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PLANNING AND DEVELOPMENT ACT 2005

CITY OF SOUTH PERTH

**LOCAL PLANNING SCHEME
NO. 7**

PLANNING AND DEVELOPMENT ACT 2005**CITY OF SOUTH PERTH****LOCAL PLANNING SCHEME NO. 7**

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

TABLE OF CONTENTS

PART 1—PRELIMINARY	581
1. Citation.....	581
2. Commencement.....	581
3. Scheme revoked	581
4. Notes do not form part of Scheme	581
5. Responsibility for Scheme	581
6. Scheme area	581
7. Contents of Scheme	581
8. Purposes of Scheme	581
9. Aims of Scheme.....	581
10. Relationship with local laws.....	582
11. Relationship with other local planning schemes.....	582
12. Relationship with region planning scheme	582
PART 2—RESERVES	582
13. Regional Reserves	582
14. Local reserves.....	582
15. Additional uses for local reserves.....	582
PART 3—ZONES AND USE OF LAND	583
16. Zones.....	583
17. Zoning table.....	584
18. Interpreting zoning table.....	585
19. Additional uses.....	586
20. Restricted uses	586
21. Special use zones.....	586
22. Non-conforming uses	587
23. Changes to non-conforming use	587
24. Register of non-conforming uses	587
PART 4—GENERAL DEVELOPMENT REQUIREMENTS	587
25. R-Codes.....	587
26. Modification of R-Codes	587
27. State Planning Policy 3.6 to be read as part of Scheme.....	588
28. Modification of State Planning Policy 3.6.....	588
29. Other State planning policies to be read as part of Scheme	588
30. Modification of State planning policies.....	588
31. Environmental conditions	588
32. Additional site and development requirements	588
33. Additional site and development requirements for areas covered by structure plan or local development plan.....	589
34. Variations to site and development requirements	589
35. Restrictive covenants.....	590
PART 5—SPECIAL CONTROL AREAS	590
PART 6—TERMS REFERRED TO IN SCHEME	591
SCHEDULE A—SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS	596
SCHEDULE B—ADDITIONAL SITE REQUIREMENTS	597
SCHEDULE C—ADDITIONAL CENTRE REQUIREMENTS	606

PLANNING AND DEVELOPMENT ACT 2005**CITY OF SOUTH PERTH****LOCAL PLANNING SCHEME NO. 7****PART 1—PRELIMINARY****1. Citation**

This local planning scheme is the City of South Perth Local Planning Scheme No. 7.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

3. Scheme revoked

The following local planning scheme(s) is (are) revoked—
Town Planning Scheme No. 6—gazetted 29 April 2003.

4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The City of South Perth is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

Note: The Scheme area (or part) is also subject to the Metropolitan Region planning scheme (see clause 12) and other local planning schemes (see clause 11).

7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the *scheme text*), this Scheme includes the following—
 - (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
 - (b) the supplemental provisions to the deemed provisions contained in Schedule A of this scheme (if any);
 - (c) the Scheme Map;
 - (d) the following plans, maps, diagrams, illustrations or materials—

There are no plans, maps, diagrams, illustrations or materials in addition to the provisions set out in this document.
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to—

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are—

- (a) To provide for safe, functional, and connected activity centres that offer a diverse range of goods, services and activities as well as places to live and stay.
- (b) To support sustainable urban neighbourhoods that accommodate a growing population, whilst protecting and enhancing heritage areas and other areas of identified or notable character, or which contribute strongly to a sense of place.
- (c) To support an urban environment that encourages healthy, active and sustainable living.
- (d) To set aside land to provide for civic, social and community infrastructure.

- (e) To protect and enhance the natural environment by maintaining biodiversity, protecting and increasing tree canopy, and reducing urban heat island effects.

10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with other local planning schemes

There are no other local planning schemes of the City of South Perth which apply to the Scheme area.

12. Relationship with region planning scheme

The Metropolitan Region Scheme made (or continued) under Part 4 of the Act applies in respect of part or all of the Scheme area.

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

PART 2—RESERVES

13. Regional Reserves

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Metropolitan Region Scheme.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the *Land Administration Act 1997* section 41.

14. Local reserves

- (1) In this clause—

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows—

Table 1—Reserve objectives

Reserve Name	Objectives
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Civic and Community	<ul style="list-style-type: none"> • To provide for a range of community facilities which are compatible with surrounding development. • To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purpose	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none"> • Public purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> • Public purpose which specifically provide for a range of essential education facilities.
Government Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of government services.
District Distributor Road	<ul style="list-style-type: none"> • To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> • To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> • To set aside land required for a local road classified as an access road under the Western Australian Road Hierarchy.

15. Additional uses for local reserves

- (1) Table 2 sets out—

- (a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
- (b) the conditions that apply to that additional use.

Table 2—Specified additional uses for land in local reserves in Scheme area

No.	Description of land	Additional use	Conditions
1.	Lot 61 (No. 20) Allen Street, South Perth (known as the Burch Street Car Park)	Car Park	Car Park is a 'P' use.

PART 3—ZONES AND USE OF LAND**16. Zones**

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
(2) The objectives of each zone are as follows—

Table 3—Zone objectives

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Mixed Use	<ul style="list-style-type: none"> To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. To allow for the development of a 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.
Centre	<ul style="list-style-type: none"> To designate land for future development as a town centre or activity centre. To provide a basis for future detailed planning in accordance with any relevant state planning policy.
Private Community Purposes	<ul style="list-style-type: none"> To provide sites for privately owned and operated recreation, institutions and places of worship. To integrate private recreation areas with public recreation areas wherever possible. To separate potentially noisy engine sports from incompatible uses. To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Neighbourhood Centre	<ul style="list-style-type: none"> Provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas. To provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services. Encourage high quality, pedestrian-friendly, street-orientated development. To provide for a range of quality residential development opportunities, to meet the diverse needs of the community. To facilitate well designed development of an appropriate scale which is sympathetic to the desired character of the area.
Local Centre	<ul style="list-style-type: none"> To provide a range of small-scale retail and service uses for the immediate neighbourhood, that are easily accessible but which do not adversely impact on the amenity of adjoining residential areas. To focus on the main daily household shopping and community needs. To encourage high quality, pedestrian friendly, street-orientated development. To ensure non-residential uses are located at street level and are compatible with adjoining residential uses.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 4—Zoning Table

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Private Community Purposes	Mixed Use	Local Centre	Neighbourhood Centre	Centre
Amusement parlour	X	X	A	X	P	
Animal establishment	X	X	A	X	X	
Art gallery	A	D	D	D	P	
Bed and breakfast	D	D	D	D	D	
Betting agency	X	X	D	X	P	
Brewery	X	X	A	X	A	
Bulky goods showroom	X	X	A	X	A	
Car park	X	X	A	X	D	
Caravan park	X	X	X	X	X	
Caretakers dwelling	A	P	D	A	D	
Child care premises	D	P	P	A	P	
Cinema/theatre	X	X	A	X	P	
Civic use	A	X	D	A	P	
Club premises	X	P	A	X	D	
Commercial vehicle parking	X	X	A	X	X	
Community purpose	A	P	D	D	D	
Consulting rooms	A	X	P	P	P	
Convenience store	X	X	D	A	P	
Corrective institution	X	X	X	X	X	
Educational establishment	A	P	D	D	D	
Exhibition centre	X	D	D	D	P	
Family day care	P	X	P	P	P	
Fast food outlet/lunch bar	X	X	D	A	P	
Funeral parlour	X	X	D	X	D	
Garden centre	X	X	A	X	D	
Grouped dwelling	P	D	D	D	D	
Holiday accommodation	D	X	D	A	P	
Holiday house	D	X	D	A	D	
Home business	A	A	A	A	A	
Home occupation	P	D	D	D	D	
Home store	A	X	D	D	D	
Hospital	X	P	X	X	A	
Hotel	X	X	A	X	P	
Independent living complex	P	D	P	P	P	
Industry	X	X	A	X	X	
Industry—light	X	X	A	X	X	
Industry—service	X	X	P	X	A	
Liquor store—large	X	X	X	X	X	
Liquor store—small	X	X	A	A	A	
Market	X	A	X	X	D	
Medical centre	X	A	P	A	P	
Motel	X	X	D	X	P	
Motor vehicle repair	X	X	A	X	D	
Motor vehicle wash	X	X	A	X	A	
Motor vehicle, boat or caravan sales	X	X	A	X	A	

Refer clause 18(6)

USE AND DEVELOPMENT CLASS	ZONES					
	Residential	Private Community Purposes	Mixed Use	Local Centre	Neighbourhood Centre	Centre
Multiple dwelling	P	A	P	D	P	Refer clause 18(6)
Nightclub	X	X	A	X	X	
Office	X	X	P	D	P	
Place of worship	A	P	A	X	X	
Reception centre	X	P	X	X	A	
Recreation—private	X	D	D	A	D	
Residential aged care facility	P	D	P	D	D	
Residential building	D	D	D	D	D	
Restaurant/café	A	A	P	P	P	
Restricted premises	X	X	X	X	X	
Service station	X	X	A	X	A	
Serviced apartment	A	X	D	X	D	
Shop	A	X	P	P	P	
Single house	P	A	D	D	D	
Small bar	X	X	D	A	D	
Tavern	X	X	A	X	D	
Telecommunications infrastructure	D	D	D	D	D	
Tourist development	X	X	D	X	P	
Trade display	X	X	A	X	X	
Trade supplies	X	X	X	X	X	
Transport depot	X	X	X	X	X	
Veterinary centre	X	X	P	A	D	
Warehouse/storage	X	X	A	X	X	

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the 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.
- (2) The symbols used in the zoning table have the following meanings—
 - P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to use of land;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme as it relates to the use of land;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Note—

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.
2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
4. Where proposed development identified as a 'P' use in the zoning table does not comply with all of the development standards and requirements of the scheme as they relate to the use of land, then it is to be treated as a 'D' use.

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table—
- determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—
- a structure plan; or,
 - a local development plan.

19. Additional uses

- (1) Table 5 sets out—
- classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - the conditions that apply to that additional use.

Table 5—Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
1.	Lot 44 (No. 25) and Lot 60 (No. 26) Fortune Street, South Perth	Car park	Car park is a 'P' use.
2.	Lot 1 (No. 3) Third Avenue, Kensington	Recreation—private	Recreation—private is a 'P' use.
3.	S/L 1 of Lot 340, Lot 12, Lot 11 and Lot 342 (Nos. 49, 51, 51A & 53) Bickley Crescent, and S/L 2 of Lot 340 and Lot 10 (Nos. 17 & 19) Pether Road, Manning	Shop; Office	<ol style="list-style-type: none"> Shop and/or Office shall be a 'D' use when provided in conjunction with an Independent Living Complex. Additional uses are to be oriented towards either Bickley Crescent or Manning Road only.
4	Lot 60 (No. 26) Fortune Street, South Perth	Consulting rooms	Consulting rooms is a 'D' use

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

- (1) Table 6 sets out—
- restricted classes of use for specified land that apply instead of the classes of use that are permitted in the zone in which the land is located;
 - the conditions that apply to that restricted use.

Table 6—Restricted uses for land in the Scheme Area

No.	Description of land	Restricted use	Conditions
1.	Land bounded by Manning Road, Conlon Street, Curtin University and McKay Street, Waterford (known as the Waterford Triangle).	Grouped Dwelling—'X' All other land uses determined in accordance clause 18 and Table 4.	<ol style="list-style-type: none"> Restriction relating to Grouped Dwellings does not apply to alterations and additions to existing buildings.

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. Special use zones

There are no Special Use zones which apply to this Scheme.

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent—
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if—
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if—
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government—
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

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

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following—
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government—
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an on-going publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4—GENERAL DEVELOPMENT REQUIREMENTS**25. R-Codes**

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement of the purpose of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if—
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

There are no modifications to the R-Codes.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6—Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

There are no State planning policies that are to be read as part of the Scheme.

30. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

31. Environmental conditions

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

32. Additional site and development requirements

- (1) Table 7 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plan, local development plans or State or local planning policies.

Table 7—Additional requirements that apply to land in Scheme area

No.	Description of land	Requirements
1.	All land zoned or reserved under this Scheme.	<p>Ground levels</p> <ol style="list-style-type: none"> (1) Development approval shall not be granted to a new building unless the finished floor level of any habitable room is at least 500 millimetres above the 1 in 100 (1%) annual exceedance probability (AEP) flood event level, inclusive of any forecast sea level rise. (2) Where a development involves a facility that must continue to function for the public benefit during a 1 in 100 (1%) AEP flood event, such as but not limited to a Hospital, the local government shall not grant development approval unless it can be demonstrated that the functionality and safety of the facility can be maintained during the flood event. (3) Notwithstanding (1), the local government may grant development approval to a building with a finished floor level lower than that prescribed in (1) where adequate protection against sub-soil water seepage and a 1 in 100 (1%) AEP flood event is provided.
2.	Land set out in Schedule B of this Scheme.	<p>Site and development requirements</p> <ol style="list-style-type: none"> (1) Development shall comply with any site or development requirement set out in Schedule B of this Scheme.
3.	All land zoned Residential, Mixed Use, Neighbourhood Centre and Local Centre.	<p>Site and development requirements</p> <ol style="list-style-type: none"> (1) In the absence of an approved Precinct Structure Plan, Structure Plan, Local Development Plan or local planning policy, non-residential buildings shall be designed in accordance with the building height, plot ratio, street and side setback requirements of the R-Codes with regard to assigned density code.
4.	All land zoned Private Community Purpose.	<p>Site and development requirements</p> <ol style="list-style-type: none"> (1) In the absence of an approved Local Development Plan, all non-residential development shall be designed in accordance with the following requirements— <ol style="list-style-type: none"> (a) Building height—Maximum 2 storeys (b) Primary street setback—Minimum 7.5 metres (c) Side Setbacks—Minimum 4.5 metres
5.	All land zoned or reserved under this Scheme.	<p>Home Business</p> <ol style="list-style-type: none"> (1) This clause applies to all Home Business developments. (2) A Home Business shall not involve— <ol style="list-style-type: none"> (a) The calling of more than fifteen (15) clients per week or more than three (3) clients per day to the land; (b) The storage, preparation or sale of foodstuffs; (c) The breeding, keeping or selling of any animal; or (d) The storage of goods, merchandise, materials, equipment or supplies other than within a building.

No.	Description of land	Requirements
6.	All land zoned under this Scheme and subject to a residential density code.	(1) Despite anything contained in the Residential Design Codes and notwithstanding the density codes shown on the Scheme Map, existing grouped dwellings or multiple dwellings that exceed a density code shown on the Scheme Map at the Gazettal date of the Scheme can, with the approval of the local government, be redeveloped at a density higher than that shown on the Scheme Map, equal to, but not exceeding the existing built density, subject to the proposed development— (a) Complementing the character of the streetscape; (b) Not detrimentally increasing the mass, scale or surface area of the development relative to existing development on surrounding properties; (c) Resulting in improved landscaping of the land; (d) Providing adequate and safe means of vehicular and pedestrian access to the land; and (e) Providing an adequate number of car parking spaces on the land.
7.	All land zoned under this Scheme.	Additions and alterations to pre-Scheme developments (1) In the absence of an approved local development plan, on a site containing a pre-Scheme development, additions and alterations may be approved with a building height in excess of the building height requirements of this Scheme, provided the building height does not exceed the highest point of the building height of the existing pre-Scheme development.
8.	All land zoned Mixed Use, Neighbourhood Centre and Local Centre	(1) Multiple Dwelling and Grouped Dwelling uses are not permitted on the ground floor facing a primary and/or secondary street.

- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements for areas covered by structure plan or local development plan

No.	Description of land	Requirement
1.	Land set out in Schedule C of this Scheme	Development shall comply with any site or development requirement set out in Schedule C of this Scheme.

34. Variations to site and development requirements

- (1) In this clause—
additional site and development requirements means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development, the local government must—
(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
(b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that—
(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
(b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant—
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5—SPECIAL CONTROL AREAS**36. Special control areas**

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table.

Table 8—Special control areas in Scheme area

Name of area	Purpose	Objectives	Additional provisions
SCA1—Canning Highway	To ensure a Local Development Plan is prepared to coordinate and rationalise vehicle access to land in the Special Control Area.	<ul style="list-style-type: none"> • To provide vehicle access to land in the Special Control Area from roads other than Canning Highway. • To allow for direct, rationalised access to Canning Highway in circumstances where alternative access cannot be achieved. 	<ol style="list-style-type: none"> (1) Subject to clause 56 of the deemed provisions, the Local Government shall not grant approval to development or recommend support of the subdivision of land within the area designated as ‘SCA1’ on the Scheme Map unless a Local Development Plan has been adopted for the Special Control Area. The Local Development Plan may relate to only part of the Special Control Area. (2) The Local Development Plan shall contain provisions relating to the coordination of vehicle access within the Special Control Area. (3) Notwithstanding clause (1), the local government may approve an application for development approval prior to the adoption of a Local Development Plan coordinating vehicle access if— <ol style="list-style-type: none"> (a) The development is only for alterations or additions to an existing building, a change of use, a Single House, or works associated with a non-conforming use; or (b) The land the subject of the application is provided with access to a public road or right-of-way other than Canning Highway; and (c) The land the subject of the application provides access to a public road or right-of-way other than Canning Highway to the adjoining lots in the street block subject to SCA1, if required.

PART 6—TERMS REFERRED TO IN SCHEME*Division 1—General definitions used in Scheme***37. Terms used**

(1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows—

Building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
Cabin	means a dwelling forming part of a tourist development or caravan park that is— (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests.
Chalet	means a dwelling forming part of a tourist development or caravan park that is— (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.
Commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including— (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
Comprehensive new development	means a development which is determined by the local government not to be only an alteration or addition to an existing development.
Floor area	has meaning given in the Building Code.
Plot ratio	Means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
Precinct	means a definable area where particular planning policies, guidelines or standards apply.
Predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental.
Retail	means the sale or hire of goods or services to the public.
Scheme commencement day	Means the day on which this Scheme comes into effect under section 87(4) of the Act.
Short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.
Wholesale	means the sale of goods or materials to be sold by others.

(2) A word or expression that is not defined in this Scheme—

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act—has the same meaning as it has in the R-Codes.

*Division 2—Land use terms used in Scheme***38. Land use terms used**

(1) If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows—

Amusement parlour	means premises— (a) that are open to the public; and, (b) that are used predominantly for amusement by means of amusement machines including computers; and, (c) where there are 2 or more amusement machines.
Animal establishment	Means premises used for the breeding, boarding, training or caring of animals for commercial purposes, but does not include animal husbandry—intensive or veterinary centre.
Art gallery	means premises— (a) that are open to the public; and, (b) where artworks are displayed for viewing or sale.

Bed and breakfast	means a dwelling— <ul style="list-style-type: none"> (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and, (b) containing not more than 2 guest bedrooms.
Betting agency	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .
Brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
Bulky goods showroom	means premises— <ul style="list-style-type: none"> (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes— <ul style="list-style-type: none"> (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools, or, (b) used to sell goods and accessories by retail if— <ul style="list-style-type: none"> (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
Caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
Caretakers 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.
Car park	means premises used primarily for parking vehicles whether open to the public or not but does not include— <ul style="list-style-type: none"> (a) any part of a public road used for parking or for a taxi rank; or, (b) any premises in which cars are displayed for sale.
Child care premises	means premises where— <ul style="list-style-type: none"> (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or, (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.
Cinema/theatre	means premises where the public may view a motion picture or theatrical production.
Civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
Club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
Commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include— <ul style="list-style-type: none"> (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land.
Community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

Consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Convenience store	means premises— <ol style="list-style-type: none">used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; andoperated during hours which include, but may extend beyond, normal trading hours; andthe floor area of which does not exceed 300m² net lettable area.
Corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
Educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
Exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
Family day care	means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.
Fast food outlet/lunch bar	means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten— <ol style="list-style-type: none">without further preparation; andprimarily off the premises.
Funeral parlour	means premises used— <ol style="list-style-type: none">to prepare and store bodies for burial or cremation; andto conduct funeral services.
Garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
Holiday accommodation	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
Holiday house	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
Home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession— <ol style="list-style-type: none">does not involve employing more than 2 people who are not members of the occupier's household; andwill not cause injury to or adversely affect the amenity of the neighbourhood; anddoes not occupy an area greater than 50m²; anddoes not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and,does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and,does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and,does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
Home occupation	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that— <ol style="list-style-type: none">does not involve employing a person who is not a member of the occupier's household; andwill not cause injury to or adversely affect the amenity of the neighbourhood; anddoes not occupy an area greater than 20m²; anddoes not involve the display on the premises of a sign with an area exceeding 0.2m²; and,does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and,does not—

	<ul style="list-style-type: none"> (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and <ul style="list-style-type: none"> (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
Home office	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—</p> <ul style="list-style-type: none"> (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.
Home store	<p>means a shop attached to a dwelling that—</p> <ul style="list-style-type: none"> (a) has a net lettable area not exceeding 100m²; and, (b) is operated by a person residing in the dwelling.
Hospital	<p>means premises used as a hospital as defined in the <i>Health Services Act 2016</i> section 8(4).</p>
Hotel	<p>Means a premises subject of a hotel license other than a small bar or tavern licence granted under the provisions of the <i>Liquor Control Act 1988</i> including any betting agency on the premises.</p>
Independent living complex	<p>A development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation but does not include a development which includes these features as a component of a residential aged care facility.</p>
Industry	<p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes—</p> <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; (d) the provision of amenities for employees; (e) incidental purposes.
Industry—light	<p>means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.</p>
Industry—service	<p>means premises uses as—</p> <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 uses as a depot for receiving goods to be serviced.
Liquor store—large	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m².</p>
Liquor store—small	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m².</p>
Market	<p>means premises used for the display and sale of goods from stalls by independent vendors.</p>
Medical centre	<p>means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.</p>
Motel	<p>means premises, which may be licensed under the <i>Liquor Control Act 1988</i>—</p> <ul style="list-style-type: none"> (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.

Motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.
Motor vehicle repair	means premises used for or in connection with— <ul style="list-style-type: none"> (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres.
Motor vehicle wash	means premises primarily used to wash motor vehicles.
Nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
Office	means premises used for administration, clerical, technical, professional or similar business activities.
Place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
Reception centre	means premises used for hosted functions on formal or ceremonial occasions.
Recreation—private	means premises that are— <ul style="list-style-type: none"> (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
Residential aged care facility	A residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes— <ul style="list-style-type: none"> (a) appropriate staffing to meet the nursing and personal care needs of residents; (b) meals and cleaning services; (c) furnishings, furniture and equipment. <p>This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.</p>
Restaurant/café	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced 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) Act 1995</i> (Commonwealth); and (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.
Serviced apartment	means a group of units or apartments providing— <ul style="list-style-type: none"> (a) self-contained short-stay accommodation for guests; and (b) any associated reception or recreational facilities.
Service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for— <ul style="list-style-type: none"> (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
Shop	means premises other than a bulky goods showroom, a liquor store—large or liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
Small bar	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
Tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
Telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.

Tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide— <ul style="list-style-type: none"> (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development;
Trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
Trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises— <ul style="list-style-type: none"> (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.
Transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including— <ul style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.
Veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
Warehouse/storage	means premises including indoor or outdoor facilities used for— <ul style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods.

SCHEDULE A—SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Deemed Provisions	Supplemental Provisions			
6A Design Review	60A The local Government may appoint a Design Review Panel for the purpose of considering and advising the Local Government with respect to applications and/or planning documents. 60B The Local Government shall prepare and adopt a policy that details the operation of the Design Review Panel and specifies the matters on which the Design Review Panel will be consulted. 60C When considering applications and/or planning documents on which a recommendation has been made by the Design Review Panel, the decision-maker shall have due regard for that recommendation.			
Clause 61— Development for which development approval is not required.		Use	Zones	Conditions
	(9)	Home Occupation	All Zones	A Home Occupation shall not involve the attendance of more than fifteen (15) clients per week and more than three (3) clients per day to the land.
85A— Transitional arrangement for planning instruments	Where a planning instrument has been prepared in accordance with the requirements of Town Planning Scheme No. 6, it shall continue to have effect, and may be amended or revoked as if it were a planning instrument adopted under Local Planning Scheme No. 7.			

SCHEDULE B—ADDITIONAL SITE REQUIREMENTS**ASR1—South Perth Hospital, Lot 60 (No. 26) Fortune Street, South Perth**

- (1) The maximum wall height of buildings on the site(s) shall be no greater than 7.0 metres.
- (2) Notwithstanding (1), the local government may grant development approval for a building to a maximum height of 22.5 metres, where it is satisfied that all of the following requirements are met—
 - (a) The site is developed in accordance with the height and setback requirements depicted in Figure 1. Minor projections may be permitted within the specified setback areas to a maximum of 1 metre; and
 - (b) A Local Development Plan is adopted that outlines provisions for (but not limited to) objectives and requirements for building design, massing and overshadowing, ground floor design and streetscape interface, landscaping and open space, traffic management, parking, pedestrian access, servicing, and signage; and
 - (c) The Local Development Plan shall be accompanied by an appropriately detailed assessment of traffic impacts and parking demand resulting from development, to be prepared by a qualified traffic engineer.



Figure 1: Height and setback requirements.

ASR2—Lot 19 (No. 296) Mill Point Road, South Perth

- (1) The maximum height of buildings on the site(s) shall be no greater than 10.0 metres wall height and 12.0 metres building height. Buildings within 50.0 metres of the rear boundary are permitted to a maximum building height of 18.0 metres.

ASR3—Lot 50 (No. 32) Jubilee Street, South Perth

- (1) Vehicle parking areas to be concealed from view from Sir James Mitchell Park.
- (2) No boundary walls are permitted on the southwestern boundary of the site abutting No. 28 (Lot 12) Jubilee Crescent.
- (3) Buildings, inclusive of balconies shall be no closer than 6.0m to the boundary with Sir James Mitchell Park.
- (4) An application for approval to commence development that proposes comprehensive new development as determined by the local government shall be accompanied by reports prepared by suitably qualified person(s) demonstrating how the development mitigates impacts relating to—
 - (a) Urban water management, de-watering and water sensitive design; and
 - (b) Any service infrastructure (namely sewer) within and nearby to the site; and
 - (c) Acid sulphate soils.

ASR4—Lot 3298 (No. 2) McNabb Loop, Como

- (1) All buildings setback at least 7.5 metres from the western boundary of the site with the exception of minor structures and buildings necessary for the functioning of the development.
- (2) Buildings up to a wall height of 7.0 metres and 9.0 metres building height where between 7.5 metres and 15.0 metres of the western boundary of the site.
- (3) Buildings up to a maximum building height of 15.0 metres where setback at least 15.0 metres from the western boundary of the site.
- (4) Any buildings on the site shall achieve visual articulation of elevations facing the western boundary to McNabb Loop by way of balconies or other design elements in order to enhance the appearance of the building and reduce building bulk.
- (5) Provision of parking on the site shall be determined in accordance with a Parking Needs Assessment, having regard to peak parking demand for the different use(s) on the site.

ASR5—Penrhos College, Lot 2199 (No. 101) Thelma Street, Como

- (1) Buildings shall be setback a minimum of 4.0 metres from the Thelma Street boundary
- (2) Applications for development approval on the site shall be supported by a landscaping plan that demonstrates how landscaping positively—
 - (a) Contributes to the visual quality of the streetscape surrounding the site; and
 - (b) Maintains balance between buildings of varying heights on the site and neighbouring sites.

ASR6—Lot 801 (No 9) Bradshaw Crescent, Manning

- (1) Buildings shall not extend beyond any portion of the three-dimensional building envelope depicted in Figure 1.

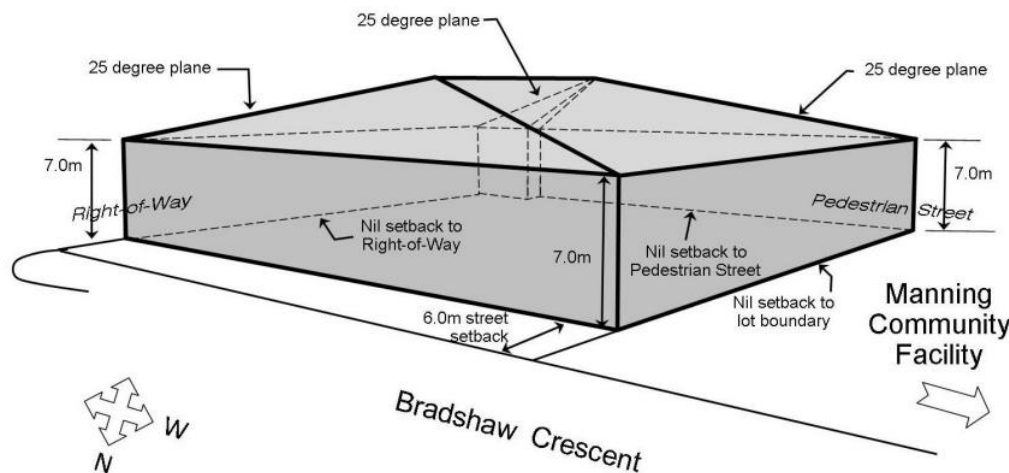


Figure 1: Three-dimensional building envelope.

- (2) Awnings, canopies, balconies and the like structures/buildings are permitted to extend beyond the envelope established under (1).
- (3) All vehicle parking shall be provided below street level, in an undercroft car park arrangement accessed through the adjoining undercroft car park serving the Manning Community Facility.

ASR7—South Care, Lot 10 Pether Road and Lot(s) 11, 12, 340 & 342 Bickley Crescent, Manning

- (1) The local government may grant planning approval permitting a development with a maximum building height of 15.0 metres, if it is satisfied that all of the following requirements are met—
 - (a) The site is developed only for the purposes of a Residential aged care facility, Independent living complex, Civic use or Community purpose.
 - (b) Buildings in accordance with the maximum height and setback requirements set out in Figure 1 below.

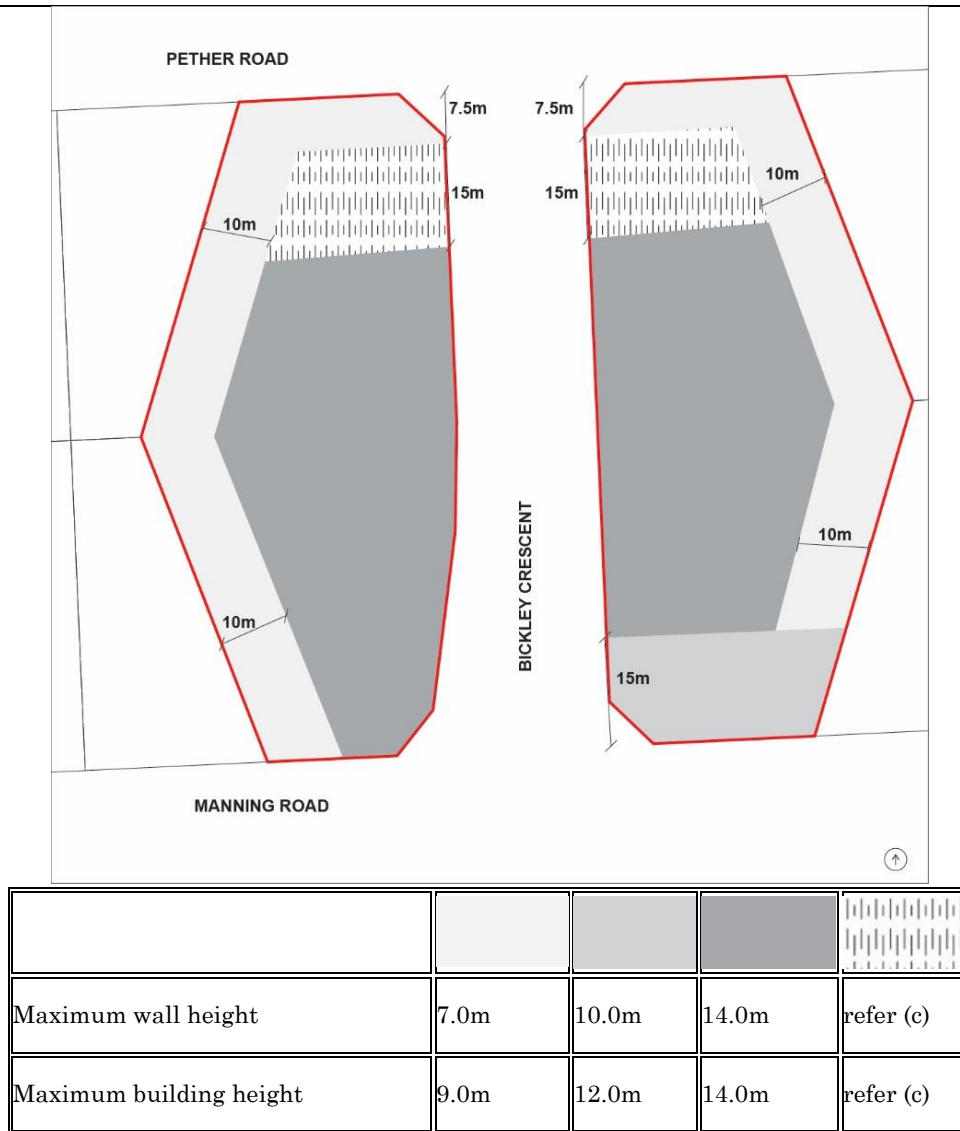


Figure 1: Height requirements.

- (c) Where indicated on Figure 1, buildings shall be contained beneath a 25 degree angled plane extending southwards into the site from a height of 7.0 metres measured at a distance of 7.5 metres from the Pether Road boundary of the site, up to a maximum building height of 14.0 metres.
- (d) Visual articulation to the elevation of any building facing Pether Road, Bickley Crescent or Manning Road shall incorporate suitable design elements in order to enhance the appearance of the building and reduce the impact of building bulk on the street.
- (e) Landscaping on Bickley Crescent is to include, as a minimum, two areas of land on each side of Bickley Crescent, to be used exclusively for landscaping, each having a minimum area of 30 square metres and a minimum dimension of 6.0 metres measured along the Bickley Crescent boundary of the site and containing a tree with a minimum height of 3.0 metres at the time of planting.
- (f) The Development Application is supported by a Transport Impact Assessment and a Parking Needs Study. The Parking Needs Study is to relate to all proposed uses in the completed development. Transport Impact Statement and Parking Needs Study are to include, but are not limited to, analysis and recommendations adequately addressing the following—
 - (i) vehicular traffic approaches to the site and any traffic management techniques recommended to be implemented in order to minimise any potential points of vehicle and pedestrian conflict in streets in the vicinity of the site;
 - (ii) the existing and likely increase in parking demand on the site having regard to the proposed land use; and
 - (iii) a design for Bickley Crescent between Pether Road and Manning Road, including any required vehicle crossovers to the site, formal paved parking bays, any proposed alfresco area, and landscaping within the road reserve.
- (g) Subject to paragraph (i), the number of parking bays to be provided on the site shall be not less than the minimum number required to meet demand based on the findings of the Parking Needs Study.

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- (h) In conjunction with the development of the site, works within the road reserve in the portion of Bickley Crescent situated between Pether Road and Manning Road, shall be modified at the expense of the owner of the site in accordance with any Streetscape Improvements Plan approved by the local government. Such works may include addition to, or modification or removal of, any existing street improvements to the extent necessary to facilitate provision of the following:
- (i) the optimum number of formal on-street parking bays;
 - (ii) landscaped islands, including shade trees;
 - (iii) any other landscaping within the road reserve; and
 - (iv) any alfresco area.
- (i) In respect of car bays required by the Parking Needs Study described in part (f) of this clause, not more than 15 of the visitor car bays for non-residential land uses may be provided in Bickley Crescent south of Pether Road.
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ASR8—Lot(s) 25-28 Garvey Street, Lot(s) 18-20 & 29 Keaney Place and Lot(s) 21-24 McKay Street Waterford

- (1) The plot ratio requirements of the R-Codes do not apply.
- (2) The minimum setback to all street boundaries for developments shall be 6.0 metres.
- (3) The requirements of (2) above may be varied where the Element Objectives 2.3—Street Setbacks of the R-Codes are met to the satisfaction of the local government.
- (4) The setback to all side and rear boundaries, and distances between buildings on the same site shall meet the Element Objectives of Element 2.4—Side and Rear Setbacks and Element 2.7—Building Separation, of the R-Codes.
- (5) Building elevations shall not exceed a wall length of 40.0 metres without modulation in the form of a setback or projection with a depth of at least 3.0 metres and a length of at least 6.0m.
- (6) Notwithstanding the requirements of (5) above, all building elevations shall incorporate additional modulation to break up the massing of the building, including but not limited to, balconies, bay windows, feature windows, frames, shade-structures, and other architectural details.
- (7) Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1 metre and do not exceed 1.2 metres.
- (8) The local government may grant development approval permitting a development with a maximum building height of 24.0 metres (7 storeys), if it is satisfied that all of the following requirements are met—
- (a) The development site has a minimum site area of 3,000m².
 - (b) The minimum side and rear boundary setback for all buildings shall be 6 metres. For those portions of the development above 17.5 metres (5 storeys), the minimum side and rear boundary setback shall be as per the Element Objectives of Element 2.7—Building Separation of the R-Codes.
 - (c) Portions of building above 18.0 metres (5 storeys) shall be contained beneath an angled plane extending from a height of 1.6 metres above ground level at the street boundary of any residential property directly opposite the land, through a point 18.0 metres above ground level at a setback of 6.0 metres from the street boundary of the site.
 - (d) The ground floor gross floorplate area of all buildings on the site shall not exceed 60% of the site area.
 - (e) Communal open space, usable for passive recreation by occupants, shall be provided at ground level to a minimum area equivalent to 25% of the site area.
- (9) In addition to (8) and (9), any Student Accommodation Facility shall meet the following criteria—
- (a) The development shall have due regard to the Element Objectives and Design Guidance for all Elements of the R-Codes.
 - (b) Developments shall provide a variety of unit typologies. Units may comprise various levels of shared facilities including—
 - (i) Self-contained units with all amenities except laundry facilities.
 - (ii) Units with en-suite bathrooms and shared laundry and kitchen facilities; or,
 - (iii) Hostel type facilities where rooms are for sleeping, studying and storage only and shared laundry, kitchen and bathroom facilities are provided.
 - (c) Self-contained units shall be no smaller than 14 square metres.
 - (d) Developments shall incorporate communal facilities and amenities for residents such as, but not limited to, sporting facilities, entertainment and recreation facilities, laundry facilities and other essential amenities.
 - (e) Resident, staff and visitor parking is provided in accordance with a Parking Needs Study, which is to be prepared in a conjunction with a Development Application, to the satisfaction of the local government.
 - (f) Non-residential land uses other than ‘Student Accommodation Facility’ are permitted on the ground floor. The combined total area of these other non-residential land uses shall be no greater than 500m² in gross floor area.
-

- (g) Notwithstanding the land use controls set out in Table 4, 'Recreation—Private' may be considered as a 'D' use, subject to sub-paragraph (vi) above.
- (10) For the purposes of ASR8, student accommodation facility means a facility—
- (a) Whose predominant purpose is to accommodate—
 - (i) students while studying at a tertiary education institution; and
 - (ii) staff of a tertiary institution or visiting staff to a tertiary education institution.
 - (b) That is designed and managed to facilitate the predominant purpose;
 - (c) That typically provides students with a principal place of residence for 3 months or more; and
 - (d) That may have shared facilities, such as a communal living room, kitchen and amenities.

ASR9—Land bound by Manning Road, Conlon Street, Garvey Street, Keaney Place and McKay Street, Waterford

- (1) For development on any lot set out in Table 1 below, the local government shall not grant approval to a comprehensive new development or recommend support of an application for subdivision unless—
- (a) The subject lot(s) or site is provided with access to a public road or public right-of-way other than Manning Road; and
 - (b) The subject lot(s) or site is legally amalgamated, or an easement is provided with at least one (1) of the lots set out in Column 2 of Table 1, so as to provide both of these lots with access to a public road or public right-of-way other than Manning Road—

Column 1— Subject site/lot(s)	Column 2: Amalgamation lot(s)
Lot 1 Garvey Street. Lots 2, 3 or 4 Manning Road. Lots 5 or 6 McKay Street.	Lots 2 or 3 Manning Road.
Lots 45-48 Manning Road. Lots 49 and 55-58 Garvey Street.	Lots, 46, 47 and 48 Manning Road.
Lot 38 Conlon Street. Lots 39-41 Manning Road.	Lot 40 Manning Road.

Table 1: Site amalgamation requirements

- (c) The local government may vary the requirements of (a) and (b) above, where the local government is satisfied that the granting of development approval and/or support of an application for subdivision will not prejudice the ability of any lot set out in Column 2 to achieve access to a public road or public right-of-way other than Manning Road.
- (d) Buildings accommodating multiple dwellings shall be setback from all street boundaries and all side/rear boundaries by a minimum of 4.0 metres. This may be varied to a minimum of 2.0 metres where the element objectives of the R-Codes Volume 2 relating to setbacks are met, to the satisfaction of the local government.

ASR10—Canning Highway Places 1 & 2

- (1) Development shall comply with the requirements of this schedule except for alterations and additions to existing buildings or development of a Single House.
- (2) Plot ratio and building height requirements shall be as follows—

Table 1: Additional development requirements

	R-Code	
	R50, R60, R80 & R-AC3	R100
Maximum base plot ratio	As Per R-Codes	1.5
Additional plot ratio subject to (3) below.		
Maximum number of storeys	As per R-Codes	5

- (3) On any of Lot 1 (No. 3), 3 (No. 2), 2 (No. 10) or 16 (No. 11) Canning Highway, South Perth, additional plot ratio up to a maximum of 3.0 may be granted where the development satisfactorily addresses the following criteria
- (a) The architectural design of the development shall meet the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to design quality; and
 - (b) Development provides facilities of public benefit as determined by the local government, such as publicly accessible communal open space, public plazas or through-site links connecting two publicly accessible spaces that improve pedestrian connectivity or access to a public space.
- (4) Notwithstanding Table 4 of this Scheme, Grouped Dwellings are not permitted on sites with frontage to Canning Highway coded R80, R100 or R-AC3, except for Lots 231, 232, 233, 234, 235, 236, 237, 238, 240, 241, 242 on Plan 576 Canning Highway, South Perth and Strata Lots 1 & 2 on Strata Plan 72059 (No. 33-35) Canning Highway, South Perth.
-

- (5) The local government shall not grant approval to development or support an application for subdivision approval unless—
 - (a) The land the subject of the application is provided with access to a public road or right-of-way other than Canning Highway; and
 - (b) The land the subject of the application provides access to a public road or right-of-way other than Canning Highway to the adjoining lots in the street block, if required; and
 - (c) The requirements in clauses 6 and 7 are met, if required.
- (6) Where access to land is proposed from a right-of-way, the width of the portion of the right-of-way which adjoins the subject land must be at least 6.0m, or that width must be increased to at least 6.0m by ceding the additional land required as an aspect of the proposed development or subdivision.
- (7) Any land required to increase the width of a right-of way in accordance with clause 6 must be—
 - (a) ceded to the Crown free of cost prior to the commencement of the approved development, or the completion of the approved subdivision (as the case may be); and
 - (b) Must be sealed and drained to the requirements and satisfaction of the local government within a time stipulated by the local government.
- (8) The requirements in clauses 5, 6 and 7 above do not apply to an application for development approval only for alterations or additions to an existing building, a change of use, a Single House, or works associated with a non-conforming use.

ASR11—Lots 6-17, 19-30, 105 & 7570 Canning Highway, South Perth

- (1) The maximum height of buildings on the site(s) shall be no greater than 3 storeys and 12.0 metres.
- (2) Buildings greater than 3.0 metres in height shall be setback a minimum of 6.0 metres to any lot boundary of a site with frontage to Campbell Street, Kensington.

ASR12—Salter Point Escarpment, Salter Point

- (1) The maximum height of buildings on the site(s) shall be no greater than set out in Figure 1, 2 and 3.
- (2) Notwithstanding (1), any proposed development shall not, in the opinion of the local government, significantly obstruct views of the Canning River from buildings on adjoining lot(s).
- (3) In determining whether a view of the Canning River has been significantly obstructed, the local government shall have regard to the provisions of any local planning policy relating to obstruction of views to Canning River.
- (4) Projections above the maximum building height established under (1) of this schedule may be approved having regard to the provisions of any local planning policy relating to building heights in the area.



Figure 1: Specific Building Height Limits

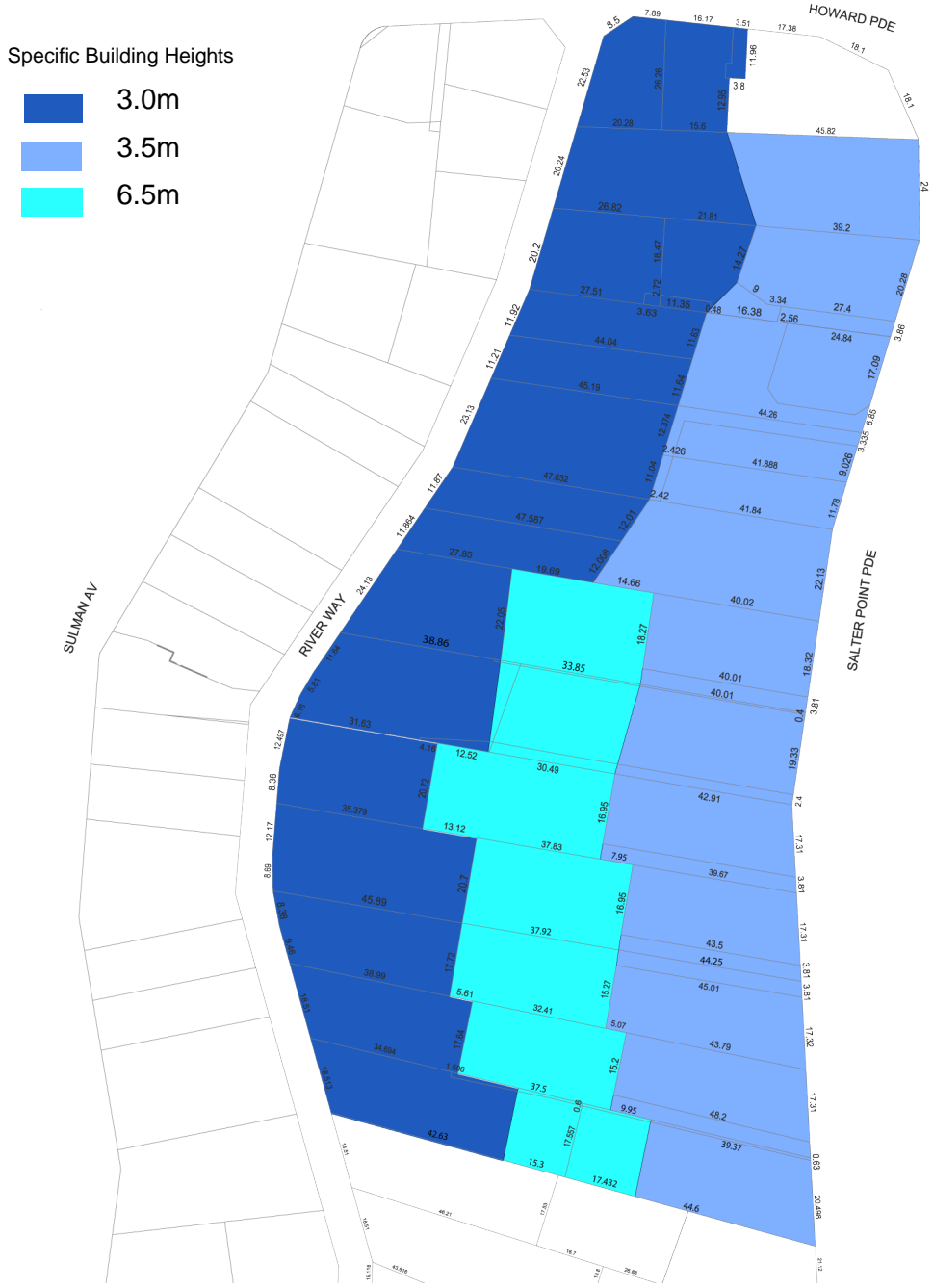


Figure 2: Specific Building Height Limits

Specific Building Heights

- 3.0m
- 3.5m
- 6.5m

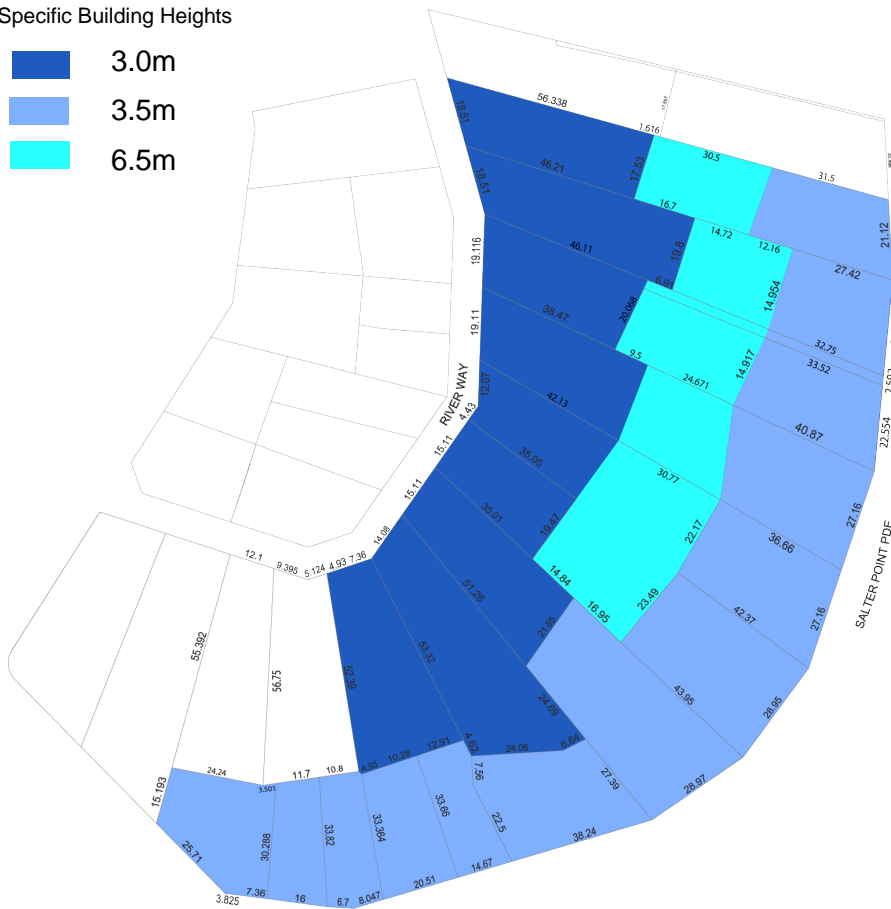


Figure 3: Specific Building Height Limits

ASR13—Land within the Preston Street Neighbourhood Centre

(1) Development on Site 'A' shall comply with the following requirements—

(a) The maximum height and setbacks of buildings shall be as per Figure 1 below.

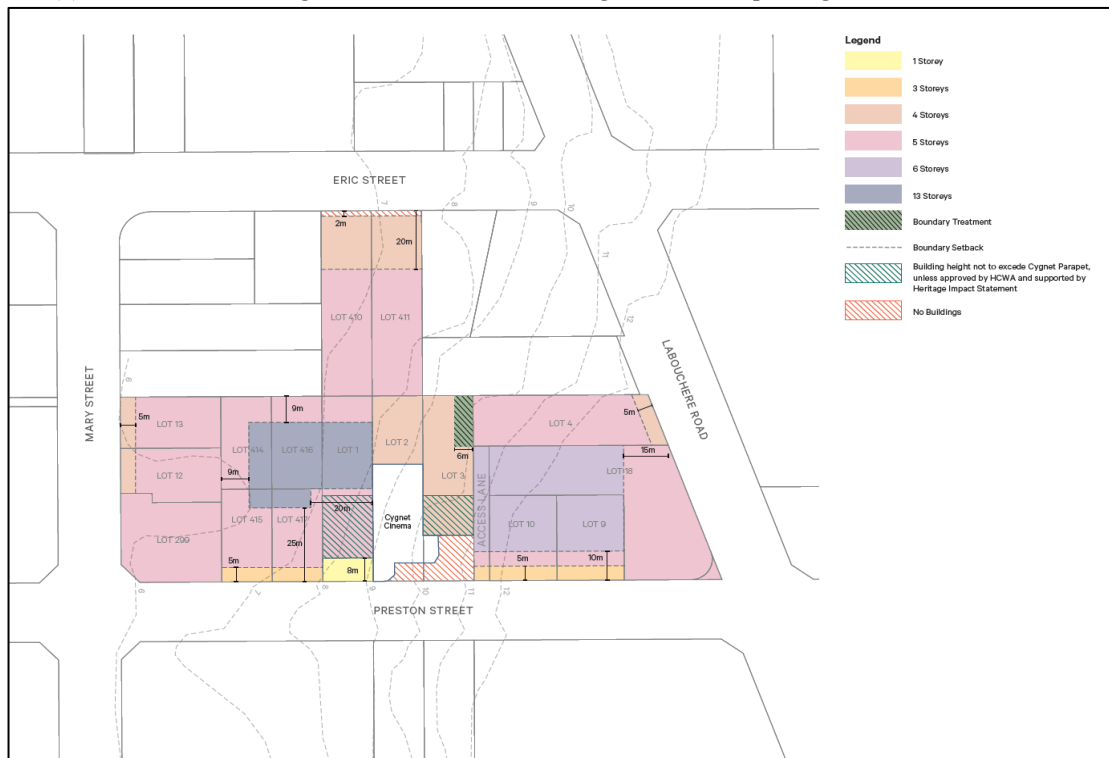


Figure 1: Maximum building height and setbacks on 'Site A'

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- (b) The setback from street and lot boundaries at identified heights are depicted in Figure 1.
- (c) The local government may, notwithstanding non-compliance with the setbacks shown in Figure 1, approve an application if the non-compliance is minor in nature and will not have any adverse impact upon the amenity of the occupiers or users of the development or the precinct, or upon the likely future development of the precinct.
- (d) Buildings shall be setback a minimum of 6.0 metres from the boundary that divides Lot 4 Labouchere Road and Lot 3 Preston Street, with landscaping required to this boundary. Any application for development approval for comprehensive new development on Lot 3 Preston Street shall be accompanied by a Landscape and Maintenance Plan that demonstrates how landscaping and/or wall treatments will be provided in the area shown on Figure 1 as 'boundary treatment' and maintained by the owner thereafter.
- (e) Where a development site shares its boundary with an R100 lot, boundary wall development may be permitted in accordance with the requirements of the R-Codes applicable to the R100 density.
- (f) Notwithstanding the height and setbacks in Figure 1, development on lots that if implemented would, or would likely, affect the state registered Cygnet Theatre must be in accordance with the advice received from the Heritage Council under section 75 of the *Heritage Act 2018*.
- (2) In respect of development on Site A, any comprehensive new development on the site shall provide the following public benefits—
- (a) For Lots 1 to 3 (No.16) Preston Street—the 'Cygnet Cinema' site, the provision or payment of a public plaza and streetscape upgrades to the northern side of Preston Street and include the carriageway for the frontage of the said lots to the satisfaction of the local government.
- (b) For Lots 1 to 3 (No.16) Preston Street—the 'Cygnet Cinema' site, the provision of a Conservation Management Plan for the Cygnet Theatre. Development shall be carried out in accordance with any approved conservation management plan to the satisfaction of the Local Government.
- (c) For all remaining lots with frontage to Preston Street, the upgrade or payment of the upgrading of Preston Street surface treatment, street furniture and street trees abutting the respective property to the back of the respective kerb to the satisfaction of the local government.
- (d) A minimum of 50% of the dwellings per development application (excluding student accommodation) developed to a 'Silver' standard and 5% 'Platinum' standard as per the Liveable Housing Design Guidelines issued by Liveable Housing Australia (or equivalent).
- (e) A minimum 5-star Green Star rating or equivalent rating tool unless otherwise agreed by the local government.
- (3) Development on Site 'B' (Lots 51, 79 and 80 (Nos. 25, 17 and 19) Preston Street, Como) shall comply with the following requirements—
- (a) Buildings up to a maximum height of 3 storeys shall be setback a minimum of nil from the Preston Street and Labouchere Road boundary with the exception of the corner on Labouchere Road for which an appropriate architectural corner element may be approved. The corner element shall be limited to a maximum of 10.0 metres from the site corner truncation and up to a maximum height of 13.5 metres in total.
- (b) Buildings up to a maximum height of 3 storeys shall be setback a minimum of nil from the western boundary.
- (c) No buildings shall occur within 6.0 metres of the southern boundary above ground level. Development up to a maximum of 4 storeys shall be setback a minimum of 6 metres from the southern boundary and development up to a maximum of 8 storeys shall be setback a minimum of 16.0 metres from the southern boundary.
- (d) Buildings above 3 storeys, up to a maximum of 8 storeys, shall be setback a minimum of—
- (i) 5.0 metres from Preston Street and Labouchere Road;
 - (ii) 6.0 metres from the western; and
- Notwithstanding the setbacks detailed under (3)(d)(i) above, the local government may approve an application in the non-compliance is minor in nature and will not have any adverse impact upon the amenity of the occupiers or users of the development or the precinct, or upon the likely future development of the precinct.
- (e) Development designed such that a shadow cast at midday on 21 June onto any adjoining property does not exceed 35% of the site area.
- (4) In respect of development on 'Site B', any comprehensive new development on the site shall provide the following public benefits—
- (a) The provision of a publicly accessible plaza within the development, to be retained in private ownership and maintained by the landowner.
- (b) The upgrade or payment of the upgrading of Preston Street surface treatment, street furniture and street trees abutting the respective property to the back of the respective kerb to the satisfaction of the local government.
- (5) In respect of development on both 'Site A' or 'Site B', minimum car parking shall be varied from the provisions of this Scheme as follows—
- (a) Car parking for uses on land zoned Commercial may be provided on land zoned Residential where located on the same certificate of title.
- (b) Minimum on-site car parking and bicycle parking shall be varied from the provisions of this Scheme, as follows—
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- (i) Shop, Liquor Store (Small)—4 bays per 100 square metres NLA;
 - (ii) Cinema/Theatre—1 bay per 5 seats; and
 - (iii) Restaurant, Tavern and Small Bar—1 bay per 20 square metres NLA.
- (c) Notwithstanding the above, or any other provision of this Scheme, the local government may approve a lesser number of vehicle, motorcycle/scooter or bicycle parking spaces/bays where a Parking Needs Assessment prepared by a qualified traffic engineer demonstrates that the proposed number of bays is sufficient having regard to—
- (i) Different periods of peak demand;
 - (ii) The surrounding walkable neighbourhood;
 - (iii) The availability of public transport, bicycle parking and end-of-trip facilities.
- (6) In respect to development on either of Site A or Site B, notwithstanding Table 4 of this Scheme, the Liquor Store—Small land use shall be a ‘P’ land use on ‘Site B’.
- (7) Any ‘dual-key’ dwellings proposed (accessed from the same front door) shall be assessed as one dwelling and not permitted to be further strata-titled.
-

ASR14—Land fronting Canning Highway that is north of Cale Street, Como other than land which is subject to Special Control Area 1

- (1) The local government shall not grant approval to development or support an application for subdivision approval unless—
- (a) The land the subject of the application is provided with access to a public road or right-of-way other than Canning Highway; and
 - (b) The land the subject of the application provides access to a public road or right-of-way other than Canning Highway to the adjoining lots in the street block, if required; and
 - (c) The requirements in clauses 2 and 3 are met, if required.
- (2) Where access to land is proposed from a right-of-way, the width of the portion of the right-of-way which adjoins the subject land must be at least 6.0m, or that width must be increased to at least 6.0m by ceding the additional land required as an aspect of the proposed development or subdivision.
- (3) Any land required to increase the width of a right-of-way in accordance with clause 2 must be—
- (a) ceded to the Crown free of cost prior to the commencement of the approved development, or the completion of the approved subdivision (as the case may be); and
 - (b) Must be sealed and drained to the requirements and satisfaction of the local government within a time stipulated by the local government.
- (4) The requirements in clauses 1, 2, and 3 above do not apply to an application for development approval only for alterations or additions to an existing building, a change of use, a Single House, or works associated with a non-conforming use.
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SCHEDULE C—ADDITIONAL CENTRE REQUIREMENTS

ACR1—Civic Site—Lot 688 (No. 1) Mends Street, South Perth

(1) Objectives and application of Development Requirements

- 1.1 The objectives of development on this site shall be to—
- (a) Promote a diverse range of land uses to provide greater employment self-sufficiency in the City and patronage for a future ‘destination’ rail station.
 - (b) Promote an increased residential and temporary visitor population.
 - (c) Promote a diversity of dwelling sizes in order to provide housing choice and accommodate a range of household types.
 - (d) Create a high quality mixed-use development that contributes towards the creation of an inner-city urban character within the South Perth Activity Centre.
 - (e) Promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents.
 - (f) Promote a diversity in commercial and retail uses to promote economic development and contribute to retail character of the Mends Street precinct.
 - (g) Allow for the development of the site to maximise river and city views while maintaining view corridors.
 - (h) Preserve and protect the heritage values of heritage places on this site.
 - (i) Promote movement efficiency for pedestrian and cycle movement around and through the site.
- 1.2 Development requirements in this schedule shall not apply to—
- (a) alterations and/or additions within the approved building envelope;
 - (b) renovations or repairs;
 - (c) modifications to any heritage place;
 - (d) change of use.
- 1.3 For the avoidance of doubt, new residential development shall be assessed in accordance with the R-Codes in all respects, except where modified by provisions of this schedule or the Scheme.

(2) Built Form Setbacks and Building Height

- 2.1 Development shall occur in a coordinated manner and shall take the form of a podium with one or two towers built directly above the podium.
- 2.2 The podium shall be setback as follows—
- A minimum 3 metre setback from the Mends Street boundary.
 - A minimum 3 metre setback from the Mill Point Road street boundary for a length of 50 metres measured from Mends Street.
 - The remainder of the podium shall have a nil setback to street boundaries, with the exception of the ground level where a setback of up to 3.6 metres from the street boundaries is permitted in order to improve the pedestrian environment.
- 2.3 All development shall maintain a minimum setback of 4.5 metres from a heritage place and an average setback of 6.0 metres, with the exception of awnings which may project 2.0 metres into the minimum setback area.
- 2.4 All towers shall have a minimum setback of 4.0 metres from the street boundaries.
- 2.5 All towers shall be separated from each other in accordance with the Building Separation criteria of the R-Codes.
- 2.6 Notwithstanding 2.1, 2.2 and 2.4 one or both towers may be built to the ground and have a 2 metre setback for the entire height of the tower, but subject to 2.11.
- 2.7 Notwithstanding 2.4, cantilevered balconies or decorative elements may be set back a minimum of 3.0 metres from the street boundaries where the local government, but subject to 2.11.
- 2.8 The podium shall have a maximum height of 15.5 metres, excluding feature elements, parapets and balustrades. Additional podium height to a maximum of 19.0 metres, excluding feature elements, parapets and balustrades, is permitted where setback a minimum of 6.0 metres from the facade of the podium below.
- 2.9 The maximum building height, inclusive of both podium and tower, shall be 96 metres, and any additional tower elements shall be 83 metres, excluding plant rooms, lift motor rooms, feature elements, parapets and balustrades, but subject to 2.11.
- 2.10 Notwithstanding subclause 2.9, development shall not cast a shadow onto more than 5 percent of the site area of 111 Mill Point Road, South Perth at noon on June 21.
- 2.11 In exercising discretion under subclauses 2.6, 2.7 or 2.9 above, the local government shall be satisfied that—
- the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and
 - the proposed variation will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

(3) Land Use

- 3.1 For development within the Civic Site, the following land use table applies:

Land use	Permissibility
At Ground Level	
Child care premises, Cinema/Theatre, Consulting rooms, Educational Establishment, Recreation— private, Office, Tavern	D
Convenience store, Holiday accommodation, Hotel, Industry— Service, Restaurant/Café, Shop, Small Bar, Tourist Development.	P
Above Ground Level	
Cinema/theatre, Educational establishment, Medical centre, Car park, Tavern.	D
Child care premises, Consulting rooms, Convenience store, Hotel, Recreation—Private, Multiple Dwelling, Office, Industry— Service, Restaurant/Café, Shop, Small Bar, Holiday Accommodation, Tourist Development	P

- 3.2 Any land use not listed in this schedule is not permitted unless the use is consistent with the objectives listed in 1.1.

(4) Parking

- 4.1 Residential parking shall be provided in accordance with the table below—

Parking type		Minimum bays	Maximum bays
Car parking	1 bedroom dwelling	0.75 per dwelling	1 per dwelling
	2 bedroom dwelling	1 per dwelling	2 per dwelling
	+3 bedroom dwelling	3 per dwelling	5 per dwelling
	Visitor bays	1 per 12 dwellings	No maximum
Bicycle parking	Bicycle bays	1 per 3 dwellings	No maximum
	Visitor bicycle bays	1 per 10 dwellings	No maximum

4.2 Non-residential parking shall be provided in accordance with the table below:

Parking type/land use	Minimum bays	
Car parking	Holiday Accommodation	0.5 per suite
	Tourist Development	0.1 per suite
	Any other land use	1 per 50 square metres of NLA
	Non-residential visitors	10% of bays required for the land use
Bicycle parking	Non-residential bicycle bays	1 per 200 square metres of NLA
	Non-residential end-of-trip facilities	1 secure locker per bay; 1 male and 1 female shower per 10 bicycle bays

4.3 A minimum of 0.5 motorcycle/scooter bays for every 10 car bays required by 4.1 and 4.2 above.

4.4 Any proposed variation to the car parking requirements above shall be determined in accordance with clause 77D of the deemed provisions. Notwithstanding subclauses 4.1, 4.2 or 4.3 above, the local government may approve a lesser number of motorcycle/scooter or bicycle parking bays where it is demonstrated that the proposed number of bays is sufficient, having regard to—

- (a) different periods of peak demand; and
- (b) the surrounding highly walkable environment; and
- (c) the availability of public transport.

4.5 All vehicle parking shall be designed, located, designated and made accessible in accordance with the R-Codes.

4.6 A minimum of 10% of the visitor car parking bays required by 4.1 and 4.2, rounded up to the next whole number, or 6 bays, whichever is the greater number, shall be provided with the capacity to charge electric cars. Of those bays required to be provided with capacity to charge electric cars, a minimum of 50% of the electric charging load must be accommodated within the developments maximum demand and electricity supply infrastructure. Remaining bays may be load managed by an intelligent load monitoring system.

(5) Weather protection

5.1 Weather protection shall be provided to shade and protect the pedestrian environment through the provision of a colonnade, all-weather visually permeable temporary enclosure or awning to the perimeter of the new buildings of at least 2m width. Only light-weight cantilevered awnings may project into the 4.5 metre setback from any heritage place.

(6) Vehicle crossovers

6.1 No crossovers shall be permitted to Mends Street or Mill Point Road.

6.2 Crossovers generally with a maximum width of 7.5 metres and otherwise designed and located in accordance with the R-Codes.

6.3 Any proposed development shall not have significant adverse impacts on traffic flow and safety in the immediate locality.

(7) Heritage

7.1 Applications for development affecting or adjoining a heritage place shall be accompanied by a heritage impact statement prepared by a suitably qualified heritage expert justifying the appropriateness of the built form of the comprehensive new development, including specific reference to the impact of the proposed podium height and building height, and proposed materials on the heritage place.

7.2 The Design Review Panel shall consider the appropriateness of the development to the adjacent heritage places.

7.3 Development shall ensure a visual connection between the heritage places/buildings on the site is maintained.

7.4 In the case of a development which includes additions or alterations to a heritage place the proposed additions or alterations shall retain, re-use and maintain the heritage values of the existing heritage place.

(8) Design Quality

8.1 The architectural design of any proposed development must be exemplary, sensitive and sophisticated and must contribute to the high quality of the inner urban environment being promoted in the locality, as defined by any policy or guidelines of the Commission relating to architectural design quality.

8.2 In determining whether 8.1 is satisfied, the local government or other responsible authority must—

- (a) have due regard to any policy or guidelines of the Commission relating to architectural design quality.
- (b) have due regard to the advice of the relevant nominated Design Review Panel, or other suitably qualified consultant(s) appointed by the local government for the purpose of providing advice on architectural design quality; and

- (c) be satisfied that the development provides a high level of amenity within the public realm by—
- (i) being of a scale along the street frontage which is conducive to creating a comfortable pedestrian environment; and
 - (ii) minimising adverse wind impacts; and
 - (iii) allows for appropriate levels of sunlight penetration into key pedestrian and public spaces; and
 - (iv) contributing to an attractive skyline and outlook from the public realm within the immediate locality and surrounding vantage points; and
 - (v) be satisfied that the proposed comprehensive new development provides a high level of internal amenity within the development itself by providing for appropriate natural light access, natural ventilation, privacy and outlook.

(9) Sustainability

9.1 New development is to achieve either a 5-star Green Star rating or demonstrate and equivalent rating. An application for development approval must be accompanied by advice from a suitably qualified sustainability consultant confirming that the building will achieve the required rating (or equivalent).

(10) Landscape area

10.1 Landscaping of not less than 40% of the site area shall be provided as part of new development. Landscaping shall include in-ground landscaping comprising shade trees and living plants at ground level, planting on walls, landscaping on the roof of the podium and rooftop terraces or gardens as shall be assessed in accordance with the R-Codes.

(11) Public benefits

11.1 At least one facility available for use by external parties (groups or individuals), such as a meeting room, boardroom, lecture theatre, presentation space or function room, shall be provided.

11.2 Development shall provide for upgrade or contribute to the upgrade of Mends Street to provide for flush paving and verge treatments to the western side of Mends Street where it abuts the Civic Site, based on a mutually agreed specification and, where applicable, a cost estimate prepared by a suitably qualified quantity surveyor mutually agreed between the City and the proponent.

11.3 Any new development must include on-site public art to a value of 1% of the estimated construction cost of the development.

11.4 Public access to the development shall be provided in the form of at least two tenancies with the following land uses being provided within the podium—

Café/Restaurant, Cinema/Theatre, Child Day Care Centre, Consulting Rooms, Educational Establishment, Recreation—private, and any other land uses or facilities as determined by the local government.

(12) Occupier benefit

12.1 A minimum of 10% of the residential dwellings within the new development, rounded up to the next whole number, shall have three or more bedrooms.

12.2 Communal facilities for residents in the form of at least three of the following shall be provided as part of a comprehensive new development—

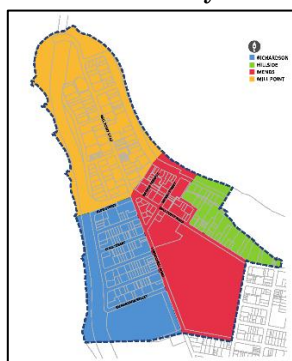
Pool, Cinema/Theatrette, Gym, Wellness Centre, Outdoor Entertainment/Barbecue Area, Lounge Facilities, Games Room, Meeting Room, Library, Dining and/or Kitchen Facilities, any other appropriate facilities that provide a benefit to the building occupants, as determined by the local government.

ACR2—Land subject to the South Perth Activity Centre Plan

Provision 1 Land comprising South Perth Activity Centre

The South Perth Activity Centre Plan area (ACP Area) is delineated on Map 1. The following requirements apply to all land within the ACP area with the exception of the land bounded by Mends Street, Labouchere Road and Mill Point Road (landmark site).

Map 1: South Perth Activity Centre Plan area



Provision 2 Operation of Schedule C

1. This schedule is to be read in conjunction with the South Perth Activity Centre Plan. All comprehensive new development proposed within the ACP shall—
 - a. comply with the development requirements contained in Provision 5 of this Schedule; and
 - b. have due regard to the South Perth Activity Centre Plan.
2. Within the ACP Area—
 - a. the provisions of this Schedule and the Activity Centre Plan do not apply to the following forms of development—
 - i. alterations and/or additions within the approved building envelope;
 - ii. renovations or repairs to buildings;
 - b. the forms of development referenced in paragraph 2(a) are subject to all other relevant provisions of the Scheme and any applicable local planning policies.

Provision 3 Definitions

1. In this Schedule—
 - ‘Activity Centre Plan’ or ‘ACP’ means the activity centre plan for the ACP Area approved by the Commission under Part 5 of the Deemed Provisions.
 - ‘gross floorplate area’ means the gross total area of one floor of a building including the area of any internal and external walls.
 - ‘landmark site’ means the land identified on Map 1, bounded by Labouchere Road, Mill Point Road and Mends Street.
 - ‘podium site cover’ means the area of the development site which is covered by the podium of the building.
 - ‘community benefit contribution’ means a monetary or in-kind contribution paid or provided to the local government in order to gain approval of development with additional building height and/or plot ratio above the Primary building height and/or plot ratio limit contained in Provision 5.
 - ‘tower’ means the part of a building above the podium or, where the building does not include a differentiated podium, a free-standing building that exceeds the height permitted for a podium.

Provision 4 Character Areas

1. The ACP Area is divided into four character areas, as shown on Map 1.

Provision 5 Development Requirements for New Development**Element 1: Zoning, residential density coding and land uses**

- 1.1 The permissibility of uses of land in the character areas is determined by the cross reference between the list of land uses on the left-hand side of Table 1 and the list of character areas on top of Table 1.
- 1.2 The symbols used in Table 1 of the Schedule have the meanings set out in clause 18 of this Scheme.
- 1.3 A use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the uses defined in Schedule 1 of this Scheme may only be approved if notice of the development is first given in accordance with clause 64 of the Deemed Provisions, and shall be determined having regard to—
 - 1.3.1 Objectives of the character area in the ACP; and
 - 1.3.2 Relevant provisions of the Scheme, this schedule and the ACP.
- 1.4 For the purposes of ACR2, student accommodation facility means a facility—
 - a. Whose predominant purpose is to accommodate—
 - i. students while studying at a tertiary education institution; and
 - ii. staff of a tertiary institution or visiting staff to a tertiary education institution.
 - b. That is designed and managed to facilitate the predominant purpose;
 - c. That typically provides students with a principle place of residence for 3 months or more; and
 - d. That may have shared facilities, such as a communal living room, kitchen and amenities.

Table 1: Land Use Permissibility

Land Uses	Character Area			
	Mends	Richardson	Hillside	Mill Point
Aged and dependent persons' dwelling	D	D	D	D
Ancillary dwelling	D	D	D	D
Bed and breakfast	P	D	D	D
Bulky goods showroom	X	X	X	X
Car park	P	P	X	X
Child care premises	D	D	A	A
Cinema/theatre	D	A	X	X
Civic use	P	P	D	D
Club premises	D	D	X	X
Consulting rooms	P	P	D	A
Convenience store	P	P	A	A
Educational establishment	D	D	A	A
Family day care	X	X	A	A
Fast food outlet/lunch bar	P	P	X	X
Grouped dwelling	D	D	D	D
Home business	D	D	P	P
Home occupation	D	D	D	D
Home office	P	P	P	P
Hospital	A	A	X	X
Hotel	D	D	X	A
Independent living complex	D	D	D	D
Industry—light	X	X	X	X
Industry—service	X	X	X	X
Liquor store—large	X	X	X	X
Liquor store—small	D	A	X	X
Market	D	D	X	X
Motor vehicle wash	A	X	X	X
Motor vehicle, boat or caravan sales	X	X	X	X
Multiple dwelling	P	P	P	P
Nightclub	A	X	X	X
Office	P	P	D	A
Place of worship	A	A	X	X
Public utility	P	P	D	D
Reception centre	D	D	X	X
Recreation—private	A	A	A	A
Residential aged care facility	D	A	A	A
Residential building	A	A	A	A
Restaurant/café	P	P	A	A
Restricted premises	X	X	X	X
Service station	A	X	X	X
Serviced apartment	D	D	X	A
Shop	P	P	A	X
Single bedroom dwelling	D	D	D	D
Single house	D	D	D	D
Small bar	D	D	A	A
Student accommodation facility	P	P	A	A
Tavern	D	D	X	X
Telecommunications infrastructure	D	D	A	A
Tourist development	D	D	A	A
Veterinary centre	D	D	A	X

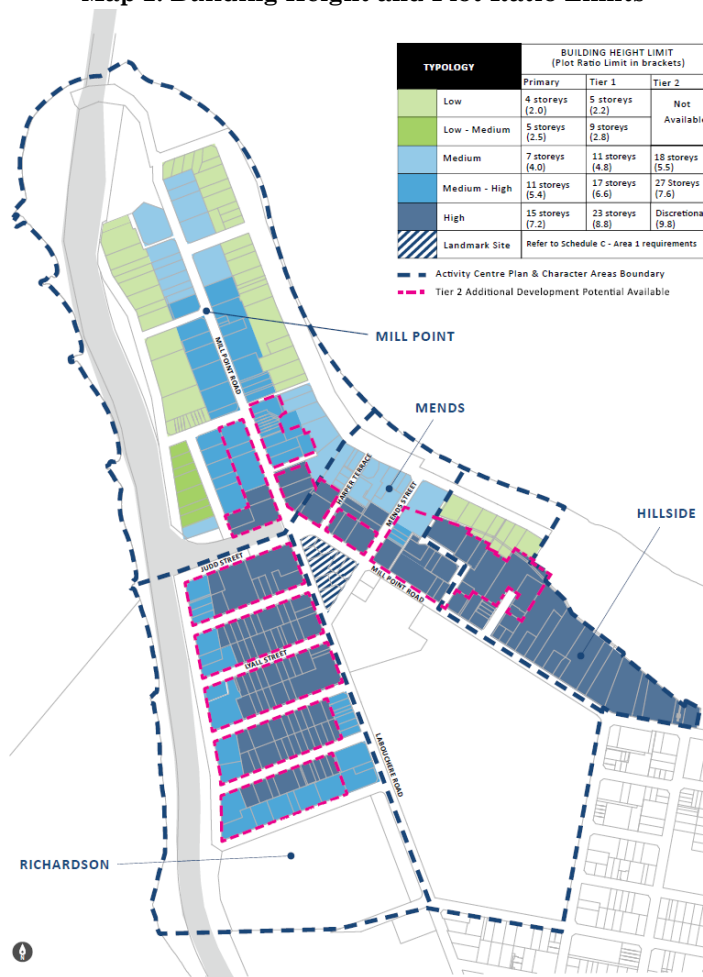
Element 2: Building Height

- 2.1 Subject to Element 2.2, the height of a building must not exceed the applicable Primary building height limit contained in Map 2 and Table 2.
- 2.2 Subject to Element 2.3, a building may be approved with building height in excess of the applicable Primary building height limit but not greater than the applicable Tier 1 building height limit contained in Map 2 and Table 2 if the requirements of Element 7 and 8 of this Schedule are satisfied.
- 2.3 A building may be approved with building height in excess of the applicable Tier 1 building height limit contained in Map 2 and Table 2 if—
 - (a) the site of the building is one which Map 2 and Table 2 identify as being subject to Tier 2 building height; and
 - (b) the requirements of Element 7 and 8 of this Schedule are satisfied; and
 - (c) the plot ratio of the building does not exceed the applicable Tier 2 plot ratio limit referred to in Element 6.
- 2.4 (a) On Lot 113 (No. 81-85) South Perth Esplanade Tier 2 Additional Development Potential is available only on the portion of the lot that is set back not less than 50 metres from South Perth Esplanade.
- (b) On Lot 2 (No. 53) South Perth Esplanade Medium-High Typology is only available on the portion of the lot that is set back not less than 53 metres from South Perth Esplanade at the southern boundary of the lot and 45 metres from South Perth Esplanade at the northern boundary of the lot.

Table 2: Building Height Limits

Typology	Primary Building Height Limit	Tier 1 Building Height Limit	Tier 2 Building Height Limit
<i>Low</i>	<i>4 storeys</i>	<i>5 storeys</i>	<i>Not available</i>
<i>Low-Medium</i>	<i>5 storeys</i>	<i>9 storeys</i>	<i>Not available</i>
<i>Medium</i>	<i>7 storeys</i>	<i>11 storeys</i>	<i>18 storeys</i>
<i>Medium-High</i>	<i>11 storeys</i>	<i>17 storeys</i>	<i>27 storeys</i>
<i>High</i>	<i>15 storeys</i>	<i>23 storeys</i>	<i>Discretionary</i>

Map 2: Building Height and Plot Ratio Limits



Element 3: Podium Setbacks, Height and Site Cover

3.1 Podium setbacks and height should be in accordance with Table 3 and Map 3.

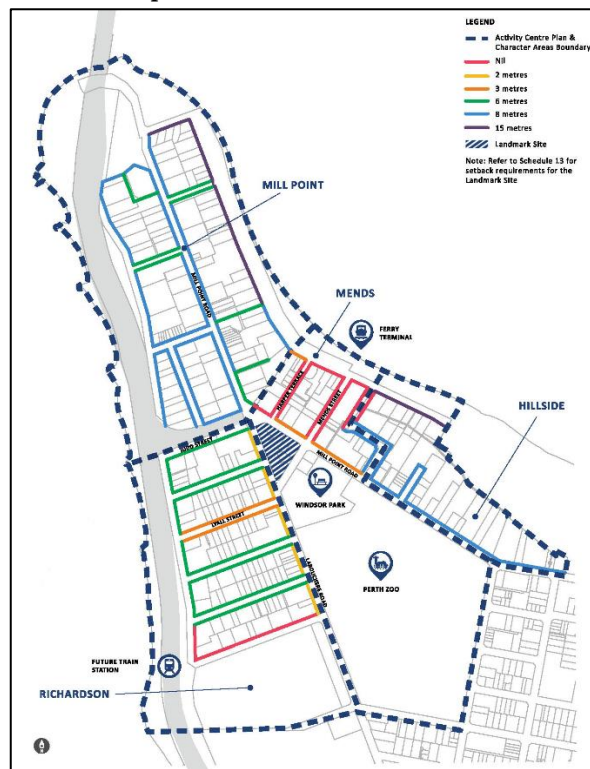
3.2 Variation from the podium setbacks and height recommended in Table 3 and Map 3 must have due regard to relevant objectives and development requirements in the ACP.

3.3 Podium site cover shall be in accordance with Table 3.

Table 3: Podium Setbacks, Height and Site Cover

Element	Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Podium Setbacks	Podium Street Setback	Refer Map 3	Refer Map 3	Refer Map 3	Refer Map 3
	Podium Side Setback	4m	Nil	4m	4m
	Podium Rear Setback	4m	Nil	4m	4m
Podium Height and Boundary Walls	Podium maximum height at street front	2 storeys	3 storeys	2 storeys	3 storeys
	Podium maximum height and building boundary wall height	2 storeys	3 storeys	2 storeys	2 storeys
	Podium maximum boundary wall length	Two thirds length of boundary, and should be located behind street and rear setbacks.	None	Two thirds length of boundary, and should be located behind the street and rear setbacks.	Two thirds length of boundary, and should be located behind the street and rear setbacks.
Podium Site Cover	Podium maximum site cover	70% 80% within Tier 2 identified on Map 2	90%	70%	80%

Map 3: Podium Street Setbacks



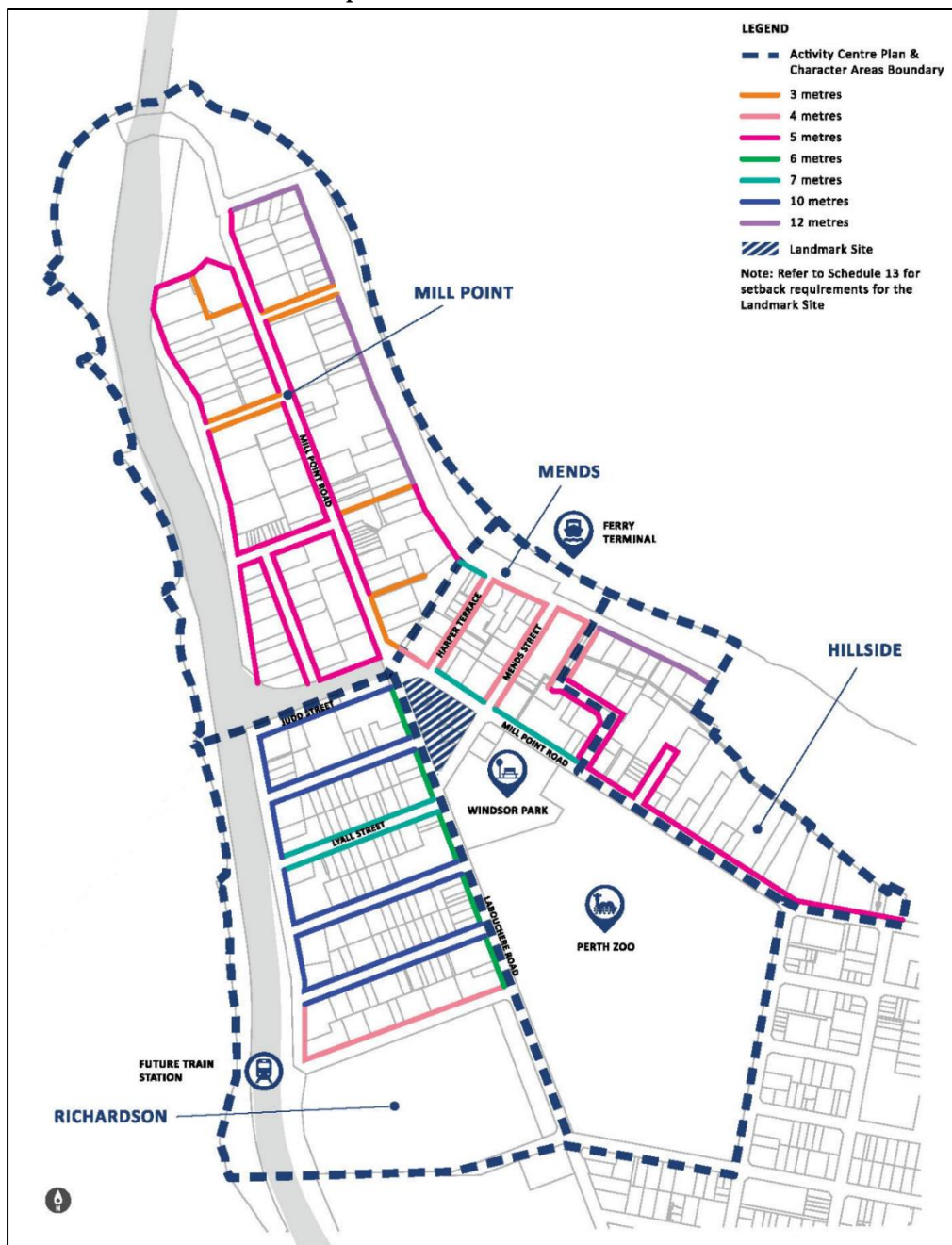
Element 4: Tower Setbacks and Separation

- 4.1 Tower Setbacks should be in accordance with Table 4 and Map 4.
- 4.2 Two or more towers within a single development site should be separated by a minimum of 8m or 8% of building height (whichever is greater), inclusive of balconies.
- 4.3 Variation from the tower setbacks and separation recommended in Table 4 and Map 4 and Element 4.2 must have due regard to relevant objectives and development requirements in the ACP.

Table 4: Tower Setbacks

Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Tower Street Setback	Refer Map 4	Refer Map 4	Refer Map 4	Refer Map 4
Tower Side and Rear Setback	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)

Map 4: Tower Street Setbacks



Element 5: Tower Maximum Gross Floorplate Area

- 5.1 The maximum gross floorplate area of each floor of a tower shall not exceed the percentage of total site area set out in Table 5.
- 5.2 Balconies projecting up to 2.4 metres from the enclosed part of the building floorplate may be excluded from the maximum gross floorplate area provided that the balcony is open on at least two sides and balustrades are visually permeable.
- 5.3 Notwithstanding 5.1, all lots fronting South Perth Esplanade within the 'low' building typology in the Hillside Character area are subject to the following development requirements—
- A 50% maximum gross floorplate area where the Primary building height limit is to apply; and
 - A 40% maximum gross floorplate area where the Tier 1 building height limit is to apply

Table 5: Tower Maximum Gross Floorplate Area (percentage of total site area)

Character Area	Maximum gross floorplate area where Primary building height limit is to apply	Maximum gross floorplate area where Tier 1 building height limit is to apply	Maximum gross floor plate area where Tier 2 building height limit is to apply
Mends (excl. Landmark Site)	50%	40%	30%
Mill Point	50%	40%	30%
Richardson	50%	40%	30%
Hillside	40%	30%	20%

Element 6: Plot Ratio

- 6.1 Subject to Elements 6.2 and 6.3, the plot ratio of a building shall not exceed the applicable Primary plot ratio limit contained in Map 2 and Table 6.
- 6.2 Subject to Element 6.3, a building may be approved with plot ratio in excess of the applicable Primary plot ratio limit, but not greater than the applicable Tier 1 plot ratio limit contained in Map 2 and Table 6, if the requirements of Element 7 and Element 8 of this Schedule are satisfied.
- 6.3 A building with plot ratio in excess of the applicable Tier 1 plot ratio limit shall not be approved unless—
- the site of the building is one which Map 2 and Table 6 show as being subject to a Tier 2 plot ratio limit; and
 - the plot ratio of the building does not exceed the applicable Tier 2 plot ratio limit; and
 - the requirements of Element 7 and Element 8 of this Schedule are satisfied.

Table 6: Plot Ratio Limits

Typology (refer to Map 2)	Primary Plot Ratio Limit	Tier 1 Plot Ratio Limit	Tier 2 Plot Ratio Limit
Low	2.0	2.2	Not Available
Low-Medium	2.5	2.8	Not Available
Medium	4.0	4.8	Where available in accordance with Map 2, 5.5
Medium-High	5.4	6.6	Where available in accordance with Map 2, 7.6
High	7.2	8.8	Where available in accordance with Map 2, 9.8

Element 7: Design Quality

- 7.1 The architectural design of any proposed comprehensive new development shall meet the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP.
- 7.2 In addition to Element 7.1, the architectural design of any proposed comprehensive new development above the Primary building height and/or plot ratio limits and up to the Tier 1 limits under Elements 2 and 6 of this Schedule shall achieve design excellence demonstrably exceeding the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP.
- 7.3 In determining any comprehensive new development under Element 7.1 and 7.2, due regard shall be given to the advice of the nominated Design Review Panel for all elements of the development relating to built form.

7.4 In addition to Element 7.1 and 7.2, the architectural design of any proposed comprehensive new development above the Tier 1 limits under Elements 2 and 6 of this Schedule shall achieve design excellence demonstrably exceeding the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP, as recommended by the State Design Review Panel, or equivalent body, as determined by the Western Australian Planning Commission' in accordance with the requirements of ACP.

Element 8: Approval for Additional Development Potential (Height and Plot Ratio)

8.1 Notwithstanding any other provision in this scheme, a comprehensive new development proposing building height greater than the applicable Primary building height limit in this Schedule may be exempted from the requirement to pay community benefit contribution if the proposed building height does not exceed the building height equivalent to the development that existed on the site at the time that Amendment No. 61 is gazetted.

8.2 Approval of development with additional building height and/or plot ratio in excess of the Primary building height limit and/or the Primary plot ratio limit (as the case may be), under Elements 2 and 6 of this Schedule, shall not be granted unless—

8.2.1 approval of the proposed development would be appropriate having due regard to—

- (a) the relevant matters in clause 67 of the Deemed Provisions; and
- (b) the objectives and vision of the ACP; and
- (c) Objectives of the relevant character area in the ACP; and
- (d) the relevant objectives of 4.1.1 Building Height and 4.2 Plot Ratio contained in Part 1 of the ACP; and
- (e) whether the proposed development satisfies the other development requirements of Provision 5 of this Schedule and Part 1 of the ACP including but not limited to requirements relating to overshadowing, setbacks, tower maximum gross floorplate area and design quality.

8.2.2 the additional height and/or plot ratio will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and

8.2.3 the development satisfies the relevant requirements of Element 7 of this Schedule; and

8.2.4 a community benefit contribution, calculated in accordance with clause 8.3, is—

- (a) paid to the City of South Perth, and held in trust, to be expended in accordance with the ACP; or
- (b) delivered onsite in accordance with the ACP; to the satisfaction of the City of South Perth.

8.3 A community benefit contribution, paid to the City or delivered on-site in accordance with 8.2.4, shall be calculated in accordance with whichever of the following formula that yields the greatest contribution amount—

- (a) $(3\% \times \text{total contract sum}) \times (\text{number of storeys above the Primary standard} \div \text{total number of storeys})$; or
- (b) $(3\% \times \text{total contract sum}) \times (\text{m}^2 \text{ of plot ratio area above the Primary standard} \div \text{m}^2 \text{ of total plot ratio area})$.

8.4 The City of South Perth shall publish an annual statement in accordance with the ACP, that provides information about expenditure of the community benefit contribution.

8.5 Development which exceeds the maximum building height limit, maximum tower gross floorplate area or maximum plot ratio limit which applies to the development site under Elements 2, 5 and 6 of this Schedule shall not be approved.

ACR3—Land subject to the Bentley Curtin Specialised Activity Centre Plan

(1) Where a site is coded RAC-0 and located within the Bentley-Curtin Specialised Activity Centre Plan area, all site and development requirements shall be in accordance with an approved precinct structure plan prepared with regard to the Bentley-Curtin Specialised Activity Centre Plan.

ACR4—Land subject to the Canning Bridge Activity Centre Plan

(1) Where a site is coded RAC-0 and located within the Canning Bridge Activity Centre Plan area all site and development requirements shall be in accordance with the Canning Bridge Activity Centre Plan.

The certification pages for local planning schemes have been updated as follows—

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the City of South Perth at the Ordinary Council Meeting of Council held on the 24 August 2021.

M. BRADFORD, Chief Executive Officer.
G. MILNER, Mayor.

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the City of South Perth at the Ordinary Council Meeting of Council held on the 28 March 2023.

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

M. BRADFORD, Chief Executive Officer.
G. MILNER, Mayor.

WAPC Recommended for Approval

R. RISTESKI, Delegated under S.16 of
the *Planning and Development Act 2005*

Dated 12 February 2024.

Approval Granted

J. CAREY, Minister for Planning.

Dated 11 March 2024.
