discretion of City	1 per 750m ² GFA; Less than 750m ² GFA At discretion of City
Plant Nursery	At discretion of City	At discretion of City
Restaurant	1 per 100 seats; Less than 100 seats—At discretion of City	1 per 50 seats; less than <50 seats At discretion of City
Restricted Premises	At discretion of City	At Discretion of City
Service Station	At discretion of City	1 per 25 GFA of retail component
Shop	At discretion of City	1 per 25m ² GFA

Land Use/Use Class	Employee/Resident Parking Spaces	Visitor Parking Spaces
Showroom	1 per 1,000m ² sales floor	1 per 1,000m ² sales floor
Studio	At discretion of City	At discretion of City
Takeaway/Fast Food Outlet	1 per 100m ² GFA	1 per 50m ² GFA
Tavern	1 per 25m ² bar area	1 per 100m ² lounge, dining and function area
Vet Consulting rooms	At discretion of City	N/A
Vet Hospital	At discretion of City	N/A
Video store	At discretion of City	1 per 25m ² GFA
Warehouse	1 per 10 employees; Less than 10 employees—At discretion of City	At discretion of City
Any other use	At discretion of City	At discretion of City

5.18 Parking of Commercial Vehicles on Residential Land

5.18.1 No commercial vehicle shall be parked, cleaned or serviced on any lot within the Residential zone or the Residential and Stables zone, or which is otherwise used exclusively for residential purposes unless—

- (a) the commercial vehicle is registered in respect of the lot under clause 5.18.3;
- (b) the lot on which the vehicle is parked and/or cleaned or serviced, contains only a single house with or without associated outbuildings;
- (c) the vehicle is parked and/or cleaned or serviced entirely on the subject lot and is located behind the front building line of the house;
- (d) the vehicle does not exceed 3 metres in height (including the load);
- (e) in the case of servicing and cleaning, only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste is carried out on the lot. Liquid waste shall be as defined in the *Environmental Protection (Unauthorised Discharges) Regulations 2004* and shall be disposed of in accordance with those Regulations;
- (f) while on the lot, there is no transfer of goods or passengers from one vehicle to another, unloading or loading of the vehicle, or storage of goods associated with the use of the vehicle.

5.18.2 A commercial vehicle shall be taken to be parked on the land for the purpose of the preceding subclause if—

- (a) it is present on the land for any period of time without the driver being present and visibly in control of the vehicle; and
- (b) within 7 days of the owner being notified, the City of Belmont is not provided with information in writing sufficient to satisfy it that the vehicle was undergoing servicing or cleaning or delivering goods at the relevant time.

5.18.3 Register of Commercial Vehicles

For a commercial vehicle to be parked on residential land without a breach of clause 5.18.1, it shall be registered in accordance with the following provisions. Without affecting the generality of clause 5.18.1 a commercial vehicle may be parked on a lot within the Residential zone or the Residential and Stables zone or on a lot which is otherwise used exclusively for residential purposes if it is registered in accordance with the following provisions—

- (a) Any such commercial vehicle to be parked on residential land must be registered in a register of commercial vehicles parking on residential land maintained at the Administrative Offices of the City, and the register shall be made available for public inspection during office hours.
- (b) An application to register a vehicle for the purpose of this clause shall be submitted to the City in writing, and the application shall provide sufficient details to identify the land with certainty; the place where the commercial vehicle is proposed to be parked on the land; the tare weight; the make/model; and the unloaded height of the commercial vehicle.
- (c) Where the City is satisfied that the commercial vehicle in respect of which application is made will be the only commercial vehicle parking at any time on the subject lot, and is ordinarily driven by a person resident in the house on the lot, and that clause 5.18.1 is otherwise complied with, the City shall record details of the commercial vehicle on the register.

5.18.4 Where a commercial vehicle is registered in respect of residential land in accordance with this clause, no other planning approval is required under this Scheme in respect of the parking of that commercial vehicle on that land.

5.18.5 The registration of a commercial vehicle under this clause in respect of any residential land is not transferable and shall be valid only while that commercial vehicle continues to be driven and parked on the land by the person nominated in the application as the driver resident in the house on the land.

5.19 Development on Great Eastern Highway

5.19.1 In addition to other matters to which the City is required to have regard, in considering applications for multi-storey buildings along Great Eastern Highway, the City shall also have regard to the following—

- (a) The purpose of the proposed building;
- (b) The bulk and height of adjoining and nearby buildings;
- (c) Potential impact of overlooking and/or overshadowing;
- (d) Potential impact of the proposal on the existing and proposed streetscape; and
- (e) The effect of the proposed building on the amenity of adjoining and nearby properties.

5.19.2 In addition to other matters to which the City is required to have regard, in considering applications any development along Great Eastern Highway, the City shall also have regard to the requirement for a limited number of crossovers to the Highway and shall require any applicant to gain the approval of a vehicular access plan by the responsible authority.

5.20 Structures Height Control Contours Map

The height of structures within the Scheme Area shall be subject to the requirements of the Westralia Airports Corporation Structures Height Control Contours Map (Schedule No. 12). Structures erected in the Scheme Area shall not exceed in height the contour level indicated on the map. Where indicated on the map all applications for development shall be referred to the Westralia Airports Corporation for comment.

5.21 Prohibited Signage

Within the district the following signs and advertising are prohibited and shall not be approved by the City—

- (a) roof signs; or
- (b) any sign, hoarding or advertising device whatsoever which does not comply with any other local law of the City.

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 Map—

- (a) Development Areas shown on the Scheme Map as DA with a number and included in Schedule 14.
- (b) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in Schedule 16.

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 Development Areas

6.2.1 Interpretation

In clause 6.2, unless the context otherwise requires—

“owner” means an owner or owners of land in the Development Area; and

“structure plan” means a structure plan that has come into effect in accordance with clause 6.2.12.1.

6.2.2 Purpose of Development Areas

6.2.2.1 The purposes of Development Areas are to—

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

6.2.2.2 Schedule 14 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

6.2.3 Subdivision and Development in Development Areas

6.2.3.1 The development of land within a Development Area is to comply with Schedule 14.

6.2.3.2 The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land.

6.2.4 Structure Plan Required

6.2.4.1 The local government is not to—

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

of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.

6.2.4.2 Notwithstanding clause 6.2.4.1, a local government may recommend subdivision or approve the development of land within a Development 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 Development Area.

6.2.5 Preparation of Proposed Structure Plans

6.2.5.1 A proposed structure plan may be prepared by—

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

6.2.5.2 A proposed structure plan may be prepared for all, or part of, a Development Area.

6.2.6 Details of Proposed Structure Plan

6.2.6.1 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) hydrogeological 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;
- (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 6.2.6.1 (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 6.2.6.1 (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.

6.2.6.2 The maps referred to in clause 6.2.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 6.2.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

6.2.6.3 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 or the Residential Design Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land within a Development Area.

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

6.2.7 Submission to Local Government and Commission

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

6.2.7.2 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.

6.2.7.3 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.

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

6.2.8 Advertising of Structure Plan

6.2.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 6.2.6 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 to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan 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.

6.2.8.2 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.

6.2.9 Adoption of Proposed Structure Plan

6.2.9.1 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.

6.2.9.2

- (a) In making a determination under clause 6.2.9.1, 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 6.2.9.1.

6.2.9.3 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 readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 6.2.8.1 onwards are to apply.

6.2.9.4 If within the period referred to in clause 6.2.9.1, 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 6.2.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

6.2.10 Endorsement by Commission

6.2.10.1 If the proposed structure plan proposes the subdivision of land, then within 21 days of making its determination under clause 6.2.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

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

6.2.10.3 The Commission is to notify the local government of its determination under clause 6.2.10.2.

6.2.11 Notification of Structure Plan

6.2.11.1 As soon as practicable after adopting a proposed structure plan under clause 6.2.9.1 and if clause 6.2.10 applies, as soon as practicable after being notified of the Commission's decision under clause 6.2.10.3, 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.

6.2.12 Operation of Structure Plan

6.2.12.1 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 6.2.10.2; or
- (b) on the day on which it is adopted by the local government under clause 6.2.9.1 in all other cases.

6.2.12.2 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.

6.2.13 Inspection of Structure Plan

6.2.13.1 The structure plan and the Commission's notification under clause 6.2.10.3 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.

6.2.14 Variation to Structure Plan

6.2.14.1 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 6.2.6 onwards.

6.2.14.2 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.

6.2.14.3 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.

6.2.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 6.2.14.3, the Commission is to determine whether to endorse the proposed variation.

6.2.14.5 The Commission is to notify the local government of its determination under clause 6.2.14.4.

6.2.14.6 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 6.2.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 6.2.14.1 (a).

6.2.15 Detailed Area Plan

6.2.15.1 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.

6.2.15.2 A detailed area plan 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.

6.2.15.3 When a proposed detailed area plan is prepared under clause 6.2.15.1, 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 Development Area, or part of the Development 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.

6.2.15.4 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.

6.2.15.5 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.

6.2.15.6 If within 60 days of receiving a detailed area plan prepared under clause 6.2.15.1(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 6.2.15.5, the local government is deemed to have refused to approve the detailed area plan.

6.2.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.

6.2.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 6.2.15 onwards provided such variations do not prejudice the intention of any related structure plan.

6.2.16 Appeal

6.2.16.1 An owner who has submitted a proposed structure plan under clause 6.2.7.1 may appeal, under Part 11 of the *Planning and Development Act 2005*—

- (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 6.2.8.1;
- (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.

6.2.16.2 An owner who has submitted a detailed area plan in accordance with clause 6.2.15 may appeal, in accordance with Part 14 of the *Planning and Development Act 2005*, any discretionary decision made by the local government under clause 6.2.15.

6.3 Development Contribution Areas

6.3.1 Interpretation

In clause 6.3, unless the context otherwise requires—

“*Administrative costs*” means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

“*Administrative items*” means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

“*Cost apportionment schedule*” means a schedule prepared and distributed in accordance with clause 6.3.10.

“*Cost contribution*” means the contribution to the cost of infrastructure and administrative costs.

“*Development contribution area*” means shown on the scheme map as DCA with a number and included in Schedule 16.

“*Development contribution plan*” means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause 6 of the scheme (as incorporated in Schedule 16 to this scheme).

“Development contribution plan report” means a report prepared and distributed in accordance with clause 6.3.10.

“Infrastructure” means the standard infrastructure items (services and facilities set out in appendix 1 of the WAPC Statement of Planning Policy 3.6) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

“Infrastructure costs” means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

“Local government” means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

“Owner” means an owner of land that is located within a development contribution area.

6.3.2 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.

6.3.3 Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

6.3.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 16 as part of this scheme.

6.3.5 Subdivision, strata subdivision and development

The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure.

6.3.6 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) Need and the nexus
The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- (b) Transparency
Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.
- (c) Equity
Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.
- (d) Certainty
All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.
- (e) Efficiency
Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.
- (f) Consistency
Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.
- (g) Right of consultation and review
Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.
- (h) Accountable
There must be accountability in the manner in which development contributions are determined and expended.

6.3.7 Recommended content of development contribution plans

6.3.7.1 The development contribution plan is to specify—

- (a) the development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items 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.

6.3.8 Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.

6.3.9 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) existing government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan, is to be excluded.

6.3.10 Development contribution plan report and cost apportionment schedule

6.3.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6.3.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

6.3.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.3.11.

6.3.11 Cost contributions based on estimates

6.3.11.1 The determination of Infrastructure costs 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 and adjusted accordingly, if necessary.

6.3.11.2 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 6.3.12; and
- (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.

6.3.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.

6.3.11.4 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.

6.3.11.5 Where an owner's cost contribution is adjusted under clause 6.3.11.4, 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.

6.3.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ("independent expert") agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

6.3.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution 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 on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

6.3.12 Valuation

6.3.12.1 Clause 6.3.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6.3.12.2 In clause 6.3.12—

"Value" means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule No. 15. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

“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, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6.3.12.3 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.

6.3.12.4 If, following a review, the valuer’s determination of the value of the land is still not 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, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

6.3.13 Liability for cost contributions

6.3.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.3.

6.3.13.2 An owner’s liability to pay the owner’s cost contribution to the local government arises on the earlier of—

- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan 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;
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner’s land within the development contribution area; or
- (d) the approval of a change or extension of use by the local government on the owner’s land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

6.3.13.3 Notwithstanding clause 6.3.13.2, 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 or strata subdivided since the coming into effect of the development contribution plan.

6.3.13.4 Where a development contribution plan expires in accordance with clause 6.3.8, an owner’s liability to pay the owner’s cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner’s land, subject to such liability.

6.3.14 Payment of cost contribution

6.3.14.1 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) the provision of physical infrastructure;
- (d) some other method acceptable to the local government; or
- (e) any combination of these methods.

6.3.14.2 The owner, with the agreement of the local government, may pay the owner’s cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

6.3.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner’s liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

6.3.15 Charge on land

6.3.15.1 The amount of any cost contribution for which an owner is liable under clause 6.3.13, 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 certificate of title to that land.

6.3.15.2 The local government, at the owner’s expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.3.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

6.3.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.3.15.

6.3.16 Administration of funds

6.3.16.1 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 infrastructure costs 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.

6.3.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.3.16.1 is to be applied in the development contribution area to which the reserve account relates.

6.3.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

6.3.17 Shortfall or excess in cost contributions

6.3.17.1 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;
- (b) enter into agreements with owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution;

but nothing in paragraph 6.3.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

6.3.17.2 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 refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

6.3.18 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 and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

6.3.19 Arbitration

Subject to clauses 6.3.12.3 and 6.3.12.4, 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 7—HERITAGE PROTECTION AND TREE PRESERVATION

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.

7.1.7 Existing Heritage List

Any Heritage List in existence at the time of the gazettal of the Scheme is to have the effect of a Heritage List under the Scheme provided it was made under procedures similar to those in the Scheme.

Note—

1. The purpose and intent of the heritage provisions are—
 - (a) to facilitate the conservation of places of heritage value; and
 - (b) to ensure as far as possible that development occurs with due regard to heritage values.
2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2 Designation of a Heritage Area

7.2.1 If, in the opinion of the 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 the amendment of a designation of a heritage area.

7.3 Tree Preservation Orders and Planting of Trees

7.3.1 (1) The City may resolve that an Order (“Tree Preservation Order”) be served upon the owner of any land requiring the preservation of a tree or group of trees growing wholly or partly on that land.

(2) If portion of the canopy of a tree, the subject of a Tree Preservation Order, overhangs property adjoining that on which the tree is growing, the City may also resolve that a Tree Preservation Order be served upon the owner of that adjoining property and the order with any necessary modification shall have the same effect in respect of that owner as the order referred to in paragraph (a).

(3) If the owner of land on which any tree affected by a Tree Preservation Order is situated or the owner of land which any such tree overhangs is not also the occupier of that land the City may additionally or alternatively serve a copy of the order on the occupier of such land, and the order shall have the same effect in respect of the occupier as the orders referred to in paragraph (a) and (b) in relation to owners.

(4) No person served with an order or a copy of an order in accordance with this subclause, and no person who has knowledge of such an order may remove or otherwise destroy, or cut, break or otherwise damage any part of a tree affected by the order, or cause or permit such removal, destruction, cutting, breaking or damaging except with the prior approval in writing of the City.

7.3.2 An owner of land affected by a Tree Preservation Order may, within 28 days of the serving of the order on that owner, request in writing that City reconsider the Tree Preservation Order and revoke or modify the Order in a manner specified in the request. If the City within 60 days of receipt of such a request fails or refuses to revoke or modify the order as requested, the owner may apply for review of the decision to the State Administrative Tribunal.

7.3.3 (1) The City may at any time reconsider a Tree Preservation Order and either as a result of a request by an owner or of its own motion, may resolve to revoke or modify the order.

(2) A revocation or modification under the preceding paragraph may be in relation to any one or more of all the lands affected by the original Tree Preservation Order.

(3) The fact of a Tree Preservation order being revoked or modified shall be notified to any owner and occupier of land affected by the original Tree Preservation Order.

7.3.4 The City may keep and maintain a register of trees which includes the description and location of any tree or group of trees the subject of a Tree Preservation Order, and the name and address of the landowner or occupier on whom any order has been served in accordance with this clause. The register shall be kept available for public inspection at the administrative office of the City.

7.3.5 When the City resolves to serve a Tree Preservation Order on the owner or occupier of any land the City may without any further resolution deliver a copy of the Tree Preservation Order to the Registrar of Titles.

7.3.6 Upon the revocation or modification of a Tree Preservation Order which has the effect that any land is no longer affected by the Order, the City shall deliver a notification of the fact that the land is no longer affected in the same way and to the same officers as a copy of an order is delivered under the preceding subclause. Such notification shall specify the date on which the revocation or modification took place and the land to which it relates.

7.3.7 (1) On receiving a copy of a Tree Preservation Order delivered under the provisions of this clause, the Registrar of Titles shall register the order and endorse or note accordingly the appropriate register book in respect of the land stipulated in the order as the land to which it relates.

(2) On receiving a notification of revocation or modification of a Tree Preservation Order delivered under the provisions of this clause, the Registrar of Titles shall cancel or modify (as the notification requires) the registration of the Tree Preservation Order in relation to the land specified and endorse or note accordingly the appropriate register books in respect of the land so specified.

7.4 Agreements

The local government, for the purpose of conserving or enhancing a place of cultural heritage significance or a Heritage Area, or for the purpose of supporting or reinforcing a Tree Preservation Order, and without affecting the generality of any other provision in this Part, and without affecting the generality of any other provision in this Scheme giving power to make agreements, the City may—

- (a) enter into agreements with any applicant or owner or occupier of land;
- (b) enter into agreements with the Heritage Council of Western Australia incorporated into the *Heritage of Western Australia Act 1990*, the National Trust of Australia (W.A.), the Royal Western Australian Historical Society (Inc.), or any Government Department, authority or any other body or person; and
- (c) generally enter into agreements relating to the payment of money or financial arrangements or the provision of incentives or disincentives in relation to the development of land.

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*.

7.5 Heritage and Tree Assessment

7.5.1 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.

7.5.2 The City may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application referred to in clause 7.5.2.

7.6 Variations to Scheme Provisions for a Heritage Place and 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.

PART 8—DEVELOPMENT OF LAND**8.1 Requirement for Approval to Commence Development**

Subject to clause 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

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

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
 - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
 - (ii) the development will be located in a heritage area designated under the Scheme; or
 - (iii) the lot is less than 350 square metres; or
 - (iv) the alterations and/or additions to an existing dwelling unit involve more than 2 habitable rooms and result in an increase exceeding 25 per cent of habitable floorspace if the land subject of the application is partially or wholly within the 25-30 ANEF (Aircraft Noise Exposure Forecast) contours; or
 - (v) the proposal will be located in a Special Development Precinct; or
 - (vi) the development abuts the Development Control Area or in the opinion of Council is likely to impact the quality of waters in the DCA.
- (c) the demolition of any building or structure except where the building or structure is—
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area;
- (g) the erection of a boundary fence where—
 - (i) The boundary fence is located in any zone other than the Residential and Residential and Stables zones and is located behind the street setback area of a lot;
 - (ii) The boundary fence is located in the street setback area in land zoned Residential or Residential and Stables where the fence is more than 1.8 metres in height when measured from natural ground level and is not visually permeable from 1.2 metres above natural ground level;
- (h) the carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act;
- (i) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;
- (j) the continuation of an existing lawful use by a new owner/occupier provided the continuation does not involve the carrying out of any building or other works;
- (k) patios and pergolas for single, grouped or multiple dwellings where located behind the front setback notwithstanding any variance to the Residential Design Codes;
- (l)
 - (i) carports where located behind the front setback; or
 - (ii) carports located within the front setback where—
 - (a) carports are open sided except to the extent where it abuts a dwelling or a property boundary on one side; and

- (b) any door securing the carport is designed and constructed to allow for clear views through to a dwelling; and
 - (c) the roof is pitched to match that of the existing residence.
- (m) satellite dishes that—
- (i) have a diameter less than 1 metre; and
 - (ii) are not visible from a public street; and
 - (iii) are located behind the front setback; and
 - (iv) do not project above the ridgeline of the building to which it is attached; and
 - (v) is a compatible colour with existing improvements.
- (n) microwave antennas that—
- (i) have a diameter less than 500 millimetres; and
 - (ii) do not project higher than 3 metres above the ridgeline of the roof to which it is attached.
- (o) security shutters and grills on non-residential buildings in the Commercial, Mixed Use, Mixed Business and Town Centre zones where—
- (i) Shutters or grills are visually permeable to a minimum of 50 per cent when viewed from a street; and
 - (ii) Shutters or grills are a compatible colour with existing improvements; and
 - (iii) The shutter box is fixed internally.
- (p) cubby houses where—
- (i) Maximum wall height is no greater than 1.6 metres; and
 - (ii) Maximum floor area is no greater than 9 square metres; and
 - (iii) Supporting stilts are no higher than 600 millimetres.

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, 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, if the development conforms to the provisions of the Scheme.

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

Note—

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

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of Application

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

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

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

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

Note—

1. Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within a regional reserve is to be referred by the 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 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 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. Separate determinations are made by the local government under the Scheme and the Commission under the Region Scheme.

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—
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that 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 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 compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any 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 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 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 for review to the State Administrative Tribunal in accordance with the review provisions of the *Planning and Development Act 2005*.

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 and Development Act 2005*; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the *Planning and Development Act 2005* 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 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 advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2 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 advertiser 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.

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

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

11.2.4 A person on whom notice is served under this clause may apply for a review of the determination of the local government to the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

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 Chief Executive Officer, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2 The Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer'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 Person must comply with provisions of Scheme

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.

Note: Section 223 of the *Planning and Development Act 2005* provides that a person who commits an offence under the Act is liable to a penalty of \$50,000 and, in the case of a continuing offence, a further fine of \$5,000 for each day during which the offence continues.

11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Part 11 of the *Planning and Development Act 2005*—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,
 not later than 6 months after the application is refused or the permission granted.

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

Note—

1. A claim for compensation in respect of the refusal of planning approval or the imposition of conditions on land reserved under the Metropolitan Region Scheme should be made under the *Planning and Development Act 2005*.
2. A claim for compensation under Part 11, Division 1, section 171 of the *Planning and Development Act 2005* may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

11.6 Purchase or Taking of Land

11.6.1 If, where compensation for injurious affection is claimed under the *Planning and Development Act 2005*, 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.

11.6.2 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 and Development Act 2005* empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

11.7 Notice for Removal of Certain Buildings

11.7.1 Under sections 214 and 215 of the *Planning and Development Act 2005*, 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.

11.7.2 The local government may recover expenses under section 215(2) of the *Planning and Development Act 2005* in a court of competent jurisdiction.

PART 12—SCHEDULES

SCHEDULE No. 1

Dictionary of Defined Words and Expressions

General Definitions	Meaning
absolute majority:	has the same meaning given to the term in the <i>Local Government Act 1995</i> ;
Act:	means <i>Planning and Development Act 2005</i> ;
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;

General Definitions	Meaning
amenity:	amenity means all those factors which combine to form the character of an area and include the present and likely future amenity;
authorised officer:	means an officer of the City, authorised by the City to exercise all or some of the powers of the City under this Scheme;
Building Code of Australia:	means the Building Code of Australia 1988 or the equivalent replacing that Code;
building envelope:	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;
building line:	means the line between which and any public place or public reserve a building may not be erected except by or under the authority of a written law and the term "building set-back line" has a like meaning;
City:	means the City of Belmont;
Commission:	means the Western Australian Planning Commission;
conservation:	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> ;
Council:	means the executive body of the City of Belmont;
cultural heritage significance:	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> ;
curtilage:	in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the City. The term has a like meaning in relation to land around buildings other than dwellings.
development:	has the meaning given to the term in the Act;
District:	means the local government district of the City of Belmont;
facade:	means an exposed face of a building orientated towards a road or other public land or the outward appearance of the building where it does not face a road or other public land;
floor area: (gross 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— <ul style="list-style-type: none"> (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:	means the date on which notice of the Minister's approval of this Scheme is published in the <i>Government Gazette</i> ;
ground level: (natural ground level)	the level of the ground on the site prior to any building work other than subdivisional site works, and average natural ground level is the average level ascertained by averaging the natural ground levels at all points of intersection of lines drawn from opposite corners of the site. For a site with odd numbers of corners, the corner furthest from the major street boundary is ignored. For the height of a wall, the measurement is taken from the natural ground level at the centre point of the wall to the highest point of the wall whether that be above the centre point or not.
health consultant:	a legally qualified medical doctor, dentist, physiotherapist, podiatrist, acupuncturist, naturopath, or other persons ordinarily associated with medical practises, in the prevention or treatment of physical or mental injuries or ailments;
height:	height when used in relation to a building that is used for— <ul style="list-style-type: none"> (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 list of places drawn by the City for the purpose of this scheme from time to time from the City's Municipal Inventory, prepared by the City pursuant to section 45 of the <i>Heritage of Western Australia Act 1990</i> . The list so drawn is to be kept with the scheme documents for public inspection during normal office hours;

General Definitions	Meaning
heritage precinct:	means a precinct of heritage value having a distinctive historical, cultural, scientific or aesthetic nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character;
hoarding:	means a detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying advertising, but does not include a hoarding within the meaning of section 377 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> unless such a hoarding is used for the purpose of displaying advertising;
incidental use:	means a use of premises which is ancillary and subordinate to the predominant use;
land:	has the same meaning given to it in the Act;
lot:	lot has the same meaning as in the Act but does not include a strata or survey strata lot;
Metropolitan Region Scheme:	means the Metropolitan Region Scheme relating to the Perth Metropolitan Area;
Minister:	means the Minister of the Western Australian Government responsible for town planning;
net lettable area (nla):	means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas— <ul style="list-style-type: none"> (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor— (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (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:	means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme.
owner:	in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity— <ul style="list-style-type: none"> (a) is entitled to the land for an estate in fee simple in possession; or (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or (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 thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.
park:	in relation to vehicles, means to leave stationary on land, and inflexions of the term have corresponding meanings;
place:	in Part 7 (Heritage Protection) has the same meaning as it has in the <i>Heritage of Western Australia Act 1990</i> ;
plot ratio:	in the case of residential dwellings has the same meaning as in the Residential Design Codes; and in the case of non residential buildings has the meaning given to the term in the Building Code of Australia;
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;
public authority:	has the same meaning given to the term in and for the purposes of the Act;
public utility:	means any work or undertaking constructed or maintained by a public authority or the City as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
pylon sign:	means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infills may be added;

General Definitions	Meaning
R Codes:	Residential Design Codes means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;
reserve:	means any land reserved for a public purpose;
retail:	retail means the sale or hire of goods or services to the public;
roof sign:	means a sign erected or mounted on the roof of a building and means the same as “roof mounted sign”;
Schedule:	means a Schedule to the Scheme;
sign:	means anything including part of a building on which advertising is displayed, and includes an advertising device and a hoarding and a pylon sign;
site coverage:	means the area of a lot occupied by any building at ground level, together with the area of any overhang, veranda or balcony more than 0.5 metres above natural ground level in excess of 10 per cent of the site area or 50 square metres, whichever is the lesser. “Site cover” and “lot coverage” have the same meaning;
special facility:	means land and/or any building approved or licensed or intended to be approved or licensed as a special facility under the liquor control legislation;
structure plan:	means a plan which indicates land use options for the development and subdivision of an area;
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;
substantial work:	building work progressed beyond site works and footings over the whole site, or in the case of a staged development, building work has progressed beyond site works and footings for a complete stage or stages representing at least 50 per cent of the ground floor area of the total development;
waterway:	shall have the meaning given to the term in the Act;
wholesale:	means the sale of any goods to any person or persons other than the ultimate consumer of those goods;
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.
Land Use Definitions	
amusement facility:	means any land or building, open to the public, used for not more than 2 amusement machines, and where the use is incidental to the predominant use;
amusement parlour:	means any land or building, open to the public, where the predominant use is amusement or recreation by amusement machines and where there are more than 2 amusement machines operating within the premises;
ancillary accommodation:	has the same meaning given to it in the Residential Design Codes;
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, fruit, vegetables, livestock or motor vehicles;
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 a building operated as a totaliser agency as defined under the <i>Racing and Wagering Western Australia Act 2009</i> ;
camping area:	means any land used for the accommodation of persons in tents or other temporary shelter;
caravan:	means any vehicle whether currently equipped with wheels or not, together with attachments, designed or adapted for human habitation and includes a mobile home which fits the foregoing description;
caravan park:	has the same meaning as in the <i>Caravan Parks and Camping Grounds Act 1995</i> ;

Land Use Definitions	Meaning
caretaker's dwelling:	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
carpark:	means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
child care premises:	has the same meaning as in the <i>Community Services (Child Care) Regulations 1988</i> ;
child family day care:	means the care of no more than 7 children, including the resident's own children, in a private dwelling in a family or domestic environment;
civic use:	means land or buildings used by a Government Department, an agency or instrumentality of the State, or the City, for administrative, recreational or other purpose;
club premises:	means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest;
commercial vehicle:	means a vehicle whether licensed or not and which is used or designed for use for business purposes or otherwise in conjunction with a trade or profession and without limiting the generality of the foregoing includes any trailer, tractor and an attachment to any of them and any bus or earthmoving machine whether self propelled or not but shall not include a vehicle designed for use as a passenger car, a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of up to 1.5 tonnes;
community home:	means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and by a constituted community based organisation, a recognised voluntary, charitable or religious organisation, a government department or an agency or instrumentality of the State or a local government body;
community purpose:	means the use of any land or building 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— <ul style="list-style-type: none"> (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;
cultural use:	means any use aimed at the improvement or refinement of people by entertainment and/or education;
display home centre:	means a group of 2 or more dwellings which are intended to be open for public inspection for a limited period of time;
dog kennels:	means any land and building used for the boarding or breeding of dogs where such premises are registered or required to be registered by the City under any written law; and may include the sale of dogs where such use is incidental to the predominant use;
dry cleaning premises:	means any land and building used for the cleaning of garments and other fabrics by chemical processes;
educational establishment:	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
fast food/take-away 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;

Land Use Definitions	Meaning
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 any land or building used for the display and sale of garden products, including but without limiting the generality of the foregoing garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings. This does not include the bulk storage and sales of materials such as gravel, sand, rocks, mulch, woodchips and firewood. "Bulk storage" in this definition does not include materials stored in bags or containers up to 40 kilos in weight or 40 kilos in volume
health centre:	means any building used as a maternity centre, a district clinic, an x-ray or ultrasound centre, or pathology centre, or the like of any of those, but does not include the consulting rooms or a medical centre use classes;
health studio:	means any land and building designed and equipped for physical exercise, recreation or sporting activities, but does not include the private recreation or public recreation use classes;
home business:	means a business, service or profession carried out in a single house or on land around a single house by an occupier of the house which— <ul style="list-style-type: none"> (a) does not employ more than 2 people who are 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) does not display a sign exceeding 0.2 square metres in area; (f) in relation to vehicles and parking, does not result in traffic difficulties as a result of either 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 (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
home occupation:	means a business or activity carried out within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling to which it is appurtenant that— <ul style="list-style-type: none"> (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature; (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood; (c) does not detract from the residential appearance of the dwelling or domestic outbuilding; (d) does not entail employment of any person not a member of the occupier's household; (e) does not occupy an area greater than 20 square metres; (f) does not display a sign exceeding 0.2 square metres in area; (g) is compatible with the principal uses to which land in the zone in which it is located may be put; (h) will not result in the requirement for a greater number of parking facilities than normally reserved for such a dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; (i) does not entail the presence, parking and garaging of a vehicle of more than 2 tonnes tare weight;
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;

Land Use Definitions	Meaning
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— <ul style="list-style-type: none"> (a) entail clients or customers travelling to and from the dwelling; (b) involve any advertising signs on the premises; or (c) require any external change to the appearance of the dwelling;
hospital:	means a building in which persons are received 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 <i>Liquor Control Act 1988</i> , and may include a betting agency on those premises, but does not include a tavern or motel;
industry:	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for— <ul style="list-style-type: none"> (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: (or cottage industry)	means a trade or light industry producing arts and crafts goods which does not fall within the definition of home occupation and which— <ul style="list-style-type: none"> (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 a building or 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: (or extractive industry)	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: (or general industry)	means an industry other than an extractive, hazardous, light, noxious, rural or service industry;
industry—hazardous: (or hazardous industry)	means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries;
industry—light: (or light industry)	means an industry— <ul style="list-style-type: none"> (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
industry—noxious: (or noxious industry)	means any industry which causes premises to be defined as “Prescribed Premises” or “Premises Subject to Registration” under the <i>Environmental Protection Act 1986</i> ;
industry—service: (or service industry)	means— <ul style="list-style-type: none"> (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;

Land Use Definitions	Meaning
laundromat:	means any land and building, open to the public in which washing machines, with or without provision for drying clothes, are available for use;
liquor store:	means any land and building the subject of or proposed to be the subject of, a Store Licence granted under the provisions of the liquor licensing laws of WA;
lodging house:	has the meaning given to the term in the <i>Health Act 1911</i> , save that in this Scheme the term also includes premises providing board or lodging to 6 persons or less, but the term does not include the bed and breakfast use;
logistics centre:	means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for— (a) the work of administration or accounting; (b) the provision of amenities for employees, incidental to any of those logistics operations;
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;
massage parlour:	means a use of land involving the massaging manipulation or other treatment of body parts for therapeutic or remedial purposes, of a kind generally administered in association with medical treatment. The term does not include the provision of any sexual services;
medical centre:	means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
mobile phone tower and associated facilities:	mobile phone towers and associated facilities that are considered “non low impact” under the <i>Telecommunications Act 1997</i> ;
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 <i>Liquor Control Act 1988</i> ;
motor vehicle, boat or caravan sales:	means premises used to sell motor vehicles, boats or caravans;
motor vehicle hire:	means any land or building used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles;
motor vehicle repair:	means premises used for or in connection with— (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
motor vehicle wash:	means premises where the primary use is the washing of motor vehicles;
motor vehicle wrecking:	means any land or building used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts on the same premises;
night club:	means premises— (a) used for entertainment with or without eating facilities; and (b) licensed under the <i>Liquor Control Act 1988</i> ;
nursing home:	means any building used for the medical treatment and/or care of sick, aged or handicapped persons, whether resident or not, but does not include the hospital, consulting rooms, medical centre or health centre uses;

Land Use Definitions	Meaning
office:	means premises used for administration, clerical, technical, professional or other like business activities;
open air display:	means the use of land as a site for the display and/or sale of goods and equipment;
outbuilding:	a non habitable building being a private garage, carport, shed or the like associated with a residential use, but detached from the main dwelling unit;
park home park:	has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> ;
pet day care:	involves the use of any land or building for the day time care of pet animals, but does not involve the boarding of animals overnight, or the provision of substantial meals. The term may include limited and incidental provision of food by way of "treats" as part of play or training, or as an adjunct to the administration of an animal's requirement for medication. The term does not include a use that involves injury or risk of injury or prejudicial impact upon the amenity of the relevant locality by reason of the emission noise, smell, waste water or other waste products;
place of worship:	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
public amusement:	means the use of any land or building for the amusement or entertainment of the public, with or without charge, but the term does not include an amusement parlour;
public assembly—place of: (or place of public assembly)	means any special place of assembly, hall, grounds for athletics, all sports grounds with provision for spectators, a racecourse, a trotting track, stadia and/or showgrounds;
radio or TV installation:	means any land or building used to accommodate any part of the infrastructure of a radio or TV network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or intended for use in or in connection with, a radio or TV network;
reception centre:	means any land or building used for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes;
recreation private: (or private recreation)	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
recreation public: (or public recreation)	means any land and buildings used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge;
residential building:	has the same meaning as in the Residential Design Codes;
restaurant:	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the <i>Liquor Control Act 1988</i> ;
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— <ul style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i>; (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;
retirement village:	means any land and buildings containing accommodation for aged and/or dependent persons together with ancillary facilities;
salvage yard:	means any land or building 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, and motor and marine vehicles;
service station:	means premises used for— <ul style="list-style-type: none"> (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;

Land Use Definitions	Meaning
serviced apartment:	means an independent living residential unit providing for short stay accommodation;
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;
short stay accommodation:	means the accommodation of short stay guests providing on site facilities for the convenience of guests and, management of the development, where occupation by any person is limited to a maximum of 3 months in any 12 month period, and excludes any other use falling within a use class specifically defined in this scheme;
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 house:	has the same meaning as in the Residential Design Codes;
stable:	means any land, building or structure used for the housing, keeping or feeding of horses, asses or mules and associated incidental activities;
studio:	means a building or part of a building used as a work-room by a painter, photographer, sculptor or craftsman in the conduct of his/her profession and includes incidental display and sale of things made, decorated or adapted therein;
tavern:	means premises licensed as a tavern under the <i>Liquor Control Act 1988</i> and used to sell liquor for consumption on the premises;
trade display:	means premises used for the display of trade goods or equipment for the purpose of advertising;
transport depot:	means any land or building used for the garaging or parking of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration or for the transfer of goods or persons from one motor vehicle to another and includes where carried out on the same premises maintenance, management and repair of the vehicles used, but not of other vehicles;
truck stop:	means land used for the parking of commercial vehicles and may include facilities for ancillary accommodation of drivers and the retail sale of petroleum products and convenience goods, but excludes the garaging, maintenance, management, and repair of any motor vehicle;
vet consulting room:	means any land and/or building where a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto;
veterinary hospital:	means any land and/or building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment;
video store:	means any building, or part of a building used for the purpose of sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of pre-recorded video material;
warehouse:	means premises used to store or display goods and includes premises on the same land used for— <ul style="list-style-type: none"> (a) the work of administration or accounting; (b) the selling of goods by wholesale; or (c) the provision of amenities for employees, incidental to any of those warehouse operations;

SCHEDULE No. 2
Additional Uses

No.	Location and Additional Uses
1(a)	For all land included in the town centre frame which is zoned Residential R20/50/100 and detailed in the plan, the City may approve the following additional land uses— <ul style="list-style-type: none"> • art gallery • consulting rooms • office • studio

No.	Location and Additional Uses
	<p>When considering applications for the establishment of the abovementioned uses, the following shall be taken into consideration—</p> <ul style="list-style-type: none"> (i) Opportunities for upgrading and renovations of existing buildings to achieve a high architectural standard; (ii) Development or redevelopment to have a high level of regard for the recommendations of the Town Centre Frame Study; (iii) The potential impact of any proposal on the amenity of abutting and nearby residential properties; (iv) The extent to which the design of the proposal harmonises with adjoining and nearby buildings and the general streetscape within the same precinct area.
1(b)	<p>For land within Precinct A, the City may approve the following 2 additional land uses—</p> <ul style="list-style-type: none"> • showroom • video outlet <p>When considering applications for the establishment of showroom or video outlet uses, the following requirements shall be met—</p> <ul style="list-style-type: none"> (i) Lots shall be amalgamated to achieve a minimum lot size of 1,500 square metres and all existing improvements on the property shall be demolished; (ii) Development or redevelopment to have a high level of regard for the recommendations of the Town Centre Frame Study; (iii) The potential impact of any proposal on the amenity of abutting and nearby residential properties; (iv) The extent to which the design of the proposal harmonises with adjoining and nearby buildings and the general streetscape within the same precinct area; (v) Demonstration that adequate car parking can be provided on site in accordance with Table 2 of the City of Belmont Local Planning Scheme No. 15; (vi) Prior to any development of a site, the City may require the formulation of vehicular access plan for the property and abutting sites; (vii) As a condition of planning approval, the City may require that a public easement in gross be provided to promote shared vehicular access between lots; (viii) For showroom uses, provision of a loading/unloading bay and provision of a truck movement plan demonstrating adequate manoeuvrability and turning circles; (ix) Adequate landscaping along the frontage of the lot with a minimum width of 1.5 metres; (x) Landscaping plans to use species consistently used for existing developments in the same precinct.
1(c)	<p>For land within Precinct C, the City may approve retail floor space for new development that meets the following criteria—</p> <ul style="list-style-type: none"> (i) Lots shall be amalgamated to achieve a minimum lot size of 1,000 square metres and all existing improvements on the property shall be demolished; (ii) The total area of retail floor space shall not exceed 35 per cent of the gross floor area of the development, and the gross floor area shall not include any portion of the development to be used for residential purposes; (iii) Development or redevelopment to have a high level of regard for the recommendations of the Town Centre Frame Study; (iv) parking, vehicular access and easements in gross to be in accordance with the City of Belmont Access Policy Plan for Fulham Street (Belmont Avenue to Robinson Avenue).
1(d)	<p>For land within Precinct E, the City may approve a per centage of retail floor space for mixed use developments that include a substantial residential component up to a maximum density of R60, subject to the following requirements being met—</p> <ul style="list-style-type: none"> (i) The total area of retail floor space shall not exceed 35 per cent of the gross floor area of the development. For the purpose of calculating permissible retail floor space, the gross floor area shall not include any portion of the development to be used for residential purposes; (ii) Lots shall be amalgamated to achieve a minimum area of 1,000 square metres and all existing improvements on the property shall be demolished; (iii) Development or redevelopment to have a high level of regard for the recommendations of the Town Centre Frame Study; (iv) Development shall have a minimum of 2 storeys; (v) Development shall incorporate a mixture of land uses and in the opinion of the City, include a substantial residential component;

No.	Location and Additional Uses
	<p>(vi) Development to achieve a high standard of development through imaginative layout, variation in roof height and building design;</p> <p>(vii) Car parking shall be calculated separately where there is a mixture of land uses (eg office and residential). The City may consider car parking dispensations where it is satisfied that on street car parking will be available for use outside normal business hours, or where it can be demonstrated that there is a certain amount of reciprocity between land uses;</p> <p>(viii) All residential dwelling units shall be provided with private open space in the form of a balcony, or ground floor open space, not less than 1.5 metres depth and a minimum area of 4 square metres;</p> <p>(ix) All dwellings shall be provided with a 4 square metres storeroom with a minimum internal width of 1.5 metres.</p> <p>When considering applications for the establishment of the above uses the following matters shall be taken into consideration—</p> <p>(a) The need to limit vehicular access to premises, particularly Abernethy Road by the provision of reciprocal rights of carriageway.</p> <p>(b) The desirability of retaining some residential development in order to achieve a mix of residential and office use.</p> <p>(c) The desirability and practicability of converting existing residences to offices in preference to pursuing total redevelopment.</p> <p>(d) The standards normally applied to such land uses, including car parking, shall generally be in accordance with the relevant provisions of Local Planning Scheme No. 15.</p> <p>(e) The need for the City to invoke clause 9.4.3 of the Scheme thereby requiring notice of proposed developments or initial changes of use to be advertised.</p>
2.	<p>Within the Residential R20/R100B zone detailed below the City may approve the following additional uses—</p> <ul style="list-style-type: none"> • Consulting Rooms • Fast Food/ Takeaway • Medical Centre • Studio • Tavern • Video Store • Shop • Office • Restaurant <p>When considering applications for the establishment of the above uses, the following shall be taken into consideration—</p> <p>(i) Applications to use or develop the land for the use of “Tavern” shall be advertised in accordance with Clause 9.4.3.</p> <p>(ii) The potential impact of any proposal on the amenity of abutting and nearby residential properties.</p> <p>(iii) The extent to which the design of the proposal harmonises with adjoining and nearby buildings and the theme of the marina environment.</p> <p>(iv) The robustness of the land use and associated building, and the ability of the land use to change without adverse impact on the precinct.</p> <p>(v) The development standards which shall apply to such uses shall generally be in accordance with relevant Council Policies adopted under this Scheme in accordance with Clause 2.4.</p>
3.	<p>Within the Mixed Use Zone detailed the City may approve a shop as an additional use.</p>
4.	<p>Within that portion of the Forrestfield Marshalling Yard Office Park and Service Commercial Site detailed, the City may approve the following additional uses—</p> <ul style="list-style-type: none"> • Fast food/Take away; • Consulting room—Group; • Restaurant; • Service station; • Shop, provided that the Gross Leasable Area set aside for the purposes of Shop other than Fast Food does not exceed 500 square metres in total; and • Tavern.

No.	Location and Additional Uses
5(a)	<p>Within the lots detailed in the plan the City may approve the following additional uses—</p> <ul style="list-style-type: none"> • Consulting Rooms • Medical Centre • Office • Serviced Apartments • Showroom where no single tenancy exceeds 200 square metres NLA • Studio
5(b)	<p>Within the lots detailed in the plan the City may approve the following additional uses—</p> <ul style="list-style-type: none"> • Consulting Rooms • Restaurant • Medical Centre • Office • Serviced Apartments • Showroom where no single tenancy exceeds 200 square metres NLA • Studio
5(c)	<p>Within the lots detailed in the plan the City may approve the following additional uses—</p> <ul style="list-style-type: none"> • Consulting Rooms • Medical Centre • Office • Serviced Apartments • Showroom where no single tenancy exceeds 200 square metres NLA • Studio <p>Within the Residential Zone localities detailed in the plans under 5(a), 5(b) and 5(c) the City may approve the following additional uses having regard for the degree of compliance with the criteria contained in the relevant local planning policy.</p>
6.	<p>On Lot 2 (234-236) Epsom Avenue, Belmont as detailed in the plan the City may approve the additional use “Public Worship”.</p>
7.	<p>Within the Residential zone localities detailed in the plan the City may approve the following additional uses having regard for the degree of compliance with the criteria contained in the relevant local planning policy—</p> <ul style="list-style-type: none"> • Consulting rooms • Office • Showroom • Studio
8.	<p>On Lot 85 (329) Orrong Road, Kewdale as detailed in the plan the City may approve the additional use “Public Worship”.</p>
9.	<p>On Lot 25 Strata Lots 1-15 (Units 1-15/398) Great Eastern Highway, Ascot as detailed in the plan the City may approve the additional use “Shop” up to a maximum floor area of 300 square metres over the total site.</p>
10.	<p>On Lots 801 (108), Lot 1 (110), Lot 66 (122), Lot 114 (124), Lot 115 (126), Lot 70 (130), Lot 98 (132), Lot 10 (136) Belmont Avenue and Lot 11 (185) Alexander Road, Council may consider approving the additional uses of office, consulting rooms and studio where the development incorporates a residential component.</p>
11.	<p>On Lot 151 (No. 200) Great Eastern Highway, Ascot as detailed in the plan, Council may approve the additional uses of “convenience store” and “motor vehicle wash”.</p> <p>When considering applications for the establishment of the above uses, the following shall be taken into consideration—</p> <ul style="list-style-type: none"> • The extent to which building(s) and structures on the site incorporate noise attenuation measures to limit the potential impact of noise on adjacent existing and future residential landuses. • Limiting the hours of operation of the “motor vehicle wash” so as to limit the impact of noise on adjacent existing and future residential landuses. • The extent to which the “motor vehicle wash” is designed to limit the potential for water spray impacts on adjoining existing and future residential landuses. • The extent to which the design and layout of proposed building/s and structures on the site are sympathetic to adjoining residential landuses. • The implementation of management measures on-site so as to assist with reducing the possibility of water-borne disease. • Incorporation of security measures designed to discourage anti-social behaviour.
12.	<p>On portion of Lot 142 (No. 128) Tibbradden Circle, Ascot as detailed in the plan, Council may approve an additional density bonus up to R40 subject to any development on site addressing noise attenuation and a high standard of design.</p>

No.	Location and Additional Uses
13.	On Lot 288 (137) Kewdale Road, Kewdale, the City may approve the following additional uses— <ul style="list-style-type: none"> • Consulting Rooms • Health Centre • Liquor Store • Lunch Bar • Medical Centre • Office • Restaurant • Tavern
14.	On Lots 11, 10, 275 and 1 (118, 126, 128 and 113) Kewdale Road, Kewdale as detailed in the plan the City may approve the following additional use “Office”.
15.	On Lot 1 (524) Kewdale Road, Kewdale as detailed in the plan the City may approve the following additional use “Office”.
16.	On Lot 3 and Lot 4 (2 and 4) Aitken Way, Kewdale and Lots 1, 393, 394, 395 and 396 (1, 3, 5, 7 and 9) Tipping Road, Kewdale as detailed in the plan the City may approve the following additional use “Office”.
17.	On Lot 8 (99) Leach Highway, Kewdale as detailed in the plan the City may approve the following additional use “Office”.

—————

SCHEDULE No. 3

Restricted Uses

There are no restricted uses which apply to the Scheme.

—————

SCHEDULE No. 4

Special Use Zones

There are no Special Use Zones which apply to the Scheme.

—————

SCHEDULE No. 5

Exempted Advertisements

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
DWELLINGS	One professional name-plate as appropriate.	0.2m ²
HOME OCCUPATION	One advertisement describing the nature of the home occupation.	0.2m ²
PUBLIC PLACES AND RESERVES	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or Council of a municipality, excluding those of a promotional nature constructed or exhibited by or on behalf of any such body; and	Not applicable
	(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway, or waterway where such advertisement has been constructed or exhibited by or at the direction of a government department, public authority, or the Council of a municipality; and	Not applicable

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
	(c) Advertisement signs (illuminated or non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified herein.	Not applicable
	(d) Advertisement signs (illuminated or non-illuminated) to promote a significant project and/or public work undertaken by the City of Belmont.	15m ²
RAILWAY PROPERTY AND RESERVES	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area
ADVERTISEMENTS WITHIN BUILDINGS	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not applicable
BUILDING CONSTRUCTION SITES (ADVERTISEMENT SIGNS DISPLAYED ONLY FOR THE DURATION OF THE CONSTRUCTION AS FOLLOWS):	(i) Dwellings One advertisement per street frontage containing details of the project and professional consultants and the contractors undertaking the construction work.	2m ²
	(ii) Multiple dwellings, shops, commercial and industrial projects One sign as for (i) above.	5m ²
	(iii) Large development/re-development projects involving shopping centres, offices, or other buildings exceeding 3 stories in height. <ul style="list-style-type: none">• One sign as for (i) above, and• One additional sign showing the name of the project building.	5m ² 10m ²
PROPERTY TRANSACTIONS	Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated, as follows—	
	(i) Dwellings One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ²
	(ii) Multiple dwellings, shops, commercial and industrial properties One sign as for (i) above	Each sign shall not exceed an area of 5m ²
	(iii) Large properties comprised of shopping centres, buildings in excess of 4 storeys, and rural properties in excess of 5 ha One sign as for (i) above.	Each sign shall not exceed an area of 10m ²
DISPLAY HOMES	Advertisement signs displayed for the period which homes are on display for public inspection	
	(i) One sign for each dwelling on display	2m ²
	(ii) In addition to (i) above, one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m ²

SCHEDULE No. 6
Form of Application for Planning Approval

Owner details

Name:

Address:

Postcode:

Phone:

(work):

(home):

(mobile):

Fax:

E-mail:

Contact person:

Signature:

Date:

Signature:

Date:

The signature of the owner(s) is required on all applications. This application will not proceed without that signature.

Applicant details

Name

Address:

Postcode:

Phone:

(work):

(home):

(mobile):

Fax:

E-mail:

Contact person for correspondence:

Signature:

Date:

Property details

Lot No:

House/Street No:

Location No:

Diagram or Plan No.:

Certificate of Title Vol. No.:

Folio:

Diagram or Plan No.:

Certificate of Title Vol. No.:

Folio:

Title encumbrances (e.g. easements, restrictive covenants):

Street name:

Suburb:

Nearest street intersection:

Existing building/land use:

Description of proposed development and/or use:

Nature of any existing buildings and/or use:

Approximate cost of proposed development:

Estimated time of completion:

OFFICE USE ONLY

Acceptance Officer's initials:

Date received:

Local government reference no:

SCHEDULE No. 7

Additional Information for Advertisements

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 No. 8

Notice of Public Advertisement of Planning Proposal

City of Belmont

Notice of public advertisement of planning proposal

The local government 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 Belmont.

SCHEDULE No. 9

Notice of Determination on Application for Planning Approval

City of Belmont

Determination on Application For Planning Approval

Owner:

Address:

Applicant:

Address:

Description of proposed development:

Location: Lot (Street Number) Street, Suburb

Application date:

Received on:

The application for planning approval is—

granted subject to the following conditions:

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 by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.

Signed:

Dated:

.....

SCHEDULE No. 10

Environmental Conditions

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

SCHEDULE No. 11

Car Parking Layout

SCHEDULE No. 12

Structures Height Control Contours Map

SCHEDULE No. 13

Lots Coded R12.5 within the 25-30 ANEF

SCHEDULE No. 14
Development Areas

Ref. No.	Area	Provisions
DA3	Land fronting Kew Street and abutting Dod Reserve.	An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.
DA 4	Land bounded by Ryans Court, Morrison Street, Stanton Road and Tonkin Highway Redcliffe.	<ol style="list-style-type: none"> 1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for residential development. 3. Not less than seventy-five per cent (75%) of all land within the Residential Zone shall be developed for the purpose of single houses.
DA 5	Land bounded by Stanton Road, Morrison Street, Greenshields Way and Tonkin Highway.	<ol style="list-style-type: none"> 1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for residential development.
DA 6	Land bounded by Tonkin Highway, Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Fauntleroy Avenue and Precincts 1A and 1B as defined under the Perth Airport Masterplan 2004.	An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.
DA 7	Land bounded by Tibbradden Circle, Coolgardie Parade, Central Avenue, Garvey Park, and the back of lots 57 to 75 Fernridge Cove.	<ol style="list-style-type: none"> 1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for residential development.
DA 8	Land bounded by Hay Road, Lilian Grove, Fauntleroy Avenue and the eastern boundary of Lot 258 Fauntleroy Avenue.	<ol style="list-style-type: none"> 1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for residential development.
DA 9	Land bounded by Fauntleroy Avenue, Hay Road, Lot 185 Hay Road and the rear of the Mixed Use zoned lots fronting Great Eastern Highway.	<ol style="list-style-type: none"> 1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for residential development.
DA 10	Lot 120 Epsom Avenue and Lot 111 Nisbet Street, Ascot (Ascot Inn)	<ol style="list-style-type: none"> 1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To incorporate the existing heritage place in any structure plan for the area.
DA 11	The Springs bounded by the Swan River, Brighton Road, Great Eastern Highway and Graham Farmer Freeway	An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.

SCHEDULE No. 15
Statutory Static Feasibility Assessment Model

Gross realisation

Net lot yield @ average market value per lot			
"X" lots @ "\$Y" per lot	\$		(1)
Less GST @ standard/normal rates			
(1) Multiplied by GST rate/(100+GST rate)	\$		(2)
(1-2)		\$	(3)
Less selling, marketing, advertising and settlement fees			
@ market % multiplied by (1)	\$		(4)
Add back Input Tax Credit on selling fees			
(4) Multiplied by GST rate/(100+GST rate)	\$		(5)
(4-5)		\$	(6)
Balance after selling costs etc and Input Tax Credit (3-6)		\$	(7)
Less adjusted profit and risk allowance as per SPP 3.6			
Market determined profit and risk allowance		%	(8)
Less fixed profit allowance per SPP3.6		10%	(9)
Risk rate applied (8-9)		= %	(10)
EXPLANATION: (10) to be expressed as a whole number eg 15% = 15			
ie Risk = (7) multiplied by (10)/100+(10)			
		\$	(11)
Balance after profit and risk factor (7-11)		\$	(12)
Less development costs @ "X" lots multiplied by "\$Z" per lot	\$		(13)
Add back Input Tax Credit on (13)			
(13) Multiplied by GST rate/(100+GST rate)	\$		(14)
Development cost after Input Tax Credit (13-14)	\$		(15)
Add interest on net development costs (15)			
For 1/2 development and 1/2 selling term			
@ Applicable market rates			
(15) Multiplied by % rate	\$		(16)
(15+16)		\$	(17)
Balance after deduction of development costs and interest (12-17)		\$	(18)
Less interest on land value, rates and taxes and stamp duty			
Assessed over 1/2 development and 1/2 selling term			
@ Applicable market rates			
(18) Multiplied by (% rate/100+%rate)		\$	(19)
Balance after interest on the land (18-19)		\$	(20)
Less rates and taxes		\$	(21)
Balance after rates and taxes (20-21)		\$	(22)
Less Stamp Duty @ current statutory rates			
(22) Multiplied by stamp duty rate/(100+stamp duty rate)		\$	(23)
Residual Land Value prior to GST considerations (22-23)		\$	(24)
Add GST (24) + GST at prevailing statutory rate		\$	(25)
ASSESSED STATUTORY CONTRIBUTION PER SPP 3.6 (22+23)	\$		

The Static Feasibility Model is based upon—

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

SCHEDULE No. 16
Development Contribution Plan

1.	Reference No.	Development Control Plan 1
	Area name: Relationship to other planning instruments: Infrastructure and administrative costs to be funded: Method for calculating contributions: Period of operation: Priority and timing: Review process:	

Approved by Resolution of the Council of the City of Belmont at the Special Meeting of Council held on the 25th day of November 2008.

G. J. GODFREY, Mayor.

Dated: 10 October 2011.

S. COLE, Chief Executive Officer.

Dated: 10 October 2011.

FINAL APPROVAL

1. Adopted by Resolution of the Council of the City of Belmont at the Special Meeting of the Council held on the 14th day of February 2011 and the seal of the Municipality was affixed pursuant to the Resolution hereto in the presence of—

G. J. GODFREY, Mayor.

Dated: 10 October 2011.

S. COLE, Chief Executive Officer.

Dated: 10 October 2011.

2. Recommended/Submitted for Final Approval by the Western Australian Planning Commission.

MARK SZABO,
Delegated under s.16 of the PD Act 2005.

Dated: 20 October 2011.

3. Final Approved granted.

JOHN DAY, Minister for Planning.

Dated: 4 November 2011.