



# City of Stirling

## Local Planning Scheme No.3 Scheme Text

GAZETTED  
6 August 2010

Updated 13 June 2025



# The City of Stirling

## Local Planning Scheme No.3

### PREAMBLE

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

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

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

*Note: The following Scheme Amendments have been included in this document:*

<b>Amd. No.</b>	<b>Gazettal Date</b>	<b>Summary Description</b>	<b>From</b>	<b>To</b>
2	5 Jul 2011	Lot 87, House No. 820, Beaufort Street, Inglewood	R40	R80 & Additional Use (A69) Offices
14	18 May 2012	Lot 510, House No. 31, Blythe Avenue, Yokine	R30	Special Use (S27) Local Centre & R80
17	18 May 2012	Lot Nos. 1, 306, House Nos. 275, 281, Wanneroo Road, Balcatta	R40	Special Use (S26) Medical Centre & Convenience Store
16	12 Jun 2012	Lot 1, House No. 2, Walter Road West, Inglewood	Service Station	R60
3	6 Jul 2012	Channel 7 Site - Lot 3, House No. 7, Gay Street, and Lot Nos. 9, 10, 10965, House Nos. 15, 5, 3, Osborne Road, Dianella	Special Use Media Establishment	R30 & Special Control Area
19	21 Aug 2012	Lot Nos. 6397, 6398, House Nos. 21, 23, Morris Road, Innaloo	Civic	R60
11	2 Nov 2012	Lot 302, House No. 22, Wheatcroft Street, Scarborough	Special Use (S11) Short Stay Accommodation to R40 & Additional Use (A70) Nursing Home	Superseded by 'Scarborough Redevelopment Scheme'
23	7 Dec 2012	Lot 73, House No. 135, Swan Street and Lot 62, House No. 198, Wanneroo Road, Yokine	R30	R30 & Additional Use (A71) Medical Centre
18	8 Feb 2013	Lots Nos. 302, 51, House Nos. 780B, 782, North Beach Road, Gwelup	R20 & Additional Use (A17) Hardware Showroom	Local Centre
4	26 Apr 2013	Heritage List Provisions	N/A	New Clauses 7.1 & 7.2 & related provisions
25	26 Apr 2013	Lot 228, House No. 136, Telford Crescent, Stirling and Part Lot 123, House No. 130, Telford Crescent, Stirling	R20 & Development	R25

... continued next page

### Scheme Text

Note: The following Scheme Amendments have been included in this document:

<b>Amd. No.</b>	<b>Gazettal Date</b>	<b>Summary Description</b>	<b>From</b>	<b>To</b>
31	12 Jul 2013	Lot Nos. 235, 900, House Nos. 669, 675, North Beach Road, Gwelup	R20	R30
30	27 Aug 2013	'Media Establishment' Use Class amended from 'X' to 'D' in the 'Industry' Zone in Table 1 Zoning Table	Textual	Textual
8	19 Nov 2013	Lot 201, House No. 19, Gribble Road, Gwelup	R20	Special Use (S29) Uses as per Residential Zone
36	21 Jan 2014	Lot Nos. 10, 9, House Nos. 8, 10, Mumford Place, Balcatta	Industry	Mixed Business
37	21 Jan 2014	Lot 206, House No. 34, Blythe Avenue, Yokine	Civic	Public Open Space
28	11 Feb 2014	Lot 152, House No. 7, Hutton Street, Osborne Park	Industry	Local Centre
21	15 Apr 2014	Lot Nos. 30, 20, 23, 24, 123, 21, 22, House Nos. 946 – 956, Beaufort Street and Lot Nos. 888, 889, 890, House Nos. 133 – 137, Stuart Street, Inglewood	R30	R30 & Additional Use (A74) Consulting Rooms & Offices & to Special Use (S30) Mixed Use
MRA	2 Jul 2014	Metropolitan Redevelopment Authority's Scarborough Redevelopment Area – Interim Scarborough Redevelopment Scheme (effective 2 Jul 2014) (The Scarborough Redevelopment Scheme became effective 17 Sep 2016)	N/A	N/A
40	8 Aug 2014	'Recreation – Private' Use Class amended from 'X' to 'A' in the 'Industry' Zone in Table 1 Zoning Table	Textual	Textual
1	2 Sep 2014	Stirling City Centre	Town Planning Scheme No.38 & various Local Planning Scheme No.3 zones	Development Zone, Special Control Area, Development Contribution Area, Development Area & related provisions
7	16 Sep 2014	Dianella Shopping Centre - Waverley Street, Kerry Street, Grand Promenade and Chester Avenue, Dianella	Various	District Centre, R-AC3, R-AC2 & Special Control Area
29	16 Sep 2014	Mirraboooka Town Centre - Area broadly bounded by Reid Highway, Northwood Drive, Yirrigan Drive and Mirraboooka Avenue, Mirraboooka	Various	Development & Development Area
24	24 Oct 2014	Channel 9 Site - Lot Nos. 1, 2, House Nos. 2, 10, Gay Street, Dianella	Special Use Media Establishment	Development & Development Area
27	24 Oct 2014	Demolition by Neglect Provisions	Textual	New Clause 7.7 & related provisions
46	24 Oct 2014	Exemption of Single Houses and Fences from requiring planning approval	Clause 8.2.1	Modifications to Clause 8.2.1
50	10 Feb 2015	Part 4 Note 2 of Table 1 Zoning Table amended to be applicable only to road reserves greater than 10m in width	Textual	Textual
13	24 Mar 2015	Omnibus Amendment (various Textual and Zoning modifications) and Lot Nos. 757, 13, House Nos. 128, 132, Weaponess Road, Wembley Downs	Various	Various
52	28 Apr 2015	Lot 11, House No. 234, Grand Promenade, Dianella	R30	R30 & Additional Use (A75) Medical Centre
41	26 May 2015	Channel 10 and Department of Housing Sites - Lot Nos. 55, 56, House Nos. 55, 23, Cottonwood Crescent, Dianella	Special Use Media Establishment	Development & Development Area
45	16 Jun 2015	Permit Minor Modifications to Local Planning Policies without public advertising	Textual	New Clause 2.7

... continued next page

## **Scheme Text**

Note: The following Scheme Amendments have been included in this document:

<b>Amd. No.</b>	<b>Gazettal Date</b>	<b>Summary Description</b>	<b>From</b>	<b>To</b>
57	16 Jun 2015	Exemption of Illuminated Street Signs from requiring planning approval	Clause 8.2.1	Modification to Clause 8.2.1 & Schedule 1
48	18 Aug 2015	Stirling Adriatic Centre - Portion of Lot 1010 and Lot 14660, House No. 78, Jones Street, Stirling	Private Institution & Development	R35
51	18 Aug 2015	Lot Nos. 32, 33, House No. 68, 70, Hodgson Street and Lot Nos. 41, 40, House Nos. 203, 205, McDonald Street, Tuart Hill	Public Open Space & R30	R30 & Public Open Space
32	20 Oct 2015	Density of Multiple Dwellings on R40 Coded Lots	N/A	New Clause 5.3.4 & Scheme Map (Sheet 2)
42	27 Oct 2015	Atlas Site - Part Lot 1, House No. 501, Alexander Drive, Mirrabooka	No Zone	Development & Development Area
54	27 Oct 2015	Lot 27, House No. 107, Lynn Street, Trigg	Civic	R40
5	15 Dec 2015	Development Contribution Plan for Rights Of Way Improvements Works	N/A	Various Clauses & Schedule 11A Development Contribution Plan
43	15 Dec 2015	Lot 431, House No. 98A, Tenth Avenue, Inglewood	Civic	R30
49	15 Dec 2015	Lots 214, 705, 7, House Nos. 7, 39, 41, Erindale Road, Stirling	Mixed Business	Mixed Business & Additional Use (A77) Retail Establishment & related provisions
55	15 Dec 2015	Lot 1, House No. 9, Wrigley Street, Lot Nos. 2, 3, House Nos. 17, 13, Seabrook Street and Lot Nos. 4, 5, House Nos. 2, 4 Jervois Street, Dianella	Civic	R30
59	16 Feb 2016	Lot 550, House No. 19, Hutton Street, Osborne Park	Industry	Industry & Additional Use (A76) Showroom
62	10 May 2016	Lot 888, House No. 57, Burroughs Road and Lot 421, House No. 184, Karrinyup Road, Karrinyup	R20 & Additional Use (A8) Consulting Rooms & Medical Centre	R20 & Additional Use (A8) Consulting Rooms, Medical Centre, Office & Personal Care Services
78	28 Jun 2016	Include Lot 27, House No. 107, Lynn Street, Trigg into the R40 coded area affected by Clause 5.3.4 of the Scheme Text	R40	R40 & included in Clause 5.3.4
58	1 Nov 2016	Tuart Hill Local Centre – Lot Nos. 671, 2, House Nos. 116, 112, Wanneroo Road, Yokine	R30 with Additional Use (A24) Motor Vehicle Wash & Hotel	R80, Local Centre & Special Control Area
68	1 Nov 2016	Portable Variable Message Signs on Private Property	Textual	Modifications to Schedule 1 & 8
73	1 Nov 2016	Carine Gardens Caravan Park – Portion of Lot 9000, House No. 37, Old Balcatta Road, Carine	Special Use (S1) Caravan Park	R20 & Public Open Space & No Zone
63	20 Dec 2016	Public parking and short stay parking definitions and reciprocal access and parking provisions in Mirrabooka Town Centre	Textual	Modifications to Clause 6.8 & Schedule 1
72	20 Dec 2016	Lot 7, House No. 31, Gribble Road, Gwelup	R20	Special Use (S32) R30
64	17 Jan 2017	Lot 201, Harkins Street and Lot 94, Arkana Road, Westminster	R40	Development & Development Area
70	28 Feb 2017	Northlands Shopping Centre - Lot 101, House No. 377, Wanneroo Road, Balcatta	District Centre	District Centre & Additional Use (A78) Multiple Dwellings & Grouped Dwellings

... continued next page

## **Scheme Text**

Note: The following Scheme Amendments have been included in this document:

<b>Amd. No.</b>	<b>Gazettal Date</b>	<b>Summary Description</b>	<b>From</b>	<b>To</b>
71	28 Feb 2017	Balga Town Centre – Lot Nos. 21, 51, 7, 2, House Nos. 92, 98, 102, 108, Princess Road, Lot Nos. 52, 53, House Nos. 21, 23, Penrith Place, Lot No. 22, House Nos. 17, 19 and 21, Fletching Street, Lot No. 13, House No. 8, Balga Avenue and Lot No. 4, House No. 17, Climping Street, Balga	Hotel, R40, Local Centre, Private Institution & Civic	Development
76	27 Jun 2017	Heritage Protection Area Special Control Area – Increased Protection for Individual Buildings	Textual	Modifications to Clause 6.6
79	27 Jun 2017	Lot Nos. 76 and 100, House Nos. 50 and 52, Porter Street, Gwelup	R20	R25
81	27 Jun 2017	Lot 81, House No. 10, Sanderling Street, Stirling	R20	Local Centre & Additional Use (A90) Residential
65	15 Aug 2017	Scarborough Beach Road West Area	R30, R40, Local Centre, Business, Service Station & Civic	R-AC0, Mixed Use & Special Control Area
66	15 Aug 2017	Karrinyup Library Site - Lot 2, House No.13, Davenport Street, Karrinyup	Civic	Development & introducing the Karrinyup Civic Centre Special Control Area
82	26 Sep 2017	Exemption of Family Day Care Land Use from Requiring Development Approval when located in the Residential Zone	Textual	Modifications to Table 1: Zoning Table, & Schedule 1 & New Clause 8.2.1 (q)
9	24 Oct 2017	Trees and Development	Textual	New Clauses 5.5.5 & 5.13, Modifications to Clause 10.3 & Schedule 1
74	28 Nov 2017	Lot 5, House No.1, Smith Street, Karrinyup	R30	R60 & Additional Use (A88) Consulting Rooms, Medical Centre, Office & Personal Care
87	27 Feb 2018	Lot 256, House Number 249, West Coast Drive, North Beach	R20	Local Centre
89	27 Feb 2018	Modification to the Development Contribution Plan for the 'Rights of Way Improvement Works' programme in Development Contribution Area 5	Textual	Modifications to Schedule 11A
93	27 Feb 2018	Allow 'Short Stay Accommodation' to be Permitted in 'Local Centre' Zones	Textual	Modifications to Table 1: Zoning Table
86	15 May 2018	Allow residential development on the ground floor of lots fronting the street within the Karrinyup 'Regional Centre' zone	Textual	Modifications to Table 1: Zoning Table & New Clause and Figure 5.7.3
85	12 Jun 2018	Updating the Planning Framework for Mirrabooka Town Centre	Development	R-AC0, R20, R40, R60, R80, Mixed Use, Business, Mixed Business, Civic, Public Use Reserves – Transport & Local Reserves - Public Open Space and Local Authority Purposes
83	14 Aug 2018	Lot Nos. 150 and 151, House Nos. 732 and 734, Karrinyup Road, Balcatta and modifications to the East Roselea Balcatta Structure Plan Area	Business	Development & inclusion into and modifications to the East Roselea Balcatta Structure Plan Area
88	14 Aug 2018	Lot 387, House No. 66, Francis Avenue, Karrinyup	Residential (R30)	R30 & Additional Use (A93) Consulting Rooms

... continued next page

## Scheme Text

Note: The following Scheme Amendments have been included in this document:

<b>Amd. No.</b>	<b>Gazettal Date</b>	<b>Summary Description</b>	<b>From</b>	<b>To</b>
39	21 Aug 2018	<i>Herdsmen Glendalough Area</i>	<i>Industry, Residential, Special Use, Hotel, Local Centre and Business &amp; removing Special Uses and Additional Uses in the Herdsmen Glendalough Area</i>	<i>Development &amp; Removing the Glendalough Station Special Control Area and introducing the Herdsmen Glendalough Special Control Area and the Herdsmen Glendalough Development Area (Structure Plan Area)</i>
80	16 Oct 2018	<i>Dianella Industrial Precinct</i>	<i>Industry</i>	<i>R-AC0 and Additional Use &amp; Local Centre</i>
99	16 Oct 2018	<i>Former Innaloo Police Station - Lot 7261, House No. 7, Morris Road, Innaloo</i>	<i>Public Use (Police Station)</i>	<i>R40</i>
60	11 Dec 2018	<i>Beaufort Street Activity Corridor</i>	<i>Various</i>	<i>Mixed Use, Public Use Reserve – Transport, R-AC0 &amp; Additional Uses</i>
90	11 Dec 2018	<i>Lot Nos. 125 – 128, House Nos. 12, 10, 8 &amp; 6, Bazaar Terrace, Scarborough</i>	<i>Civic</i>	<i>R30</i>
92	11 Dec 2018	<i>Lot 1, House No. 31, Edale Way, Westminster</i>	<i>Civic</i>	<i>R40</i>
105	28 May 2019	<i>Portion of road reserve at Lot 330, House Number 13A, Huckle Street, Tuart Hill</i>	<i>Road Reserve</i>	<i>Local Reserve – Public Open Space and Local Authority Purposes</i>
101	2 Jul 2019	<i>No. 7 and 9 Field Street and Reserve 38780, Mount Lawley</i>	<i>Public Use - Hospital</i>	<i>R60 &amp; Additional Requirements (AR1)</i>
84	16 Jul 2019	<i>Updating the Planning Framework for Stirling City Centre</i>	<i>N/A</i>	<i>Modifications to Clause 1.4, Table 1 Zoning Table, Schedule's 8 &amp; 10 &amp; introducing additional provisions and figures into Clause 6.11, &amp; including a Development Contribution Area designation over the Osborne Park Precinct of the Stirling City Centre</i>
106	23 Jul 2019	<i>Lot 601, House No. 2B, Rawlins Street, Glendalough</i>	<i>Private Institution &amp; No Zone</i>	<i>R100 &amp; Additional Requirements (AR2) &amp; Public Open Space and Local Authority Purposes</i>
102	30 Jul 2019	<i>Flora Terrace Local Centre Study Area - Lot No. 15, No. 118, Flora Terrace and Lot No. 50, No. 20, Castle Street, North Beach</i>	<i>Business &amp; Civic</i>	<i>Local Centre</i>
77	30 Jul 2019	<i>Lot No. 111, No. 650, Beach Road and Lot Nos. 109 &amp; 110, No. 60 &amp; 62, Glendale Avenue, Hamersley</i>	<i>R20</i>	<i>Mixed Use (R60) &amp; introducing the Beach Road Special Control Area</i>
104	27 Aug 2019	<i>Servite College Area</i>	<i>'Residential (R30)'</i>	<i>'Private Institution' zone and 'Restricted Use (RU1)', and applying 'Restricted Use (RU1)' over existing 'Private Institution' zoned lots &amp; Introducing the Servite College Special Control Area</i>

... continued next page

## Scheme Text

Note: The following Scheme Amendments have been included in this document:

<b>Amd. No.</b>	<b>Gazettal Date</b>	<b>Summary Description</b>	<b>From</b>	<b>To</b>
110	21 Jan 2020	Updating the Planning Framework for Mirrabooka Town Centre	N/A	Introduce mandatory residential requirements. Remove requirement for City to acquire open space. Nursing home to be a discretionary use in the mixed use zone.
108	29 Sep 2020	Change to the Land Use Permissibility for a 'Market' Within Various Zones and inclusion of a note below the definition for 'Market'	N/A	Modifications to Table 1: Zoning Table & Schedule 1
116	2 Feb 2021	Addition of Lots 44, 27 & 32, House Nos. 151, 155 & 162 Cape Street, Tuart Hill into the Servite College Special Control Area	'Residential (R30)'	'Private Institution' zone and 'Restricted Use (RU1)' & inclusion of these lots into the Servite College Special Control Area
109	31 Aug 2021	Better Suburbs - Rezoning land within Balga Plaza, Nollamara Local Centre and Mirrabooka Village Local Centre as 'Neighbourhood Centre'	Various	'Neighbourhood Centre'
117	31 Aug 2021	Rezoning part of Lot 9002, House Number 139, Balcatta Road, Balcatta	'Industry'	'Industry' and 'Additional Use (A94) - Educational Establishment'
120	7 Jun 2022	Modifications to Schedule 11A 'Development Contribution Plan for Right of Way Improvement Works'	N/A	Modifications to Schedule 11A
122	19 Jul 2022	Lot 26, House Number 367, Odin Drive, Balcatta	'Public Open Space and Local Authority Purposes Reserve'	'Residential (R20)'
112	25 Oct 2022	Main Street District Centre Special Control Area and Various Rezoning	Various Zonings - 'Civic', 'Residential (R30)', 'Residential (R40)', 'No Zone' and 'Mixed Use'	Various Zonings - 'Residential (R-AC0)', 'District Centre (R-AC0)' and 'Restricted Use (RU2)'
123	25 Oct 2022	Lot 4, House Number 256, Walcott Street, Menora	'Residential (R12.5)' with 'Additional Use A22' for Office	'Residential (R60)' with 'Additional Use A22' for Office ('P' use), Consulting Room, Medical Centre and Veterinary Centre ('D' uses)
115	28 Mar 2023	Omnibus 2 Amendment (various Textual and Zoning modifications)	Various	Various
124	9 Aug 2023	Normalisation of the former Scarborough Redevelopment Area - transferring planning control from DevelopmentWA (formerly the Metropolitan Redevelopment Authority) to the City of Stirling (various Textual and Zoning modifications)	Unzoned	'Development' zone, & introduces the Scarborough Special Control Area & Scarborough Development Contribution Plan

... continued next page

## **Scheme Text**



*Note: The following Scheme Amendments have been included in this document:*

<b>Amd. No.</b>	<b>Gazettal Date</b>	<b>Summary Description</b>	<b>From</b>	<b>To</b>
121	4 June 2024	Amend Schedule 2 – Additional Uses (CL 4.5) No. 97. Amend the Scheme Map to designate Lot 196 (No, 1) Waterloo Street, Joondanna as Additional Use 97	Residential (R50)	Residential (R50) with 'Additional Use A97 for Consulting Rooms ('D' use) and Office ('D' use).  Additional uses are to operate only on the ground floor level of a development
126	5 July 2024	Amend Schedule 2 – Additional Uses (CL 4.5) No. 95. Amend the Scheme Map to designate Lot 66 (No, 220) Balcatta Road, Balcatta as Additional Use 95	Local Centre	Local Centre with Additional Use 95 for Drive Through Fast Food Outlet ('D' use)
127	17 September 2024	Amend the Scheme Map by – zoning Lots 501, 502, 503, 504, 507 & 509 House Numbers 2, 4, 6, 8, 13 & 15 Limosa Close, Stirling from 'No Zone' to 'Development Zone' Amend the Amendment map accordingly.	No Zone	Development Zone
129	11 October 2024	Amend Schedule 2 – Additional Uses (CL 4.5) No.96. Amend the Scheme Map to designate Lot 22 on Strata Plan 60271, House Number 20 Pearl Parade as Additional Use 96.	Residential (R60)	Residential (R60) with 'Additional Use A96 for Consulting Room, Office, Personal Care Services and Shop ('D' Uses).  Additional Uses only apply to Lot 22 on Strata Plan 60271, HN 20 Pearl Parade, Scarborough
113	22 October 2024	Insert Schedule A as a 'Supplemental provisions to the deemed provisions' for the purpose of introducing a Significant Tree Register	N/A	N/A

*Note: The following Scheme Amendments have been included in this document:*

<b>Amd. No.</b>	<b>Gazettal Date</b>	<b>Summary Description</b>	<b>From</b>	<b>To</b>
130	13 June 2025	<i>Amend the Scheme Map by rezoning House Numbers 1-11 Sedgeford Road, 12-42, 44, 46, 48 and 50 Cromer Way, 1-27, 29, 31, 33 and 35 Ellingham Street and 4, 6 and 8 Mundford Street North Beach (Lots 100 – 103 Cromer Way, Lots 108 – 110 Ellingham Way and Lots 1, 2, 104, 105 and 107 Mundford Street, North Beach) (the 'subject area') from 'Residential' R30 to 'Residential' R60.</i>	<i>Residential R30</i>	<i>Residential R60</i>

## **Scheme Text**

# **The City of Stirling**

## **Local Planning Scheme No.3**

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

## **NOTICES**

---

1. While every care has been taken in the preparation of this document and the information contained in it is believed to be correct, the City of Stirling accepts no liability either in contract or tort for any reliance placed on any statement or representation made herein or for any error or omission herein whether caused by misconduct, negligence or otherwise and any such liability is hereby expressly excluded except to the extent that it may not by law be so excluded.
2. The notations contained within the symbols: [ ] refer to a particular Scheme Amendment Number.
3. A number of provisions within this text may be affected by Council Policies. Such Policies cover a wide range of topics including:

Residential Infill Development

Aged Persons Dwellings

Residential Privacy

Height of Buildings

Additional Accommodation

Assisted Single Bedroom Rental Accommodation

Residential Design

Showrooms in Commercial Developments

Lunch Shops

Retaining Walls

Advertising Signs

Character Protection Areas

Clarification of particular requirements may be sought from the City's Town Planning Department.

# CONTENTS

## PREAMBLE

### PART 1 - PRELIMINARY

#### *Part 1, Page*

1.1	Citation	1
1.2	Responsible Authority	1
1.3	Scheme Area	1
1.4	Contents of the Scheme	1
1.5	Purposes of the Scheme	1
1.6	The Aims of the Scheme	2
1.7	Definitions	2
1.8	Relationship with Local Laws	2
1.9	Relationship with other Schemes	2
1.10	Relationship with the Metropolitan Region Scheme	2

### PART 2 - LOCAL PLANNING POLICY FRAMEWORK

#### *Part 2, Page*

2.1	Scheme Determinations to Conform with Local Planning Strategy	1
2.2	Local Planning Policies	1
2.3	Relationship of Local Planning Policies to Scheme	1
2.4	Procedure for Making or Amending a Local Planning Policy	2
2.5	Revocation of Local Planning Policy	2
2.6	Local Planning Policies Made Under Previous Scheme	2
2.7	Minor Modifications to a Local Planning Policy [Amd. 45]	2

### PART 3 - RESERVES

#### *Part 3, Page*

3.1	Reserves	1
3.2	Regional Reserves	1
3.3	Local Reserves	1
3.4	Use and Development of Local Reserves	1

### PART 4 - ZONES AND THE USE OF LAND

#### *Part 4, Page*

4.1	Zones 1	1
4.2	Objectives of the Zones	1
4.3	Table 1 - Zoning Table	4
4.4	Interpretation of the Table 1 - Zoning Table	9
4.5	Additional Uses	9
4.6	Restricted Uses	9
4.7	Special Use Zones	9
4.8	Non-Conforming Uses	9
4.9	Extensions and Changes to a Non-Conforming Use	10
4.10	Discontinuance of Non-Conforming Use	10
4.11	Termination of a Non-Conforming Use	10
4.12	Destruction of Non-Conforming Use Buildings	10
4.13	Development on No Zoned Land	10

## **PART 5 - GENERAL DEVELOPMENT REQUIREMENTS**

### **Part 5, Page**

5.1	Compliance with Development Standards and Requirements	1
5.2	Residential Design Codes	1
5.3	Special Application of Residential Design Codes	1
5.4	Restrictive Covenants	2
5.5	Variations to Site and Development Standards and Requirements	2
5.6	Environmental Conditions	3
5.7	Development Requirements	3
5.8	Cash-in-lieu of Car Parking	4
5.9	Reciprocal Car Parking	5
5.10	Parking and Access Plans	6
5.11	Ceding of Rights-Of-Way Widening	7
5.12	Requirement to Prepare a Detailed Area Plan	7
5.13	Trees and Development [Amd. 9]	8
5.14	Additional Site and Development Requirements for Areas Covered by Structure Plan, Activity Centre Plan or Local Development Plan [Amd. 106]	8

## **PART 6 - SPECIAL CONTROL AREAS**

### **Part 6, Page**

6.1	Operation of Special Control Areas	1
6.2	Careniup Swamp Special Control Area	1
6.3	Coastal Height Limit - Non Residential Zones Special Control Area	5
6.4	Herdsman Glendalough Special Control Area [Amd. 39]	6
6.5	Gwelup Water Protection Area Special Control Area	7
6.6	Heritage Protection Area Special Control Area	8
6.7	Main Street Plaza Special Control Area	11
6.8	Mirraboooka Town Centre Special Control Area	11
6.9	Scarborough Special Control Area [Amd. 124]	20
6.10	Dianella Media District Special Control Area [Amd. 3]	20
6.11	Stirling City Centre Special Control Area [Amd. 1]	22
6.12	Dianella Centre Special Control Area [Amd. 7]	35
6.13	Tuart Hill Local Centre Special Control Area [Amd. 58]	37
6.14	Karrinyup Civic Centre Special Control Area [Amd. 66]	38
6.15	Scarborough Beach Road West Special Control Area [Amd. 65]	39
6.16	Servite College Special Control Area [Amd. 104]	40
6.17	Beach Road Special Control Area [Amd. 77]	41
6.18	Main Street District Centre Special Control Area [Amd. 112]	42

## **PART 6A - DEVELOPMENT (STRUCTURE PLAN) AREAS**

### **Part 6A, Page**

6A.1	Interpretation	1
6A.2	Purpose of Development Areas	1
6A.3	Subdivision and Development in Development Areas	1
6A.4	Structure Plan Required	1
6A.5	Preparation of Structure Plans	2
6A.6	Details of Proposed Structure Plan	2
6A.7	Submission to Council and Commission	4
6A.8	Advertising of Structure Plan	4
6A.9	Adoption of Proposed Structure Plan	5
6A.10	Endorsement by Commission	5
6A.11	Notification of Structure Plan	6
6A.12	Operation of Structure Plan	6
6A.13	Inspection of Structure Plan	6
6A.14	Variation to Structure Plan	6
6A.15	Existing Approved Structure Plans	7
6A.16	Detailed Area Plan	7
6A.17	Appeal	8

## **PART 6B - DEVELOPMENT CONTRIBUTION AREAS**

### **Part 6B, Page**

6B.1	Interpretation	1
6B.2	Purpose	1
6B.3	Development Contribution Plan Required	2
6B.4	Development Contribution Plan Part of Scheme	2
6B.5	Subdivision, Strata Subdivision and Development	2
6B.6	Guiding Principles for Development Contribution Plans	2
6B.7	Recommended Content of Development Contribution Plans	3
6B.8	Period of Development Contribution Plan	3
6B.9	Land Excluded	3
6B.10	Development Contribution Plan Report and Cost Apportionment Schedule	3
6B.11	Cost Contributions Based on Estimates	4
6B.12	Valuation	5
6B.13	Liability for Cost Contributions	5
6B.14	Payment of Cost Contribution	6
6B.15	Charge on Land	6
6B.16	Administration of Funds	7
6B.17	Shortfall or Excess in Cost Contribution	7
6B.18	Powers of the Council	7
6B.19	Arbitration	7
6B.20	Not a Requirement Prescribed under the Scheme <i>(Deleted by Amendment No.5, Gazetted 15 December 2015)</i>	7

## **PART 7 - HERITAGE PROTECTION**

### **Part 7, Page**

7.1	Preparation of a Heritage List [Amd. 4]	1
7.2	Heritage List Provisions	2
7.3	Designation of a Heritage Area	6
7.4	Heritage Agreements	7
7.5	Heritage Assessment	7
7.6	Variations to Scheme Provisions for a Heritage Place or Heritage Area	7
7.7	Heritage Conservation Notice [Amd. 27]	8

## **PART 8 - DEVELOPMENT OF LAND**

### **Part 8, Page**

8.1	Requirement for Approval to Commence Development	1
8.2	Permitted Development	1
8.3	Amending or Revoking a Planning Approval	2
8.4	Unauthorised Existing Developments	2
8.5	Inconsistent Planning Approvals	2

## **PART 9 - APPLICATIONS FOR PLANNING APPROVAL**

### **Part 9, Page**

9.1	Form of Application	1
9.2	Accompanying Material	2
9.3	Additional Material for Heritage Matters	2
9.4	Advertising of Applications	3

## **PART 10 - PROCEDURE FOR DEALING WITH APPLICATIONS**

**Part 10, Page**

10.1	Consultation with Other Authorities	1
10.2	Matters to be considered by the Council	1
10.3	Determination of Applications	3
10.4	Form and Date of Determination	4
10.5	Term of Planning Approval	4
10.6	Temporary Planning Approval	4
10.7	Scope of Planning Approval	4
10.8	Approval Subject to Later Approval of Details	5
10.9	Deemed Refusal	5
10.10	Application for a Review	5

## **PART 11 - ENFORCEMENT AND ADMINISTRATION**

**Part 11, Page**

11.1	Powers of the Council	1
11.2	Advertisements	1
11.3	Delegation of Functions	1
11.4	Person Must Comply with Provisions of Scheme	2
11.5	Compensation	2
11.6	Purchase or Taking of Land	3
11.7	Notice for Removal of Certain Buildings	3

## **SCHEDULES**

**Schedules, Page**

SCHEDULE A	SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS [Amd. 113]	1
SCHEDULE 1	DICTIONARY OF DEFINED WORDS AND EXPRESSIONS [CL 1.7]	1
SCHEDULE 2	ADDITIONAL USES [CL 4.5]	1
SCHEDULE 3	RESTRICTED USES [CL 4.6]	1
SCHEDULE 4	SPECIAL USE ZONES [CL 4.7.1]	1
SCHEDULE 5	FORM OF APPLICATION FOR PLANNING APPROVAL [CL 9.1.1]	1
SCHEDULE 6	NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL [CL 9.4.4]	1
SCHEDULE 7	NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL [CL 10.4.1]	1
SCHEDULE 8	ADVERTISING SIGNS [CL 5.7.2] <i>(Deleted by Amendment No.115, Gazetted 28 March 2023)</i>	1
SCHEDULE 9	RESTRICTIVE COVENANTS [CL 5.4.2]	1
SCHEDULE 10	DEVELOPMENT (STRUCTURE PLAN) AREAS [CL 6A]	1
SCHEDULE 11	DEVELOPMENT CONTRIBUTION AREAS [CL 6B]	1
SCHEDULE 11A	DEVELOPMENT CONTRIBUTION PLAN [CL 5.11A, 6B AND 10.3.2(q)] [Amd. 5]	1
SCHEDULE 11B	SCARBOROUGH DEVELOPMENT CONTRIBUTION PLAN [Amd. 124]	1
SCHEDULE 12	ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS [CL 5.14] [Amd. 101]	1
SCHEDULE 13	SCARBOROUGH SPECIAL CONTROL AREA [CL 6.9] [Amd. 124]	1



# **PART 1 - PRELIMINARY**

## **1.1 Citation**

1.1.1 The City of Stirling Local Planning Scheme No. 3 ("the Scheme") comes into operation on its Gazettal date.

1.1.2 The following Schemes are revoked -

- City of Stirling District Planning Scheme No. 2 (Gazettal Date: 13 September 1985); and
- City of Stirling Town Planning Scheme No. 38 (Gazettal Date: 18 July 1997) [Amd. 1]

## **1.2 Responsible Authority**

The City of Stirling ("the Council" or "the City") is the responsible authority for implementing the Scheme.

## **1.3 Scheme Area**

The Scheme applies to the Scheme area, which covers that part of the local government district of the City of Stirling shown on the Scheme Maps.

*Note: The Scheme Area (or part) is also subject to the Metropolitan Region Scheme (refer Clause 1.10). [Amd. 1]*

## **1.4 Contents of the Scheme**

The Scheme comprises the -

- Scheme Text;
- Scheme Maps; and
- Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. [Amd. 84]

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

## **1.5 Purposes of the Scheme**

The purposes of the Scheme are to -

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

## **1.6 The Aims of the Scheme**

The aims of the Scheme are -

- a) To provide for a range of housing choice in neighbourhoods with a strong community identity and high levels of amenity;
- b) To provide for convenient attractive and viable commercial centres, which service the needs of the community and are accessible to pedestrians, cyclists and public transport users as well as motorists;
- c) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home based employment;
- d) To protect and enhance the environmental values and natural resources of the local government area and to promote sustainable land use and development;
- e) To encourage the conservation and continued use of identified places and objects of cultural heritage significance;
- f) To assist in the effective implementation of regional plans and policies including the State Planning Strategy.

## **1.7 Definitions**

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

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

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

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

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

## **1.8 Relationship with Local Laws**

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

## **1.9 Relationship with other Schemes**

By way of information, the following other Scheme of the City of Stirling is, at the Gazettal date of the Scheme, complementary to the Scheme -

- Nil [Amd. 1]

## **1.10 Relationship with the Metropolitan Region Scheme**

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

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

## **PART 2 - LOCAL PLANNING POLICY FRAMEWORK**

### **2.1 Scheme Determinations to Conform with Local Planning Strategy**

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

### **2.2 Local Planning Policies**

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

- a) generally or for a particular class or classes of matters; and
  - b) throughout the Scheme area or in one or more parts of the Scheme area,
- and may amend or add to or rescind the Policy.

### **2.3 Relationship of Local Planning Policies to Scheme**

- 2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.
- 2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

*Note: Local Planning Policies are guidelines used to assist the Council in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, Council must have due regard to relevant Local Planning Policies as required under clause 10.2.*

## **2.4 Procedure for Making or Amending a Local Planning Policy**

- 2.4.1 If the Council resolves to prepare a Local Planning Policy, the Council -
- a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of -
    - i) where the draft Policy may be inspected;
    - ii) the subject and nature of the draft Policy; and
    - iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
  - b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the Council considers appropriate.
- 2.4.2 After the expiry of the period within which submissions may be made, the Council is to -
- a) review the proposed Policy in the light of any submissions made; and
  - b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
- 2.4.3 If the Council resolves to adopt the Policy, the Council is to -
- a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
  - b) if, in the opinion of the Council, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
- 2.4.4 A Policy has effect on publication of a notice under Clause 2.4.3(a).
- 2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Council.
- a) Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

## **2.5 Revocation of Local Planning Policy**

A Local Planning Policy may be revoked by -

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

## **2.6 Local Planning Policies Made Under Previous Scheme**

- 2.6.1 Where a Local Planning Policy has been adopted in accordance with the requirements of the District Planning Scheme No.2, it shall continue to have effect, and may be amended or revoked as if it were a Local Planning Policy under the current scheme.

## **2.7 Minor Modifications to a Local Planning Policy [Amd. 45]**

- 2.7.1 Notwithstanding the provisions of Clause 2.4, the Council may adopt minor administrative modifications to a Local Planning Policy without the need of formal public advertising where the modifications do not alter the objectives or standards contained within the Policy.
- 2.7.2 Clause 2.4.3 applies to a minor modification to a Local Planning Policy.
- 2.7.3 Modifications to a Local Planning Policy adopted under Clause 2.7.1 have effect on adoption by the Council.

## **PART 3 - RESERVES**

### **3.1 Reserves**

Certain lands within the Scheme area are classified as -

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

### **3.2 Regional Reserves**

3.2.1 The lands shown as “Regional Reserves” on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map for the purposes of the *Planning and Development Act 2005*. These lands are not reserved under the Scheme.

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

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

### **3.3 Local Reserves**

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

### **3.4 Use and Development of Local Reserves**

3.4.1 A person must not -

- a) use a Local Reserve; or
- b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the Council is to have due regard to -

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

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

INTENTIONALLY  
BLANK

## **PART 4 - ZONES AND THE USE OF LAND**

### **4.1 Zones**

- 4.1.1 The Scheme area is classified into the zones shown on the Scheme Maps.
- 4.1.2 The zones are delineated and depicted on the Scheme Maps according to the legend on the Scheme Maps.
- 4.1.3 Land delineated on the Scheme Maps which is not classified into a zone or reserve is classified as land with 'No Zone'.

*Note: Typically, land with no zone may include roads, rights of way and pedestrian access ways. Generally, development on such land is for public purposes and is not subject to the provisions of the Scheme. However, from time to time such land may become surplus (such as for road closures) and is amalgamated with the abutting zoned land. In these circumstances, the objective is to facilitate the development of such land in accordance with the standards and requirements of the abutting zoned land to which it has been amalgamated.*

### **4.2 Objectives of the Zones**

The objectives of each of the zones are as follows, and are intended to provide the context for development within the respective zones:

#### **4.2.1 Business Zone**

- a) To provide for a limited range of small-scale commercial development which is compatible with residential development.
- b) To provide for a range of housing types compatible with a mixed use environment.

#### **4.2.2 Civic Zone**

- a) To provide for a limited range of community facilities which are compatible with surrounding development.
- b) To ensure that the design of development is in keeping with the scale and form of surrounding development.

#### **4.2.3 Development Zone**

- a) To provide for coordinated development through the application of a comprehensive structure plan to guide subdivision and development.
- b) To avoid the development of land for purposes likely to compromise its future development for purposes, or in a manner likely to detract from the amenity or integrity of the area.

#### **4.2.4 District Centre Zone**

- a) To provide for an extended range of shopping, commercial and community services to meet the weekly needs of the catchment neighbourhoods, and contribute towards the employment needs of the local workforce.
- b) To ensure the design and siting of development provides a high standard of safety and amenity and contributes towards a sense of place and community.

#### 4.2.5 Hotel Zone

- a) To provide for a limited range of entertainment and accommodation related facilities.
- b) To ensure a high standard of development and design that contributes towards a sense of place and community.

#### 4.2.6 Industry Zone

- a) To provide for a range of industrial and business development, as well as facilities for the storage and distribution of goods.
- b) To ensure a high standard of development appropriate to a modern industrial area and which is conducive to safe and convenient access by all clientele.

#### 4.2.7 Local Centre Zone

- a) To provide for a limited range of small-scale retail, commercial and community facilities to meet the day-to-day needs of the immediate neighbourhood.
- b) To ensure safe and convenient access to facilities, in an environment which is conducive to pedestrian movement.
- c) To ensure development is sited and designed so as to reinforce a sense of place and attractive streetscapes.

#### 4.2.8 Mixed Business Zone

- a) To facilitate a development mix of showrooms and service industry of a higher aesthetic quality located on major traffic routes.
- b) To provide a more intense commercial business development form within established industrial areas of the City.
- c) To ensure that traffic management, road safety, site access, onsite parking, building design and streetscape appearance are not compromised.

#### 4.2.9 Mixed Use Zone

- a) To provide for a wide variety of active uses on the street level that contribute to a vibrant and active street which are compatible with residential and other non active uses on upper levels.
- b) To facilitate the creation of employment within the area so as to reduce the demand for travel, and enhance the level of self-sufficiency.
- c) To ensure a high standard of design that negates issues such as noise, smell and vibration that are related to mixed use developments.

#### 4.2.10 Private Institution Zone

- a) To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of such facilities, which are compatible with surrounding development.
- b) To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.



4.2.11 Regional Centre Zone

- a) To provide for the full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre.
- b) To facilitate the creation of employment within the centre so as to reduce the demand for travel, and enhance the level of self-sufficiency within the sub-region.
- c) To promote a high degree of accessibility to and within the centre, for users of all modes of transport (bus, rail, private car, cycle and pedestrian) and to avoid fragmentation of commercial development.
- d) To enhance pedestrian connectivity within the centre, so as to facilitate movement between sites and from public and private transport nodes.

4.2.12 Residential Zone

- a) To provide for residential development at a range of densities with a variety of housing type and size, to meet the current and future needs of the community.
- b) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

4.2.13 Service Station Zone

- a) To provide for the location of Service Stations throughout the City.
- b) To ensure that the design is appropriate and in keeping with surrounding development.
- c) To ensure that development respects the amenity of the area.

4.2.14 Special Beach Development Zone - *[Superseded by MRA, Gazetted 2 July 2014]*

4.2.15 Special Use Zone

To facilitate special categories of land uses that do not sit comfortably within any other zone.

4.2.16 Neighbourhood Centre Zone [Amd. 109]

- a) To provide for a range of shopping, commercial and community facilities to meet the weekly and daily needs of the neighbourhood and contribute towards the employment needs of the local workforce.
- b) To contain a small supermarket to provide for a mix of small retail and commercial land uses, in addition to entertainment, professional offices, business services.
- c) To ensure that residential apartment development is an integral component of all neighbourhood centres, including within mixed use buildings.
- d) To generally be between 1500m<sup>2</sup> and 6000m<sup>2</sup> in size and have a population catchment between 2,000 and 15,000 persons and a 1km radius.
- e) To be located on public transport routes and on a district distributor road.
- f) To provide for each centre to have a two-sided shopping street.
- g) To provide for public plazas for dining and meeting points for the local community."
- h) Building scale to be low rise where residential properties abut and mid-rise towards the centre of larger lots.

### **4.3 Table 1 - Zoning Table**

4.3.1 Table 1 - Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Table 1 - Zoning Table and the list of zones at the top of the Table 1 - Zoning Table.

4.3.2 The symbols used in the cross reference in the Table 1 - Zoning Table have the following meanings -

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

‘D’ means that the use is not permitted unless the Council has exercised its discretion by granting planning approval;

‘A’ means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4;

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

4.3.3 A change in the use of land from one use to another is permitted, if -

- a) the Council has exercised its discretion by granting planning approval;
- b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Table 1 - Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- d) the change is to an incidental use that does not change the predominant use of the land.

#### **Note**

1. The planning approval of the Council is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
2. The Council will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
3. In considering a ‘D’ or ‘A’ use, the Council will have regard to the matters set out in clause 10.2.
4. The Council must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.

**TABLE 1: Zoning Table**

<div> <div>ZONE</div> <div>USE CLASS</div> </div>	Business	Civic	Development	District Centre	Hotel	Industry	Local Centre	Mixed Business	Mixed Use	Neighbourhood Centre [Amd 109]	Private Institution	Regional Centre	Residential	Service Station	Special Use
Aged or Dependent Persons Dwelling	D <sup>2</sup>	A	Development and use of land shall have due regard to any WAPC approved Activity Centre Plan, and any approved Local Development Plan or Local Planning Policy prepared under this Scheme; and is to be in accordance with the Special Control Area land use permissibility provisions under Part 6. [Amd. 84]	A <sup>2</sup>	X	X	A <sup>2</sup>	X	P <sup>2</sup>	D <sup>2</sup>	D	P <sup>4</sup>	P	X	Refer Schedule 4
Amusement Parlour	X	X		P	D	X	P	X	P	P	X	P	X	X	
Bed and Breakfast	D	X		D	X	X	D	X	D	D	X	D	A	X	
Betting Agency	X	X		D	D	X	D	D	D	D	X	D	X	X	
Boarding House	A <sup>2</sup>	X		A <sup>2</sup>	X	X	A <sup>2</sup>	X	D <sup>2</sup>	D <sup>2</sup>	X	D <sup>4</sup>	A	X	
Car Park	D	P		D	D	P	D	P	D	D	D	D	X	D	
Caravan Park	X	X		X	X	X	X	X	X	X	A	X	X	X	
Caretaker's Dwelling	D	D		D	D	P	D	P	P	D	D	D	D	X	
Child Care Premises	D	P		D	X	D	D	D	A	D	D	D	A	X	
Cinema / Theatre	D	X		D	D	X	X	X	D	D	X	D	X	X	
Civic Use	D	P		D	D	D	D	D	P	D	X	D	A	X	
Club Premises	A	X		A	A	A	A	D	P	A	D	P	X	X	
Community Purposes	A	P		P	X	X	P	X	P	P	D	P	A	X	
Consulting Rooms	D	X		P	X	X	P	D	P	P	D	P	X	X	
Convenience Store	X	X		P	X	D <sup>3</sup>	P	D <sup>3</sup>	P	P	D <sup>3</sup>	P	X	X	
Corrective Institution	X	X		X	X	X	X	X	X	X	X	X	X	X	
Display Home	D	X		D	X	X	D	X	D	D	X	D	D	X	
Drive Through Fast Food Outlet	X	X		D	X	X	X	D	X	D	X	D	X	X	
Educational Establishment	D	X		D	X	X	D	D	D	D	D	D	X	X	
Exhibition Centre	D	D		P	X	X	P	D	P	P	X	P	X	X	
Family Day Care	D	X		X	X	X	X	X	D	D	D	X	P	X	

'Family Day Care' Use Class amended from 'A' to 'P' in the 'Residential' Zone in Table 1 Zoning Table [Amd. 82]

Replacing the number <sup>2</sup> within 'Regional Centre' Zone with the number <sup>4</sup> against various Use Classes in Table 1 Zoning Table [Amd. 86]

'Omnibus Amendment (various Textual and Zoning modifications)' [Amd. 13]

'Development' Zone wording amended after the words "an approved Structure Plan" to include the words "or Detailed Area Plan adopted under Part 6A / Local Planning Policy adopted under Part 2" in Table 1 Zoning Table [Amd. 1]

**Scheme Text** ... continued next page

ZONE \ USE CLASS			Development		District Centre	Hotel	Industry	Local Centre	Mixed Business	Mixed Use	Neighbourhood Centre [Amd 109]	Private Institution	Regional Centre	Residential	Service Station	Special Use
	Business	Civic														
Fast Food Outlet	A	X	Development and use of land shall have due regard to any WAPC approved Activity Centre Plan, and any approved Local Development Plan or Local Planning Policy prepared under this Scheme; and is to be in accordance with the Special Control Area land use permissibility provisions under Part 6. [Amd. 84]	P	X	X	P	D	P	P	X	P	X	X	Refer Schedule 4	
Fuel Depot	X	X		X	X	A	X	X	X	X	X	X	X	X		
Funeral Parlour	D	X		D	X	X	A	D	D	D	X	D	X	X		
Garden Centre	D	X		D	X	D	D	P	D	D	X	D	X	X		
Grouped Dwelling	D <sup>2</sup>	X		D <sup>2</sup>	X	X	D <sup>2</sup>	X	D <sup>2</sup>	D <sup>2</sup>	X	D <sup>4</sup>	P	X		
Hardware Showroom	X	X		D	X	X	X	P	X	D	X	D	X	X		
Home Business	D	X		D	X	X	D	X	D	D	X	D	A	X		
Home Occupation	D	X		D	X	X	D	X	D	D	X	D	D	X		
Home Office	P	X		P	X	X	P	X	P	P	X	P	P	X		
Home Store	P	X		P	X	X	P	X	P	P	D	P	A	X		
Hospital	X	X		X	X	X	X	X	X	X	A	A	X	X		
Hostel	X	X		A <sup>2</sup>	X	X	X	X	A <sup>2</sup>	D <sup>2</sup>	X	X	A	X		
Hotel	X	X		A	P	X	X	A	A	D	X	A	X	X		
Industry - Cottage	D	X		D	X	P	D	P	X	D	X	X	D	X		
Industry - Extractive	X	X		X	X	P	X	X	X	X	X	X	X	X		
Industry - General	X	X		X	X	P	X	D	X	X	X	X	X	X		
Industry - Light	X	X		D	X	P	D	D	D	X	X	D	X	X		
Industry - Mining	X	X		X	X	X	X	X	X	X	X	X	X	X		
Industry - Noxious	X	X		X	X	A	X	X	X	X	X	X	X	X		
Industry - Rural	X	X		X	X	D	X	X	X	X	X	X	X	X		

Replacing the number <sup>2</sup> within 'Regional Centre' Zone with the number <sup>4</sup> against various Use Classes in Table 1 Zoning Table [Amd. 86]

<div>ZONE</div> <div>USE CLASS</div>																
	Business	Civic	Development	District Centre	Hotel	Industry	Local Centre	Mixed Business	Mixed Use	Neighbourhood Centre [Amd 109]	Private Institution	Regional Centre	Residential	Service Station	Special Use	
Industry - Service	X	X	Development and use of land shall have due regard to any WAPC approved Activity Centre Plan, and any approved Local Development Plan or Local Planning Policy prepared under this Scheme; and is to be in accordance with the Special Control Area land use permissibility provisions under Part 6. [Amd. 84]	D	X	P	D	D	D	A	X	D	X	X	Refer Schedule 4	
Institutional Building	X	X		X	X	X	X	X	X	X	A	X	X	X		
Institutional Home	A	X		X	X	X	X	X	X	X	A	X	X	X		
Market	P	P		P	P	P	P	P	P	D	D	P	X	X		
Media Establishment	D	X		P	X	D	P	D	P	P	X	P	X	X		
Medical Centre	A	X		P	X	X	D	D	P	P	D	P	X	X		
Motel	X	X		X	P	X	X	X	X	D	A	X	D	X		X
Motor Vehicle Repair	X	X		A	X	P	X	D	X	X	X	A	X	D		
Motor Vehicle Wash	X	X		A	X	P	X	D	X	D	X	A	X	D		
Motor Vehicle, Boat or Caravan Sales	X	X		X	X	X	X	D	X	X	X	X	X	X		
Multiple Dwelling	D <sup>2</sup>	X		D <sup>2</sup>	X	X	D <sup>2</sup>	X	D <sup>2</sup>	D <sup>2</sup>	X	D <sup>4</sup>	P <sup>1</sup>	X		
Night Club	X	X		A	D	X	X	X	A	X	X	A	X	X		
Nursing Home	X	X		X	X	X	X	X	X	A <sup>2</sup>	D	X	A	X		
Office	P	D		P	X	D	P	D	P	P	D	P	X	X		
Park Home Park	X	X		X	X	X	X	X	X	X	A	X	X	X		
Personal Care Services	P	A		P	X	D	P	X	P	P	D	P	X	X		
Personal Services	D	X		P	X	D	P	X	P	P	D	P	X	X		
Place of Worship	D	D		D	X	D	D	D	A	D	D	D	A	X		
Reception Centre	D	X		D	D	X	X	D	D	D	X	D	X	X		
Recreation - Private	P	X		P	X	A	P	P	P	P	P	P	X	X		
Residential Building	D <sup>2</sup>	X		D <sup>2</sup>	D <sup>2</sup>	X	D <sup>2</sup>	X	D <sup>2</sup>	D <sup>2</sup>	D	D <sup>4</sup>	D	X		

Replacing the number <sup>2</sup> within 'Regional Centre' Zone with the number <sup>4</sup> against various Use Classes in Table 1 Zoning Table [Amd. 86]

'Market' Use Class amended from 'X' to 'P' in the 'Business', 'Hotel' & 'Industry' Zone, amended from 'D' to 'P' in the 'Civic', 'District Centre', 'Local Centre', 'Mixed Business' & 'Regional Centre' Zone, and amended from 'X' to 'D' in the 'Private Institution' Zone in Table 1 Zoning Table [Amd.108]

'Media Establishment' Use Class amended from 'X' to 'D' in the 'Industry' Zone in Table 1 Zoning Table [Amd. 30]

'Recreation - Private' Use Class amended from 'X' to 'A' in the 'Industry' Zone in Table 1 Zoning Table [Amd. 40]

**Scheme Text** ... continued next page

ZONE  USE CLASS	Business	Civic	Development	District Centre	Hotel	Industry	Local Centre	Mixed Business	Mixed Use	Neighbourhood Centre [Amd 109]	Private Institution	Regional Centre	Residential	Service Station	Special Use
Restaurant	P	X	Development and use of land shall have due regard to any WAPC approved Activity Centre Plan, and any approved Local Development Plan or Local Planning Policy prepared under this Scheme; and is to be in accordance with the Special Control Area land use permissibility provisions under Part 6. [Amd. 84]	P	P	D	P	D	P	P	X	P	X	X	Refer Schedule 4
Restricted Premises	X	X		A	A	X	A	X	A	D	X	A	X	X	
Retail Establishment	X	X		P	X	X	P	X	X	P	X	P	X	X	
Retirement Complex	A	X		X	X	X	X	X	D	D <sup>2</sup>	P	X	D	X	
Rural Pursuit	X	X		X	X	X	X	X	X	X	D	X	A	X	
Salvage Yard	X	X		X	X	A	X	X	X	X	X	X	X	X	
Service Station	A	X		P	X	D	A	D	X	D	X	P	X	P	
Shop	X	X		P	X	X	P	X	P	P	D <sup>3</sup>	P	X	X	
Short Stay Accommodation	X	X		D <sup>2</sup>	A <sup>2</sup>	X	D <sup>2</sup>	X	D <sup>2</sup>	D <sup>2</sup>	X	D <sup>4</sup>	A	X	
Showroom	X	X		D	X	X	D	P	X	X	X	D	X	X	
Single Bedroom Dwelling	D <sup>2</sup>	X		D <sup>2</sup>	X	X	D <sup>2</sup>	X	D <sup>2</sup>	X	X	D <sup>4</sup>	P	X	
Single House	D <sup>2</sup>	X		D <sup>2</sup>	X	X	D <sup>2</sup>	X	D <sup>2</sup>	X	X	D <sup>4</sup>	P	X	
Small Bar	X	X		A	P	X	A	D	A	D	X	D	X	X	
Storage (Outdoor)	X	X		X	X	P	X	D	X	X	X	X	X	X	
Tavern	X	X		A	P	X	A	D	A	D	X	D	X	X	
Telecommunications Infrastructure	D	D		D	D	D	D	D	D	D	D	D	A	D	
Trade Display	X	X		A	X	P	A	P	A	X	X	A	X	X	
Transport Depot	X	X		X	X	P	X	X	X	X	X	X	X	X	
Veterinary Centre	D	X		D	X	X	D	D	D	D	X	D	X	X	
Warehouse	X	X		X	X	P	X	P	X	X	X	X	X	X	
Wrecking	X	X		X	X	A	X	X	X	X	X	X	X	X	

- Conditions:
1. Multiple Dwellings not permitted in areas coded R35 or below
  2. Not permitted on the ground floor fronting a road reserve greater than 10m in width
  3. Limited to a maximum net lettable area of 150m<sup>2</sup>
  4. The minimum street setback to any portion of the building or structure, above or below natural ground level, is subject to Clause 5.7.3 of the Scheme. [Amd. 86]

[‘Special Beach Development’ Zone in Table 1 Zoning Table Superseded by MRA, Gazetted 2 July 2014]

Addition of a new use “Retail Establishment” in Table 1 Zoning Table [Amd. 49]

‘Short Stay Accommodation’ Use Class amended from ‘X’ to ‘D<sup>2</sup>’ in the ‘Local Centre’ Zone in Table 1 [Amd. 93]

Replacing the number <sup>2</sup> within ‘Regional Centre’ Zone with the number <sup>4</sup> against various Use Classes in Table 1 Zoning Table [Amd. 86]

## Scheme Text

## **4.4 Interpretation of the Table 1 - Zoning Table**

- 4.4.1 Where a specific use is mentioned in the Table 1 - Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Table 1 - Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may -
- determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or
  - determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

## **4.5 Additional Uses**

Despite anything contained in the Table 1 - Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

## **4.6 Restricted Uses**

Despite anything contained in the Table 1 - Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

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

## **4.7 Special Use Zones**

- 4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Table 1 - Zoning Table.
- 4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

## **4.8 Non-Conforming Uses**

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

- the continued use of any premises for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (Deleted by Amendment No.115, Gazetted 28 March 2023)*

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

## **4.9 Extensions and Changes to a Non-Conforming Use**

- 4.9.1 A person must not -
- a) alter or extend a non-conforming use;
  - b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
  - c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.
- 4.9.2 An application for planning approval under Clause 4.9 is to be advertised in accordance with Clause 9.4.
- 4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone.

## **4.10 Discontinuance of Non-Conforming Use**

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

## **4.11 Termination of a Non-Conforming Use**

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

Note: Section 13 of the Act enables the Council to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

## **4.12 Destruction of Non-Conforming Use Buildings**

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

Note: Destruction of non-conforming residential buildings refer clause 5.3.3

## **4.13 Development on No Zoned Land**

Subject to the provisions of clause 8.1.2, where land classified as 'No Zone' has been amalgamated with abutting zoned or reserved land, all development shall be in accordance with the standards and requirements of the abutting zoned or reserved land to which it has been amalgamated.



## **PART 5 - GENERAL DEVELOPMENT REQUIREMENTS**

### **5.1 Compliance with Development Standards and Requirements**

- 5.1.1 Any development of land is to comply with the provisions of the Scheme and have due regard for any relevant Local Planning Policies effective under the Scheme.
- 5.1.2 Unless otherwise specified in the Scheme development requirements shall be determined by Council having regard to any relevant Local Planning Policies adopted under the Scheme.

### **5.2 Residential Design Codes**

- 5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the City.
- 5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- 5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

### **5.3 Special Application of Residential Design Codes**

- 5.3.1 Except as otherwise required in the Scheme, Local Planning Policy, Structure Plan, Activity Centre Plan or Local Development Plan, non-residential development within the Residential Zone is to satisfy the built form standards for multiple dwellings under the relevant density coding in the Residential Design Codes. [Amd. 115]
- 5.3.2 Except as otherwise required in the Scheme, Local Planning Policy, Structure Plan, Activity Centre Plan or Local Development Plan, residential development not within the Residential Zone is to comply with the relevant requirements under the R80 density coding in the Residential Design Codes. [Amd. 115]
- 5.3.3 Notwithstanding any other provision of the Scheme, where a site has been developed (as approved by the Council) for residential purposes at a greater density than that permitted under the relevant R-Code applicable under the Scheme, the Council may permit the site to be redeveloped up to the same density, provided it is satisfied that the standard of development will be significantly improved as a result.
- 5.3.4 Notwithstanding the provisions of the Residential Design Codes, where land with a residential density code of R40 is located outside the area of a walkable catchment of 800 metres around an activity centre, specialised centre or railway station on a high frequency rail route as shown on the Scheme Maps or as shown on a map contained in a schedule of the Scheme, the development of multiple dwellings on the land:
  - a) shall be subject to the average site area per grouped dwelling requirement specified by the Residential Design Codes for grouped dwellings on land with an R40 residential density code; and
  - b) shall not be subject to any maximum plot ratio requirements specified by the Residential Design Codes.

- 5.3.5 Notwithstanding the provisions of the Residential Design Codes, subdivision of Single Houses and Grouped Dwellings in areas coded R-AC0 at and immediately adjoining the Balga Plaza, Mirrabooka Village and Nollamara neighbourhood centres is to be in accordance with the requirements of the R40 code, with the exception of Lot 21 (House Number 92) Princess Road, Balga, and Lot 22 (House Numbers 17-21) Fletching Street, Balga, which is to be in accordance with the requirements of the R60 code. [Amd 109]

## **5.4 Restrictive Covenants**

- 5.4.1 Subject to Clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.
- 5.4.2 The provisions of Clause 5.4.1 do not apply to any lots contained within the areas defined in Schedule 9.
- Note 1 While it is not proposed that applicants be required to provide an up-to-date copy of the Certificate of Title with every application for planning approval involving more than one dwelling on a lot, applications for planning approval require (under 'property details') the identification of any title encumbrances, including restrictive covenants. Where no such covenants have been identified, it will be taken that none are registered on title.
- Note 2 The purpose of restrictive covenants in those areas delineated in Schedule 9 is to restrict the number of dwellings to one on a lot.
- 5.4.3 Clause 5.4.1 applies whether the restrictive covenant was made before or after the commencement of this Scheme.
- 5.4.4 The following are hereby extinguished: [Amd. 66]
- (a) All restrictive covenants affecting the land comprising Lot 2 (Plan 10178) House 13, Davenport Street, Karrinyup, Western Australia (Certificate of Title Volume 1356 Folio 122) which are registered against the title of the land (Registration No. A883872) pursuant to a deed of restrictive covenant dated 16 September 1974 between the Commissioners of the Rural and Industries Bank of Western Australia and the City of Stirling.
  - (b) Any and all easements and rights-of-way affecting the land comprising Lot 2 (Plan 10178) House 13, Davenport Street, Karrinyup, Western Australian (Certificate of Title Volume 1356 Folio 122).

## **5.5 Variations to Site and Development Standards and Requirements**

- 5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
- 5.5.2 In considering an application for planning approval under Clause 5.5.1, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to -
- a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 9.4; and
  - b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 Where:

- a) An application for planning approval requires the exercise of Council's discretion under clause 5.5.1; and
- b) In the opinion of Council, there is significant non-compliance with the standard or requirement;

Council may impose conditions on its approval requiring the provision of specified community facilities at the applicants cost.

Note 1 It is the intention of the Council to require the provision of community facilities where there has been a significant increase in demand for that facility as a direct result of the proposed development.

Note 2 Definition of community facilities is contained within Schedule 1.

5.5.4 The power conferred by Clause 5.5.1 may be exercised only if the Council is satisfied that -

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

5.5.5 Notwithstanding Clause 5.5.4, the power conferred by Clause 5.5.1 may be exercised on the sole ground that non-compliance with the standard or requirement would enable retention of an established tree on the site of the development. [Amd. 9]

## 5.6 Environmental Conditions

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

## 5.7 Development Requirements

### 5.7.1 Determination of Standards

Where a particular requirement is not readily determined from a study of the Scheme, Residential Design Codes or a Local Planning Policy, such requirement shall be determined by the Council.

### 5.7.2 Advertisements and Advertising Signs

The placement, erection or display of an advertisement or advertising sign, shall be in accordance with the City's Advertising Signs Local Planning Policy. [Amd. 115]

5.7.3 Karrinyup Regional Centre and Karrinyup Civic Centre Special Control Area—Residential Use Street Setbacks

Notwithstanding Condition 4 in Table 1 - Zoning Table of the Scheme, a building containing a residential use on the following land shall be setback from an adjoining road reserve in accordance Figure 5.7.3 of the Scheme -

- (a) Lot 66, Street Number 200, Karrinyup Road, Karrinyup; and
- (b) Lot 7, Street Number 190, Karrinyup Road, Karrinyup. [Amd. 86]

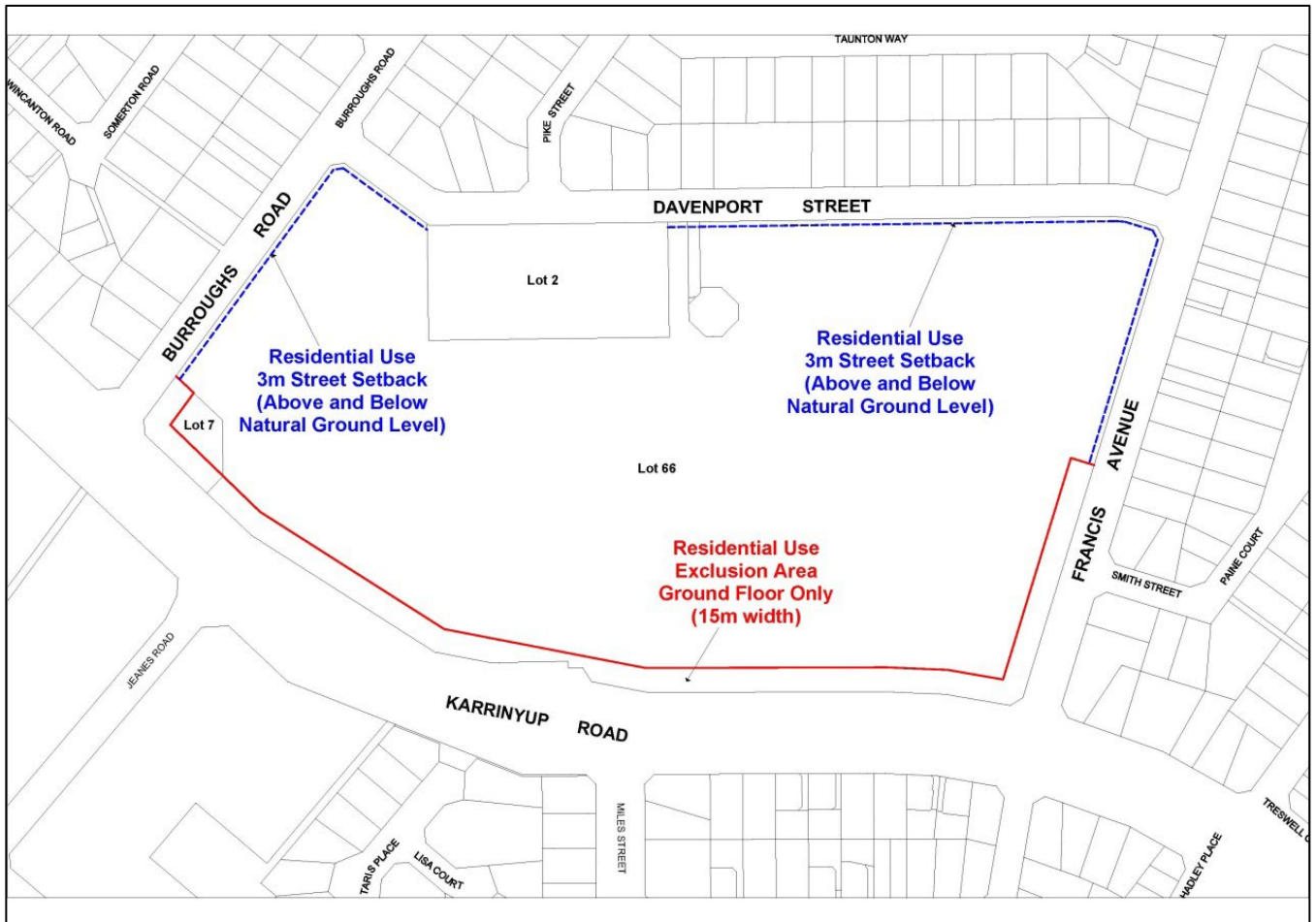


Figure 5.7.3 – Karrinyup Regional Centre - Residential Use Street Setbacks

## 5.8 Cash-in-lieu of Car Parking

5.8.1 Subject to the remaining provisions of this clause 5.8, an applicant for planning approval for a non-residential development or use may, if Council agrees, make a cash payment to the Council in lieu of providing all or any of the number of car parking spaces required under a Local Planning Policy for the development or use for which planning approval has been sought by the applicant.

5.8.2 Before Council agrees to accept a cash-in-lieu payment under clause 5.8.1, it must have:

- a) a reasonable expectation that a cash payment can be applied to provide additional transport infrastructure in the vicinity of the development site.

### Scheme Text

- 5.8.3 The amount of the cash-in-lieu payment shall be the cost estimated by Council to provide and construct the number of car parking spaces comprising the difference between the number of car parking spaces required under the Local Planning Policy (as may be varied by Council under clause 5.5.1) and the number of car parking spaces to be provided on the development site. The estimated cost of providing the car parking spaces may include:
- a) the cost of land on which the car parking spaces are to be constructed, to be estimated by a licensed valuer appointed by the Council;
  - b) the cost of constructing the car parking spaces; and
  - c) the cost of constructing or installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the car parking spaces.
- 5.8.4 Any costs incurred by Council in estimating the cost of providing the car parking spaces shall be paid by the applicant.
- 5.8.5 The cash-in-lieu payment shall be payable in such a manner and at such time as Council determines.
- 5.8.6 If an applicant does not pay the cash-in-lieu payment and the costs referred to in clause 5.8.4 in the manner or at the time determined by Council, Council may revoke the planning approval granted for the development or use to which the cash-in-lieu payment relates.
- 5.8.7 Cash-in-lieu payments received by a Council under this clause 5.8 shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development. The cash-in-lieu payment may be used to reimburse Council for any expenses, including loan repayments, which it incurs in providing and maintaining car parking spaces or facilities.
- 5.8.8 Where this Scheme or a local planning policy made under this Scheme contains provisions concerning the payment of cash-in-lieu of car parking spaces in particular parts of the Scheme area, those provisions shall apply to the exclusion of the provisions of clause 5.8.

## **5.9 Reciprocal Car Parking**

- 5.9.1 Subject to the remaining provisions of this clause 5.9, where an application for planning approval is made for a non-residential development or use which does not provide the number of car parking spaces required by the Local Planning Policy, Council may permit the car parking spaces for that development or use to be provided jointly with one or more other developments or uses whether or not those other developments or uses have the number of car parking spaces required by the Local Planning Policy.
- 5.9.2 In considering an application under clause 5.9.1, Council shall be satisfied:
- a) that the peak hours of operation of the developments or uses which are the subject of the application and the developments or uses with which it is proposed to jointly provide car parking spaces are different and do not substantially overlap;
  - b) that the number of car parking spaces to be provided by the development or use which is not the subject of the application does not exceed the number of car parking spaces reasonably anticipated to be in excess of the requirement of that development or use during its off-peak hours of operation; and
  - c) any other matters which, in the circumstances of a proposed development or use, are considered relevant by Council.

- 5.9.3 Council may require, and the applicant shall provide, information concerning the matters referred to in clause 5.9.2.
- 5.9.4 Where Council exercises its discretion under clause 5.9.1, it may require the owner of the land to which the application relates and the owner of the land which is not the subject of the application and which is to provide car parking spaces and any other person specified by the City, to enter into a legal agreement, to which the City may also be a party, which provides for the provision and use of car parking spaces. The legal agreement:
- a) must be to Council's satisfaction;
  - b) must be prepared at the expense of the applicant;
  - c) must, if required by Council, provide for easements, restrictive covenants, rights of way and reciprocal access and circulation arrangements; and
  - d) must ensure that the agreement and any easement, restrictive covenant, right of way or reciprocal access and circulation arrangement made under the agreement are not amended, removed or terminated without the prior consent of the Council.
- 5.9.5 If:
- a) a restrictive covenant, easement or right of way is made with respect to any land or building pursuant to an agreement entered into under clause 5.9.4; and
  - b) that land or building is subject to another restrictive covenant, easement or right of way which:
    - i) exists for the purpose of regulating the parking, access or circulation of vehicles; and
    - ii) is inconsistent with the restrictive covenant, easement or right of way referred to in clause 5.9.5(a),
- then the restrictive covenant, easement or right of way (as the case may be) referred to in clause 5.9.5(b) is hereby extinguished or varied to the extent that it is inconsistent with the restrictive covenant, easement or right of way referred to in clause 5.9.5(a).

## **5.10 Parking and Access Plans**

- 5.10.1 Council may prepare a Parking and Access Plan with respect to any land or building for the better provision and coordination of parking, access or circulation of vehicles on that land or within that building or within the area in which the land or building is located.
- 5.10.2 A Parking and Access Plan may include details as to:
- a) the location and form of access to or egress from the land or building;
  - b) the circulation of vehicles on the land or within the building;
  - c) the parking of vehicles on the land or within the building; and
  - d) the integration of parking, vehicle access and circulation with other land or buildings within the area.
- 5.10.3 A Parking and Access Plan may relate to more than one lot, building or survey or survey strata lot.

### **Scheme Text**

- 5.10.4 A Parking and Access Plan may extinguish or vary any restrictive covenant, easement or right of way. The extinguishment or variation of the restrictive covenant, easement or right of way shall take effect upon adoption of the Parking and Access Plan by Council under clause 5.10.7(b).
- 5.10.5 Council may give notice of a Parking and Access Plan in one or more of the ways referred to in clause 9.4.3 as if the Parking and Access Plan was an application for planning approval.
- 5.10.6 Any person may inspect the Parking and Access Plan referred to in the notice and any material accompanying that Parking and Access Plan at the offices of the Council.
- 5.10.7 After the expiry of the period within which submissions may be made, the Council is to:
- a) review the proposed Parking and Access Plan in light of any submissions made; and
  - b) resolve to adopt the Parking and Access Plan with or without modifications or not to proceed with the Parking and Access Plan.
- 5.10.8 If Council resolves to adopt the Parking and Access Plan, it is to publish notice of the Parking and Access Plan once in a newspaper circulating in the Scheme area.
- 5.10.9 A Parking and Access Plan may be modified in the same manner as a Parking and Access Plan is prepared and adopted under clauses 5.10.1 to 5.10.8.
- 5.10.10 Council shall have due regard to a Parking and Access Plan which affects any land or building which is the subject of an application for planning approval.

## **5.11 Ceding of Rights-Of-Way Widening**

The owner of any site affected by a right of way widening under the Local Planning Policy relating to Right of Ways shall cede such right of way widening free of cost as a condition of development approval or as a condition of subdivision or strata subdivision supported by the Council.

- 5.11A Where part of a lot within a Development Contribution Area has been transferred free of costs to the Crown for the purpose of widening a road or Right of Way, the area ceded shall be added to the area of the lot for the purpose of calculating the minimum and average site area in determining development potential. [Amd. 5]

## **5.12 Requirement to Prepare a Detailed Area Plan**

Council may require the preparation of a Detailed Area Plan for any lot or lots in accordance with Clause 6A.16. All Development on land the subject of an adopted Detailed Area Plan is to comply with that Detailed Area Plan. [Amd. 13]

## **5.13 Trees and Development [Amd. 9]**

### **5.13.1 Purpose**

The purpose of this clause is to require the retention of established trees or planting of new trees on:

- a) zoned land which is the subject of an application for development approval under the Scheme and on road reserves abutting that zoned land.

### **5.13.2 Objectives**

- a) To promote development that enables existing established trees to be retained on zoned land and to protect existing street trees on abutting road reserves.
- b) To minimise the removal of established trees on zoned land and street trees on abutting road reserves as a consequence of development; and
- c) To ensure suitable advanced trees of appropriate size and maturity are planted where, on-site established trees and street trees on abutting road reserves, have been removed or do not exist.

### **5.13.3 Development**

- a) The retention of established trees may be imposed as a condition of development approval.
- b) Where the Council approves development on a site which, at the time does not contain an established tree or involves the removal of an established tree from the site, the Council may, as a condition of development approval, require advanced trees approved by the Council to be planted in particular locations on the site at a maximum ratio of one advanced tree for every 500m<sup>2</sup> (or part thereof) of the site's area. Where this ratio is inconsistent with the maximum ratio specified by a Local Planning Policy, Structure Plan or Local Development Plan which applies to the particular site or the area in which the site is located, the Council may vary the maximum ratio specified above having due regard to the maximum ratio of that Local Planning Policy, Structure Plan or Local Development Plan.
- c) Where the Council approves development on a site with a condition of development approval requiring the retention of a significant tree or the planting of an advanced tree, the Council may, as a condition of development approval, require adequate surrounding soil space at ground level around each tree to sustain its health and growth.
- d) The Council may impose a condition of development approval to require the planting of an advanced tree, at the applicant's cost, on an abutting road reserve.

## **5.14 Additional Site and Development Requirements for Areas Covered by Structure Plan, Activity Centre Plan or Local Development Plan [Amd. 106]**

Sites with additional requirements for areas covered by a structure plan, activity centre plan or local development plan are included in Schedule 12 of this Scheme.





## PART 6 - SPECIAL CONTROL AREAS

### 6.1 Operation of Special Control Areas

6.1.1 The following Special Control Areas are shown on the Scheme Maps:

- Beach Road [Amd. 77]
- Careniup Swamp
- Coastal Height Limit Non-Residential Zones
- Dianella Centre [Amd. 7]
- Dianella Media District [Amd. 3]
- Gwelup Water Protection Area
- Herdsman Glendalough [Amd. 39]
- Heritage Protection Area
- Karrinyup Civic Centre [Amd. 66]
- Main Street District Centre [Amd. 112]
- Main Street Plaza
- Mirrabooka Town Centre
- Scarborough Beach Road West [Amd. 65]
- Servite College [Amd. 104]
- Stirling City Centre [Amd. 1]
- Tuart Hill Local Centre [Amd. 58]

[Amd. 115]

*[Scarborough Special Control Area Superseded by MRA, Gazetted 2 July 2014]*

6.1.2 In respect of a Special Control Area shown on the Scheme Maps, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

### 6.2 Careniup Swamp Special Control Area

*Note: In addition to the following provisions, the provisions of Clause 6A and Schedule 10 also apply to the Careniup Swamp Special Control Area*

#### 6.2.1 Objectives

- a) To ensure orderly subdivision of the Special Control Area;
- b) To ensure the ceding of Public Open Space;
- c) To ensure water quality standards;
- d) To ensure wildlife protection;
- e) To control filling; and
- f) To manage stormwater.

## 6.2.2 Special Control Area

The Careniup Swamp Special Control Area ("the Area") is all that land delineated on the Scheme Maps. In broad terms it is bounded by Balcatta Road, Mitchell Freeway, Erindale Road and North Beach Road.

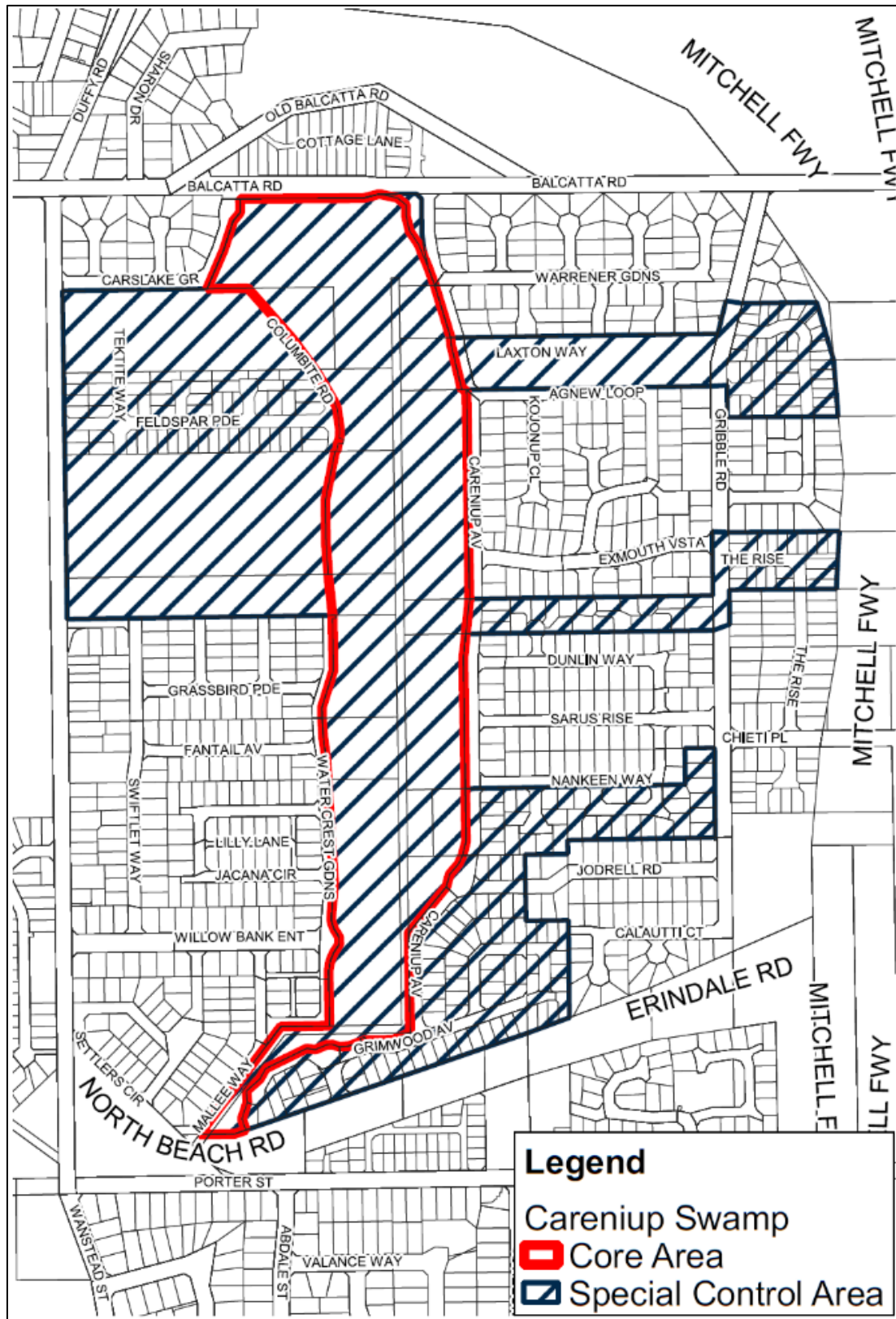


Figure 6.2.2 - Careniup Swamp Rehabilitation Plan [Amd. 115]

## Scheme Text

### 6.2.3 Implementation of Development Proposals

- a) All subdivision and development within the Area shall have regard to the requirements set out in clause 6.2 and the Rehabilitation Plan provided however that any development proposal not in conformity with clause 6.2 may be carried out with the approval of Council. Council may seek input from the Western Australian Planning Commission, Water Corporation and the Department of Environment and Conservation.
- b) When considering any application for approval to commence development, subdivision, strata subdivision or the amendment of the Scheme within the Area, the Council and the applicant shall have due regard to the provisions contained within clause 6.2.
- c) When considering any application for subdivision or strata subdivision approval within the Area, the Council shall inform the Western Australian Planning Commission of the Rehabilitation Plan and the Rehabilitation Strategy, particularly when determining any public open space contribution required as a condition of a subdivision or a strata subdivision approval.

### 6.2.4 Ceding of Land & Cash Payments in Lieu

- a) Upon any amendment of the Scheme in respect of land within the Area, or the granting of approval to subdivide any land within the Area, whichever shall first occur, the following provisions shall take effect:
  - i) Where any portion of land is within the Core Area delineated on the Rehabilitation Plan, such portion shall be ceded to the State for vesting in the City by the owner free of costs and without any entitlement on the part of the owner or any other person with any interest therein to be paid compensation pursuant to the Public Works Act otherwise;
  - ii) If no portion of the land is within the Core Area delineated by the Rehabilitation Plan, the owner of such land shall pay to the City a sum equal to ten per centum (10%) of the market value of the land calculated as at the date of the gazettal of the amendment, the granting of approval to subdivide such land, or the granting of approval to commence development on such land as the case may be.

### 6.2.5 Water Quality Standards

#### a) Objectives

The Careniup Swamp and adjacent area is utilised by the Water Corporation as a compensating basin and it is important to maintain sufficient capacity of not less than 26,000 cubic metres within the Core Area as a modified wetland to satisfy drainage and compensation requirements. It is also vital for wildlife retention to retain permanent water throughout the Area of modified wetland, with minimum summer depths being sufficient to maintain landscape and water quality.

#### b) Development and Subdivision Criteria

In order to satisfy the objectives set out in the preceding sub-clause hereof, development shall conform with the following criteria and Council will recommend to the Commission in responding to a subdivision application that:

- i) The lake be designed on the basis that the area has a maximum water level of RL 7.0 metres AHD and a minimum water level of RL 6.3 metres AHD; and
- ii) The moat and lake beds referred to in the Rehabilitation Plan shall be constructed to RL 4.1 metres AHD in order to maintain a minimum water depth of 1.0 metre during the summer period.

## 6.2.6 Wildlife Protection Requirements

### a) Objectives

Although the number and diversity of wildlife habitats has declined in past years in the Area due to filling of the Careniup Swamp at the margin, it is considered essential to reverse this trend and maximise the length of vegetated wetland foreshore, establish a system of islands within the modified wetland of the Core Area, maximise shading of water surfaces and conversely limit the extent of unshaded open water, control access to the wildlife/bird habitat areas and maximise habitat availability for water and roosting birds (with particular preference to perching and wading birds rather than swimming birds).

- b) In order to satisfy the objectives set out in the preceding sub-clause hereof, the following criteria or requirements shall apply:
- i) Satisfactory provision must be made when it is practical and feasible to do so, for planting of foreshore areas by Council with native vegetation species listed in the Dames & Moore Report "Conceptual Development Plan for the Area within the System 6 Boundary - Careniup Swamp" (November 1987), with particular emphasis on the Paperbark (*Melaleuca Raphiophylla*) and Flooded Gum (*Eucalyptus Rudis*); and
  - ii) Four islands specified in the Rehabilitation Plan shall, when it is practical and feasible to do so, be constructed by Council and planted with native vegetation species as determined in the Design and Management Plan.
  - iii) The timing of the aforementioned works shall be specified in the Design and Management Plan.

*Note: The Design and Management Plan is to be prepared and adopted by Council to outline the location of the islands, plantings, and other relevant works in accordance with clause 6.2.8 (b).*

## 6.2.7 Maintenance of The Core Area

### a) Objectives

In order to satisfy the objectives set out in the two preceding clauses hereof, the Core Area delineated in the Rehabilitation Plan must not be the subject of indiscriminate filling and infiltration of nutrients and the integrity of the Core Area as a whole must be maintained.

- b) In order to satisfy the objectives set out in the preceding sub-clause hereof, the following criteria or requirements shall apply in respect of development within the Area:
- i) No person shall fill or deposit or cause to be filled or deposited any substance in the Core Area delineated in the Rehabilitation Plan except in accordance with a development plan approved by the Council and the Western Australian Planning Commission in consultation with the Water Corporation and the Environmental Protection Authority;
  - ii) Council shall recommend to the Western Australian Planning Commission that stormwater from subdivisions should be disposed of on site to the extent that a one in ten year storm event is retained for three to four days;
  - iii) Subdivision design should be in accordance with the principles and practices detailed in the "Planning and Management Guidelines for Water Sensitive Urban (Residential) Design", published by the Western Australian Planning Commission in June 1994.

## 6.2.8 Rehabilitation Programme

### a) Objectives

The Core Area delineated in the Rehabilitation Plan is proposed to ultimately be vested in the Council, which intends to rehabilitate it in an orderly and comprehensive manner in accordance with the Rehabilitation Plan. A Design and Management Plan for the entire Core Area is to be prepared by the Council addressing issues such as midge and mosquito control, moat depth profiles, peat removal for housing and stormwater drainage prior to commencement of rehabilitation works.

- b) The Design and Management Plan shall be prepared when sufficient land in the Core Area has been ceded to the Crown and vested in the Council to enable rehabilitation to commence in an orderly manner or at such earlier time as determined by Council.
- c) In respect of those portions of the Core Area ultimately vested in the Council, it shall be the responsibility of the Council to carry out over time the rehabilitation of the Core Area referred to in the Rehabilitation Plan.

## **6.3 Coastal Height Limit - Non Residential Zones Special Control Area**

### 6.3.1 Objective

To ensure that buildings over 12 metres in height do not have a detrimental impact on the amenity of the Special Control Area or adjoining sites.

### 6.3.2 Special Control Area

The Coastal Height Limit – Non Residential Zones Special Control Area is all that land delineated as such on the Scheme Maps.

### 6.3.3 Approval

- a) An application requiring the approval of the Council under Clause 8.1 of the Scheme shall include information which addresses the impact of the proposal having regard to matters such as amenity, overshadowing, wind impacts and building design, siting, bulk, scale and colour.
- b) Before determination of an application requiring the approval of the Council under Clause 8.1 of the Scheme, the Council shall cause the provisions of Clause 9.4 of the Scheme to be invoked in respect of the application.

## **6.4 Herdsman Glendalough Special Control Area [Amd. 39]**

### **6.4.1 Objectives**

- a) To provide a strategy for the integrated development of public and private land to facilitate the creation of a safe, vibrant mixed use environment based on main street design principles;
- b) To enable the provision of an effective, efficient integrated and safe transport network which is accessible to pedestrians, cyclists, public transport users and motorists;
- c) To ensure greater utilisation of Glendalough Train Station through increased density of both residential and commercial uses;
- d) To ensure the development of a diverse range of housing types;
- e) To ensure the development of a convenient network of public open space;
- f) To ensure the development of a range of commercial uses that will contribute towards economic development, local employment and the viability of the area;
- g) To ensure the development of a range of community facilities;
- h) To create a more permeable transport network through the provision of additional road connections;
- i) To ensure the conservation and appropriate use of natural resources; and
- j) To enable developer contributions to help fund key infrastructure.

### **6.4.2 Special Control Area**

- a) The Herdsman Glendalough Special Control Area is shown on the Scheme Maps and delineated as such.
- b) Clause 5.3.2 of the Scheme shall not apply to residential development in the Herdsman Glendalough Special Control Area.

### **6.4.3 Structure Plan**

- a) For the purpose of promoting the highest standard of development within the Herdsman Glendalough Special Control Area the Council shall adopt an appropriate Structure Plan for the Herdsman Glendalough Special Control Area in accordance with Part 6A of the Scheme.
- b) The Structure Plan will define precincts within the Special Control Area.

### **6.4.4 Road Widening Requirements**

- a) The owner of any site affected by the Scarborough Beach Road Other Regional Roads reservation or Planning Control Area shall cede such road widening to the Crown, free of cost and without any payment of compensation, as a condition of development approval that involves, in the opinion of the local government, the complete or substantial redevelopment of the site or as a condition of the subdivision or strata subdivision of a lot, whichever occurs first.
- b) The owner of any site affected by a right of way widening under the Local Planning Policy relating to Right of Ways shall cede such a right of way widening free of cost as a condition of development approval or subdivision or strata title approval recommended by the City.

## **6.5 Gwelup Water Protection Area Special Control Area**

### **6.5.1 Objectives**

- a) To provide a basis for the protection of the water resource through the control of activities which have the potential to adversely affect the quality of water supplies for public use.
- b) To manage the risk of pollution of the water source, which is required to co-exist with other land uses such as residential, commercial and industrial development.

### **6.5.2 Special Control Area**

The Gwelup Water Protection Area Special Control Area is that land delineated as such on the Scheme Maps in accordance with the Priority 3 classification applied by the Water and Rivers Commission.

### **6.5.3 Development**

In its determination of any application for planning approval and its advice in relation to land subdivision for industry noxious or the use or storage of any hazardous goods of such quantities as require licensing under the *Dangerous Goods Safety Act 2004* and associated Regulations, the Council is to have particular regard to: [Amd. 115]

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

*Note: The above Water Quality Protection Note identifies three levels of compatibility for land uses, namely: Incompatible (generally not acceptable); Conditional (may be acceptable subject to conditions); and Compatible (generally acceptable provided the use is conducted within the bounds of acceptable environmental practice).*

### **6.5.4 Approval**

In respect to the Gwelup Water Protection Area Special Control Area the Council may refuse any application for planning approval or impose conditions on any planning approval so as to:

- a) protect the resource; and
- b) require the registration of notification on title giving notice of any limitations or constraints associated with the protection of resources.

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



## **6.6 Heritage Protection Area Special Control Area**

### **6.6.1 Objectives**

- a) To ensure the conservation and retention of buildings within the Heritage Protection Area Special Control Area dating from the early 1900s to the 1950s where the architectural style of the building is generally intact;
- b) To ensure the retention of existing buildings referred to in (a) irrespective of whether the demolition of the building would have no adverse impact on the streetscape; [Amd. 76]
- c) To ensure that new buildings (where permitted), alterations, additions to existing buildings, carports, garages and front fences are in keeping with the heritage character of the area, respect the scale and proportions of surrounding buildings, and are designed to fit into the existing streetscape;
- d) To maintain and improve existing street trees, grass verges and front gardens;
- e) To retain mature trees wherever possible; and
- f) To ensure that new development within the area which is subject to the Beaufort Street Local Development Plan enhances and respects the heritage, character and amenity of Beaufort Street. [Amd. 60]

### **6.6.2 Special Control Area**

The Heritage Protection Area Special Control Area is that land delineated as such on the Scheme Maps.

### **6.6.3 Development [Amd. 60]**

- a) All development shall conform with the objectives of the Heritage Protection Area Special Control Area (clause 6.6.1);
- b) All development shall have due regard to:
  - a. the Local Planning Policy adopted for the Heritage Protection Area Special Control Area (Character Retention Guidelines Mt Lawley, Menora and Inglewood); and
  - b. the Beaufort Street Local Development Plan on land within the area which is subject to that plan.

### **6.6.4** Where it is proposed or necessary to demolish (other than partially) a building described in Clause 6.6.1(a) located in Residential Zone, or partially or completely demolish a building located in all other zones in order to undertake any works on the land on which the building is located, development approval for the works shall not be granted until separate development approval has first been granted for the demolition of the building. [Amd. 76]

*Note: Partial demolition of a building in a Residential zone within the Heritage Protection Area Special Control Area will be considered as part of the assessment of a development application for additions or alterations to the building.*

*Partial demolition will be assessed in the context of the following objectives:*

- *To conserve and retain buildings within the Heritage Protection Area dating from the early 1900s to the 1950s where the architectural style of the building is generally intact.*
- *To retain the traditional house with minimum alterations.*

*This framework prevents the demolition of all but a portion of an existing building, and demolition proposals should be confined to those portions of the building behind the ridge line of the roof at the rear of the building. [Amd. 76]*

6.6.5 Subdivision [Amd. 60]

- a) The minimum area of all lots created by the subdivision of land zoned 'Residential' within the area which is subject to the Beaufort Street Local Development Plan shall be 500m<sup>2</sup> and the minimum frontage of the lots shall be 20m;
- b) Land fronting Beaufort Street shall not be subdivided where this would result in vehicle access to any right of way at the rear of the land being restricted or removed for any of the new lots.

6.6.6 Building Height [Amd. 60]

- a) Building height shall be in accordance with the building heights shown on Figure 6.6.6.
- b) The power conferred by clause 5.5.1 and clause 7.6 of Local Planning scheme No.3 shall not apply to clause 6.6.6(a) and (c).
- c) Notwithstanding clause 6.6.6(a) variation in building height shall only be permitted in the following instances:
  - (i) Building height for House Numbers 683 and 685 Beaufort Street, Mt Lawley may include a fourth storey if a public plaza of a minimum 75m<sup>2</sup> is provided, and all the abovementioned lots are amalgamated.
  - (ii) Building height for House Numbers 734 and 736 Beaufort Street, Mount Lawley may be up to 4 storeys on the Beaufort Street corner, to a maximum length of 30m along Beaufort Street, and 30m along First Avenue, provided all the abovementioned lots are amalgamated.
  - (iii) Building height for House Numbers 939, 941, 942, 943, 944, 945, 947 and 951 Beaufort Street, Inglewood may be up to 4 storeys, provided that a minimum of two adjoining lots are amalgamated.
  - (iv) Building height on the following lots may include a fifth storey if a public plaza of a minimum 75 m<sup>2</sup> is provided on the site, is accessible by the public at all times, and faces Beaufort Street:
    - a. House Number 96 Tenth Avenue, Inglewood.
    - b. House Number 895 Beaufort Street, Inglewood.
    - c. House Number 189, Eighth Avenue, Inglewood.
  - (v) Building height for House Numbers 867, 871, 875, and 877 Beaufort Street, Inglewood, may be up to 5 storeys if a public plaza of a minimum 75m<sup>2</sup> is provided, and all the abovementioned lots are amalgamated.

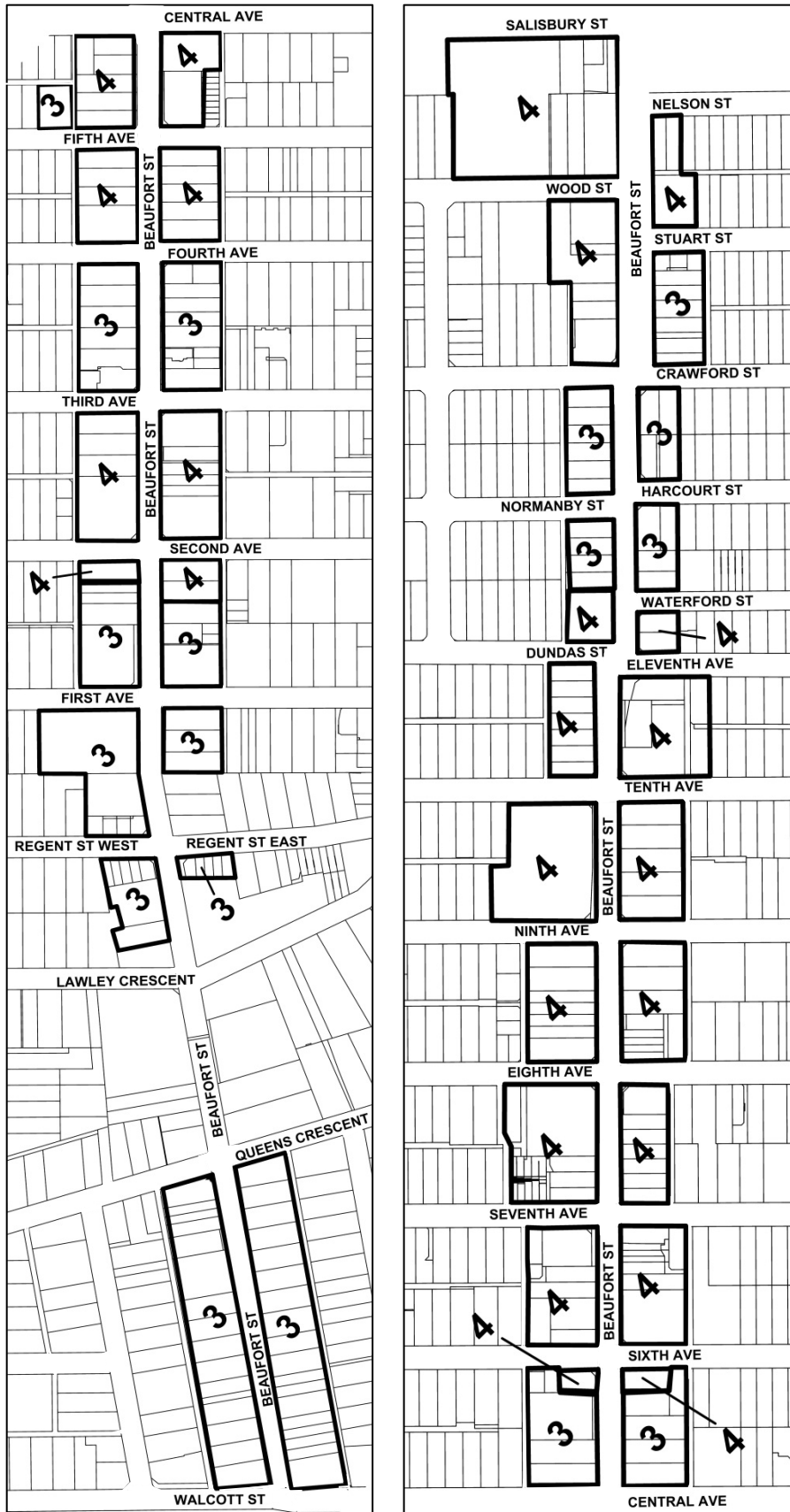


Figure 6.6.6 - Building Heights (Storeys) [Amd. 115]

6.6.7 Special Application of Residential Design Codes [Amd. 60]

Notwithstanding clause 5.3.2 of the Scheme, residential development on land zoned Mixed Use within the Beaufort Street Local Development Plan area is subject to the requirements of multiple dwellings under the R-AC0 Code. Development requirements for the R-AC0 Code are outlined in the Beaufort Street Local Development Plan.

## **6.7 Main Street Plaza Special Control Area**

6.7.1 Objective

To permit development of office and/or residential uses contingent upon the provision of an integrated car parking and landscaping facility.

6.7.2 Special Control Area

The Main Street Plaza Special Control Area is the land delineated as such on the Scheme Maps.

6.7.3 Development

No development, except for maintenance of existing buildings, shall be approved by the Council until a Detailed Area Plan and a Development Contribution Plan for the Special Control Area has been adopted by the Council in accordance with Parts 6A & 6B of the Scheme and payment of a development contribution in accordance with the adopted Development Contribution Plan.

All development shall conform with the Detailed Area Plan and a Development Contribution Plan adopted by the Council for the Special Control Area.

## **6.8 Mirrabooka Town Centre Special Control Area [Amd. 29]**

6.8.1 Objectives

- a) To facilitate development of a safe, vibrant, mixed use town centre based on sustainable design principles, integrated with public transport;
- b) To encourage greater use of the Mirrabooka public transport facilities through increased density of both residential and non residential uses;
- c) To require the development of a diverse range of housing types;
- d) To promote the development of a variety of public open space areas;
- e) To facilitate the development of a range of non residential uses that contribute to economic development, local employment and viability of the Centre;
- f) To encourage the development of a range of community facilities;
- g) To create a permeable transport network through the provision of additional road connections;
- h) To facilitate the development of a vibrant main street; and
- i) To facilitate high quality private and public spaces and buildings that contribute towards a sense of place.

[Amd. 85]

#### 6.8.2 **Special Control Area**

The Mirrabooka Town Centre Special Control Area is the land delineated as such on the Scheme Maps.

#### 6.8.3 **Subdivision and Development** [Amd. 85]

- a) The subdivision and development of all land within the Mirrabooka Town Centre Special Control Area shall have due regard to any Activity Centre Plan, Local Development Plan and Local Planning Policy that is adopted under or for the purposes of this Scheme subject to the provisions contained within the Scheme. [Amd. 85]
- b) For substantial development, the power conferred by Clause 5.5.1 of this Scheme shall not apply to Clauses 6.8.8 a), 6.8.9, 6.8.10, 6.8.11, 6.8.12, 6.8.13 and the 'Maximum Car Parking' standards of Table 6.8.14 a). [Amd. 115]

#### 6.8.4 **Activity Centre Plan** [Amd. 85]

- a) For the purpose of promoting the highest standard of development, an Activity Centre Plan shall be approved for the Mirrabooka Town Centre Special Control Area in accordance with Part 5 - Activity Centre Plans of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### 6.8.5 **Local Development Plan** [Amd. 85]

- a) The local government may require the preparation of a Local Development Plan for all or any land in the Mirrabooka Town Centre Special Control Area in accordance with Part 6 - Local Development Plans of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### 6.8.6 **Land Use Table** [Amd. 85]

- a) Notwithstanding Clause 4.3 of this Scheme, land use permissibility for land in the Mirrabooka Town Centre Special Control Area is in accordance with Table 6.8.6 below. The symbols used in Table 6.8.6 shall have the same meaning as defined in Clauses 4.3.2 and 4.3.3.
- b) If a person proposes to carry out on land any use that is not specifically mentioned in Table 6.8.6 and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the Council shall consider this use in accordance with the provisions of Clause 4.4.2.

Table 6.8.6 - Mirrabooka Town Centre Land Use Permissibility Table

LAND USE SECTOR  USE CLASSIFICATION	Business	Mixed Business	Mixed Use	Regional Centre	Residential	Civic
Aged or Dependent Person Dwelling	D <sup>2</sup>	P	P	P	P	A
Amusement Parlour	P	X	P	P	X	X
Bed and Breakfast	D	P	D	D	A	X
Betting Agency	P	D	D	D	X	X
Boarding House	A <sup>2</sup>	D	D	D	A	X
Car Park	D	P	D	D	X	D
Caravan Park	X	X	X	X	X	X
Caretaker's Dwelling	D	P	P	D	D	D
Child Care Premises	D	D	A	D	A	P
Cinema / Theatre	D	X	D	D	X	X
Civic Use	D	D	P	D	A	P
Club Premises	A	D	P	P	X	X
Community Purposes	A	X	P	P	A	P
Consulting Rooms	D	X	P	P	X	X
Convenience Store	P	D <sup>3</sup>	P	P	X	X
Corrective Institution	X	X	X	X	X	X
Display Home [Amd. 115]	D	X	D	D	D	X
Drive Through Fast Food Outlet	X	D	D	D	X	X
Educational Establishment	D	D	D	D	X	X
Exhibition Centre	D	D	P	P	X	D
Family Day Care	D	X	D	D	A	X
Fast Food Outlet	A	D	P	P	X	X
Fuel Depot	X	X	X	X	X	X
Funeral Parlor	D	D	D	D	X	X
Garden Centre	D	P	D	D	X	X
Grouped Dwelling	D <sup>2</sup>	P	D <sup>2</sup>	D <sup>2</sup>	P	X
Hardware Showroom	X	P	X	X	X	X
Home Business	D	P	D	D	A	X
Home Occupation	D	P	D	D	D	X
Home Office	P	P	P	P	P	X
Home Store	P	P	P	P	A	X

... continued next page

LAND USE SECTOR  USE CLASSIFICATION	Business	Mixed Business	Mixed Use	Regional Centre	Residential	Civic
Hospital	X	X	P	A	X	X
Hostel	D <sup>2</sup>	A	A <sup>2</sup>	X	A	X
Hotel	D	A	P	A	X	X
Industry - Cottage	D	P	X	X	D	X
Industry - Extractive	X	X	X	X	X	X
Industry - General	X	D	X	X	X	X
Industry - Light	X	D	X	X	X	X
Industry - Mining	X	X	X	X	X	X
Industry - Noxious	X	X	X	X	X	X
Industry - Rural	X	X	X	X	X	X
Industry - Service	X	P	X	X	X	X
Institutional Building	X	X	A	X	X	X
Institutional Home	A	X	X	X	X	X
Market	X	D	P	D	X	X
Media Establishment	D	D	P	P	X	X
Medical Centre	A	D	P	P	X	X
Motel	X	D	D	D	X	X
Motor Vehicle Repair	X	D	X	A	X	X
Motor Vehicle Wash	X	D	X	A	X	X
Motor Vehicle, Boat or Caravan Sales	X	D	X	X	X	X
Multiple Dwelling	D <sup>2</sup>	P	P	D	P <sup>1</sup>	X
Night Club	D	X	A	A	X	X
Nursing Home	X	A	D	X	A	X
Office	P	D	P	P	X	D
Park Home Park	X	X	X	X	X	X
Personal Care Services	P	X	P	P	X	A
Personal Services	D	X	P	P	X	X
Place of Worship	D	D	A	D	A	D
Reception Centre	D	D	D	D	X	X
Recreation - Private	P	P	P	P	X	X
Residential Building	D <sup>2</sup>	D	D	D	D	X
Restaurant	P	D	P	P	X	X
Restricted Premises	X	X	A	A	X	X

... continued next page

'Nursing Home' Use Classification amended from 'X' to 'D' in the 'Mixed Use' Land Use Sector in Table 6.8.6 [Amd. 110]

LAND USE SECTOR  USE CLASSIFICATION	Business	Mixed Business	Mixed Use	Regional Centre	Residential	Civic
Retail Establishment [Amd. 115]	X	X	X	P	X	X
Retirement Complex	A	X	D	X	D	X
Rural Pursuit	X	X	X	X	A	X
Salvage Yard	X	X	X	X	X	X
Service Station	A	D	X	P	X	X
Shop	X	X	P <sup>3</sup>	P	X	X
Short Stay Accommodation	X	P	D	D	P	X
Showroom	X	P	X	D	X	X
Single Bedroom Dwelling	D <sup>2</sup>	P	D	D	P	X
Single House	D <sup>2</sup>	X	D	D	P	X
Small Bar [Amd. 115]	P	D	P	P	X	X
Storage (Outdoor)	X	D	X	X	X	X
Tavern	X	D	A	D	X	X
Telecommunications Infrastructure	D	D	D	D	A	D
Trade Display	X	P	A	A	X	X
Transport Depot	X	X	X	X	X	X
Veterinary Centre	D	D	D	D	X	X
Warehouse	X	P	X	X	X	X
Wrecking	X	X	X	X	X	X

Note:

1. Multiple dwellings are not permitted in areas coded R35 or below
2. Not permitted on the ground floor fronting the street greater than 10m in width
3. A maximum 150m<sup>2</sup> NLA applies to a Shop use on land outside the Core Shopping Area of the Mixed Use sector.

#### 6.8.7 **Residential Density** [Amd. 85]

- a) Residential development within the Mirrabooka Town Centre Special Control Area shall comply with the Residential Design Codes unless a provision of the Residential Codes is varied in an approved Activity Centre Plan or Local Development Plan for that land, whereby the varied provision applicable under the Activity Centre Plan or Local Development Plan shall prevail.
- b) Notwithstanding Clause 5.3.2 of the Scheme, the R-AC0 density code shall apply to residential development in the non Residential zoned land within the Mirrabooka Town Centre Special Control Area.



#### 6.8.8 **Mandatory Residential** [Amd. 85]

- a) An application for planning approval for a new development for land that is identified as requiring Mandatory Residential in a WAPC approved Activity Centre Plan shall contain a residential component to the satisfaction of the City of Stirling in accordance with the following:
  - i) For unhatched areas delineated as 'Mandatory Residential for New Development', a minimum 50% of the gross floor area shall be for residential use.
  - ii) For hatched areas delineated as 'Mandatory Residential for New Development Above Three Storeys', a minimum 20% of the gross floor area shall be for residential use.
  - iii) Notwithstanding Clause 6.8.8 a) i), for Lot 61 (HN 2) Milldale Way, Mirrabooka, the Mandatory Residential requirement shall be a minimum of 115 dwellings. The dwellings can be developed in stages.
  - iv) Notwithstanding Clause 6.8.8 a) i), for Lot 9501 (HN 15) Milldale Way, Mirrabooka, the Mandatory Residential requirement shall be a minimum of 35 dwellings. The dwellings shall be constructed before any additional floorspace is provided after the first 25,000m<sup>2</sup> of gross floor area is constructed on this site.

*Note: The land uses of Hotel, Motel and Short Stay Accommodation shall be treated as residential development for the purposes of Clause 6.8.8 a) iv).*

- b) Council shall impose a condition on the planning approval granted for a new building on land identified as requiring Mandatory Residential in a WAPC approved Activity Centre Plan, to require delivery of the minimum residential standards referred to in paragraph a) above prior to occupation of that building development.
- c) Notwithstanding Clause 6.8.8 b), the Council may consider allowing the transfer of one development's minimum required gross residential floor area requirement to another lot subject to the following: [Amd. 115]
  - i) The lot in receipt of the additional residential floorspace requirement is included in a Mandatory Residential area on a WAPC approved Activity Centre Plan; and
  - ii) It is demonstrated to the satisfaction of the Council by the landowner(s) and/or proponent of the development that the lot in receipt of the additional residential floorspace requirement can and will accommodate the additional residential floorspace whilst complying with all relevant standards and requirements applicable to that lot under this Scheme, the Activity Centre Plan, the Local Development Plan and any relevant Local Planning Policy.

#### 6.8.9 **Development of Lot 9501** [Amd. 85]

- a) The first stage of development on Lot 9501 (HN 15) Milldale Way, Mirrabooka, shall be on land that fronts Milldale Way and a minimum of 10m of frontage to Doncaster Road and Chesterfield Road, excluding the corner truncations.

6.8.10 **Expansion of Shopping Centre** [Amd. 85]

The following requirements apply to Lot 500 Yirrigan Drive and Lot 507 Sudbury Road, Mirrabooka:

- a) For every 2,500m<sup>2</sup> of additional retail floor space above 47,100m<sup>2</sup>, 500m<sup>2</sup> of street orientated floor space is to be provided first on land that fronts either Sudbury Road and the Town Square, then on land that fronts Chesterfield Road, Farrier Road or Yirrigan Drive and within a built form that has a nil setback to the street (a plaza or community space lined with awnings can be set back from the street subject to the agreement of the local government)
- b) For planning applications that trigger the additional retail and non-retail floorspace requirements referred to in paragraph a) above, the Council shall impose a condition on the planning approval to require that the additional floorspace be provided either prior to or in conjunction with the related expansion of the Mirrabooka Shopping Centre.
- c) *(Deleted by Amendment No.110, Gazetted 21 January 2020)*

6.8.11 **Shop Use Limitations** [Amd. 85]

- a) A maximum floorspace area of 150m<sup>2</sup> NLA shall apply to each shop tenancy developed on Mixed Use land located outside the 'Core Shopping Area' as identified in a WAPC approved Activity Centre Plan.

6.8.12 **Public Road Connections** [Amd. 85]

- a) The owner of any lot affected by a 'Fixed Future Road Reserve' or 'Indicative Future Road Reserve' delineated in a WAPC approved Activity Centre Plan, shall cede the required road reserve free of cost as a condition of development or subdivision approval and construct and drain the road to the specification of the Council.

6.8.13 **Public Open Space** [Amd. 85]

For the land that contains the Public Open Space area shown in a WAPC approved Activity Centre Plan, the Council shall recommend on a subdivision or strata application to the Commission, or impose a condition on a planning approval granted for development of that land, to require that the Public Open Space area be ceded free of cost to the Crown and vested in the City of Stirling for the purpose of public recreation.

6.8.14 **Parking for New Development** [Amd. 85]

a) **Parking for Non-Residential Development**

Car parking bay ratios for non-residential development in the Mirrabooka Town Centre Special Control Area shall be provided in accordance with Table 6.8.14 a) and Figure 6.8.14.

**Table 6.8.14 a) - Parking for Non-Residential Development**

Size of Development	Max. Car Parking per Net Site Hectare / GFA	Min. Public Parking per Net Hectare / GFA	Min. Short Stay Parking
<b>Car Parking in Core Area</b>			
Applies to all Development	200 bays / net site ha	100 bays / net site ha	60% of public parking
<b>Car Parking in Non-Core Area</b>			
Development with plot ratio greater than 1.0 (non-residential floorspace)	400 bays / net site ha	200 bays / net site ha	60% public parking
Development with plot ratio of 1.0 or less (non-residential floorspace)	4.0 bays / 100m <sup>2</sup> GFA non-residential floorspace	2.0 bays / 100m <sup>2</sup> GFA non-residential floorspace	60% public parking

Notes:

1. Definitions for 'Public Parking' and 'Short Stay Parking' are provided in Schedule 1
2. Net Site Hectare means the total area of the site upon which the development or use is approved as contained in the certificate of title or titles for the land if the whole of a lot, or if a portion of a lot, the area occupied by the approved development, including all landscaping and ancillary development, as a proportion of 10,000m<sup>2</sup> and should include any land ceded free of cost for new roads.
3. Parking requirements for 'Nursing Home' uses to be assessed in accordance with Local Planning Policy 6.7 'Parking and Access'.
4. The residential component of the land uses of Hotel, Motel and Short Stay Accommodation shall be treated as residential development for the purposes of table 6.8.14 a).
5. Where an existing non-residential development, with approved parking in excess of the provisions set out in Table 6.8.14 a) of the Scheme Text applies for re-development, the City may, at its discretion, permit the existing level of parking to remain, subject to all of the parking in excess of the permitted level of car parking being provided and managed as Public Parking as outlined in Table 6.8.14 a). [Amd. 110]
6. The maximum car parking requirements in Table 6.8.14 a) do not apply to developments that are for the land use of Car Park, for Public Parking. [Amd. 115]



**Figure 6.8.14 - Core Parking Area**

b) **Parking for Residential Development**

- i) Car parking for residential development in areas allocated density codes of between R20 and R160 in the approved Activity Centre Plan shall be in accordance with the Residential Design Codes. [Amd. 115]

Parking for multiple dwellings with an R-AC0 code shall be in accordance with the Table 6.8.14 b). [Amd. 115]

- ii) Visitor parking for residential development may be accommodated through the provision of on-street parking and/or other public parking available within the Mirrabooka Town Centre Special Control Area.

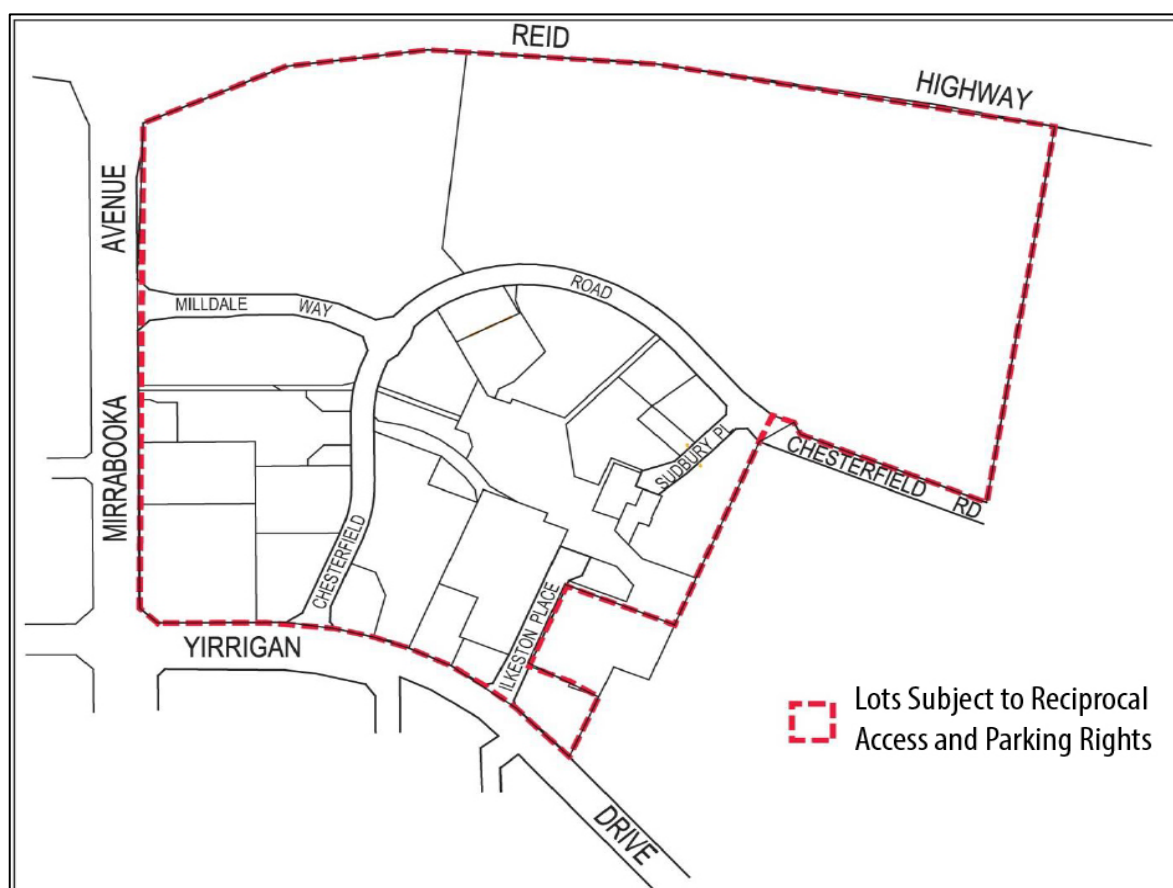
**Table 6.8.14 b) - Multiple Dwelling Car Parking Ratios for Areas Coded R-AC0** [Amd. 115]

Dwelling Size	Min. Car Parking Bays / Dwelling
Small (less than 75m <sup>2</sup> or 1-bedroom)	0.75 bay / dwelling
Medium (75 - 110m <sup>2</sup> )	1.0 bay / dwelling
Large (more than 110m <sup>2</sup> )	1.25 bays / dwelling

6.8.15 **Existing Reciprocal Access Rights and Reciprocal Parking Rights** [Amd. 85]

Subject to the provisions of Clause 6.8.14 of the Scheme, the land within the Mirrabooka Town Centre Special Control Area indicated on Figure 6.8.15 of the Scheme is land that is subject to existing agreements providing for rights of Reciprocal Access Rights and Reciprocal Parking Rights.

*Note: Agreements for existing development shall continue to have effect until new development takes place on that particular lot with parking being provided in accordance with Clause 6.8.14.*



[Amd. 85]

**Figure 6.8.15 - Existing Reciprocal Access Rights and Reciprocal Parking Rights (Affected Lots)**

6.8.16 **Extinguishment of Restrictive Covenants, Rights of Way and Easements** [Amd. 85]

A restrictive covenant, right of way or easement affecting any land within the Mirrabooka Town Centre Special Control Area which has the effect of preventing the provision of or access to public parking on the land or limiting the amount of public parking on the land to less than is required under the Scheme (including under any local planning policy, activity centre plan or local development plan) is extinguished or varied to the extent that it prevents the required amount of public parking being provided on the land or access to the public parking by members of the public.

**6.9 Scarborough Special Control Area** [Amd. 124]

6.9.1 **Scarborough Special Control Area**

The Scarborough Special Control Area is the land delineated as such on the Scheme Map.

6.9.2 **Purpose**

To facilitate redevelopment and urban renewal of the Scarborough Special Control Area and to identify the Scarborough Development Contribution Area.

6.9.3 **Subdivision and Development**

- a) The subdivision and development of all land within the Scarborough Special Control Area shall comply with the requirements of Schedule 13 of the Scheme.

6.9.4 **Planning Instruments Adopted Under the Scarborough Redevelopment Scheme**

- a) All Policies and Design Guidelines adopted under the *Metropolitan Redevelopment Authority Act 2011* for the Scarborough Redevelopment Area apply as if adopted under the provisions of Local Planning Scheme No.3 as Local Planning Policies, and may be amended and revoked as needed under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- b) The Metropolitan Redevelopment Authority Scarborough Redevelopment Area Heritage Inventory applies as if included as a Heritage List under Local Planning Scheme No.3 until such time as the City of Stirling Heritage List is reviewed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**6.10 Dianella Media District Special Control Area** [Amd. 3]

6.10.1 **Objective**

To ensure any potential development (i.e. rezoning, subdivision, land uses, development) within the Dianella Media District Special Control Area delivers high quality sustainable outcomes in an integrated manner.

6.10.2 **Special Control Area**

The Dianella Media District Special Control Area is the land delineated as such on the Scheme Maps.

#### 6.10.3 **Development**

- a) All development of land within the Dianella Media District Special Control Area shall generally comply with any adopted Local Planning Policy, Detailed Area Plan, Precinct Plan and the Scheme for the area.
- b) The owners of Lot 3, House Number 7, Gay Street and Lot 9, House Number 15, Osborne Road, Dianella shall undertake the following, to the satisfaction of the City –
  - i) The preparation of a Kangaroo Management Strategy specific to the subject Lots 3 and 9, at the owner's cost prior to the commencement of any subdivision site works on the Lots, to the satisfaction of the City of Stirling, on the advice of the Department of Environment and Conservation; and

The provision of suitable reticulated turfed kangaroo grazing areas within the subject Lots in accordance with the Kangaroo Management Strategy, at the owner's cost prior to the sale of any portion of the Lots; and

A suitable staging plan detailing how a continuous supply of grazing areas and the capture and release of kangaroos will be provided through the construction phase of the development, prior to the commencement of any subdivision site works on the Lots; and

The maintenance of the reticulated turfed kangaroo grazing areas within the subject Lots for a minimum of two years in accordance with the Kangaroo Management Strategy, at the owner's cost.

- ii) Provision of a minimum of 100 dwellings over the subject Lots.

#### 6.10.4 **Redevelopment Procedure Statement and Precinct Plan**

For the purposes of promoting the highest standard of development within the Dianella Media District Special Control Area, the Council and applicants are to have due regard to the Media Zones Redevelopment Procedures Statement and the Media Zones Precinct Plan (as amended from time to time).

The Council may require the preparation of a Detailed Area Plan for a particular lot or lots within the Dianella Media District Special Control Area, in accordance with Part 6A of the Scheme.

## **6.11 Stirling City Centre Special Control Area [Amd. 1]**

### **6.11.1 Objectives**

- a) To facilitate the development of the Stirling City Centre in a coordinated manner, recognising its significance as a Strategic Metropolitan Centre;
- b) To provide a strategy for the integrated development of public and private land to facilitate the creation of a safe, vibrant mixed use centre;
- c) To ensure the provision of an effective, efficient, integrated and safe transport network which is accessible to pedestrians, cyclists and public transport users and motorists;
- d) To facilitate funding mechanisms for the provision of light rail and other alternative transport infrastructure;
- e) To ensure the development of a diverse range of housing types (including affordable housing) in unique precincts that have high levels of amenity;
- f) To ensure the development of a convenient network of public open space (including an urban stream) offering a wide range of high quality facilities tailored to the requirements of the local community;
- g) To ensure the development of a range of commercial uses that will contribute towards economic development, local employment and the viability of the area as a commercial centre servicing residents, visitors and the local workforce;
- h) To ensure the development of a range of community facilities that will service residents, visitors and the local workforce and contribute towards community wellbeing; and
- i) To ensure the conservation and appropriate use of natural resources including (but not limited to) energy, water and land to enhance the sustainable management of finite resources.

### **6.11.2 Special Control Area**

The Stirling City Centre Special Control Area is the land delineated as such on the Scheme Maps.

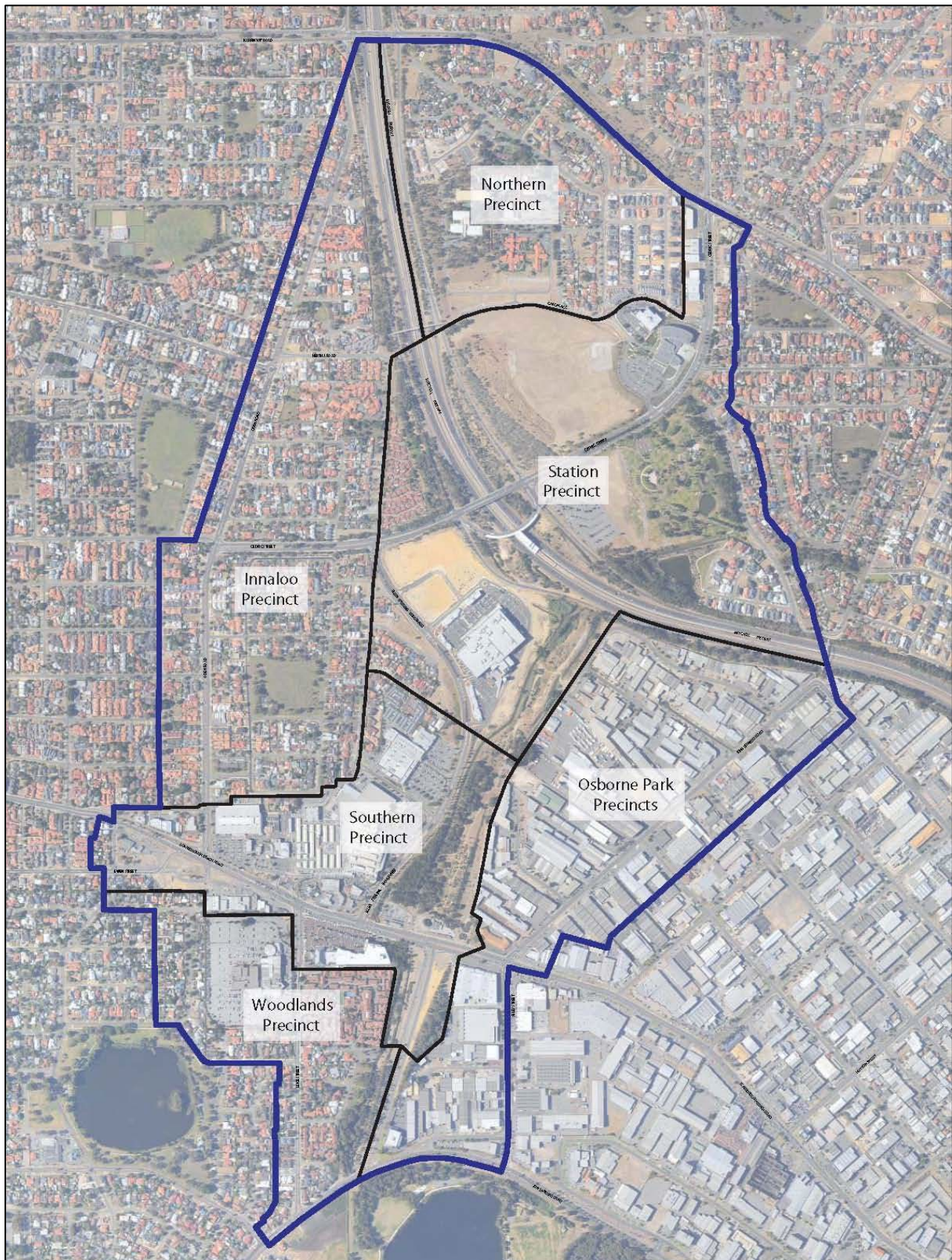
The Stirling City Centre Special Control Area consists of six precincts, being:

- a) Southern Precinct;
- b) Station Precinct;
- c) Northern Precinct;
- d) Innaloo Precinct;
- e) Osborne Park Precinct; and
- f) Woodlands Precinct,

[Amd. 84]

as shown in Figure 6.11.2 below:





**Figure 6.11.2 - Stirling City Centre Special Control Area Precinct Plan**



6.11.3 **Subdivision and Development** [Amd. 84]

- a) The subdivision and development of all land within the Stirling City Centre Special Control Area shall:
  - i) have due regard to any WAPC approved Activity Centre Plan, any approved Local Development Plan and Local Planning Policy that applies to that land and that is prepared under this Scheme;
  - ii) comply with the provisions of the Special Control Area which apply to that land; and
  - iii) comply with any Development Contribution Plan that applies to that land and is prepared in accordance with the Scheme.
- b) For substantial development, the power conferred by Clause 5.5.1 of this Scheme shall not apply to Clauses 6.11.9 e), 6.11.11 a), 6.11.16 a) i) and the 'Maximum Total On-Site Parking' standards of Table 6.11.17. [Amd. 115]

6.11.4 **Activity Centre Plan** [Amd. 84]

For the purpose of promoting the highest standard of development an Activity Centre Plan shall be approved for the Stirling City Centre Special Control Area in accordance with Part 5 – Activity Centre Plans of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations, 2015*.

6.11.5 **Local Development Plan** [Amd. 84]

No development shall be approved by the Council for land within the Activity Centre Plan area until a Local Development Plan has been adopted by the Council, except for minor development that will not prejudice the implementation of the Local Development Plan. The Local Development Plan is required to address the matters listed in Part 6A of the Scheme and Clause 48 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

6.11.6 **Residential Design Codes** [Amd. 84]

- a) The Residential Design Codes apply only to residential development on land within the Stirling City Centre Special Control Area which has been designated with a residential density code by an Activity Centre Plan made pursuant to Part 5 – Activity Centre Plans of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
- b) The subdivision or development of land referred to in paragraph (a) above for any of the residential purposes dealt with by the Residential Design Codes is to have due regard to the provisions of those Codes.
- c) Residential development of land within the Stirling City Centre Special Control Area which has not been designated with a residential density code shall be subject to the development requirements specified in any Local Development Plan approved for that land for the purpose of guiding the Local Government in determining applications for approval of such residential development.
- d) Clause 5.3.2 shall not apply to residential development in the Stirling City Centre Special Control Area.

6.11.7 **Land Use Sectors** [Amd. 84]

- a) Land within the Stirling City Centre Special Control Area is to be classified into the Land Use Sectors in a WAPC approved Activity Centre Plan.
- b) Subject to the classification of land in subclause (a), subdivision and development of land within the Stirling City Centre Special Control Area shall comply with the relevant Scheme requirements, and have due regard to any relevant provisions in a WAPC approved Activity Centre Plan and any approved Local Development Plan.

6.11.8 **Land Use Categories** [Amd. 84]

- a) An approved Local Development Plan shall assign a Land Use Category or Categories to every lot located within its boundaries, consistent with the land use categories provided in the Scheme. A Land Use Category may be applied to the entire area within a lot; to a portion of land within a lot; or vertically to individual storeys of a multi-storey building contained within a lot.
- b) The subdivision and development of land within the Stirling City Centre Special Control Area shall be consistent with the requirements of the applicable Land Use Category or Categories as provided in this Scheme, and have due regard to any relevant provision in an approved Local Development Plan.
- c) In relation to Land Use Categories in the Local Development Plans for the Stirling City Centre Special Control Area, the terms 'Urban Residential' and 'Residential' are to be taken as 'Suburban Residential'. [Amd. 115]

6.11.9 **Land Use Permissibility** [Amd. 84]

- a) The permissibility of land uses for each precinct is provided in Table 6.11.9. The symbols used in Table 6.11.9 shall have the same meaning as defined in Clauses 4.3.2 and 4.3.3.
- b) Table 6.11.9 is to be read in conjunction with Table 6.11.10 which provides further detail on the location of land uses within multiple storey buildings.
- bA) Where a site has multiple land use categories that are "Supported" by Table 6.11.10 on a particular storey, and the use class permissibility contradict each other, then "P" uses shall prevail over all other permissibility. Where there is no "P" then "D" shall prevail. Where there is no "D" then "A" shall prevail. [Amd. 115]
- c) Notwithstanding the provisions of Clause 6.11.9, where a land use category is Not Supported under Clause 6.11.10 for a relevant building storey, the land use is deemed to be an X use for that relevant building storey.
- d) If a person proposes to carry out on land any use that is not specifically mentioned in Table 6.11.9 and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the Local Government shall consider this use in accordance with the provisions of Clause 4.4.2.
- e) Showroom or Hardware Showroom uses on lots fronting Scarborough Beach Road shall have a maximum plot ratio of 0.5 and shall incorporate other uses (not Showroom or Hardware Showroom uses) at a minimum plot ratio of 1.0.
- f) Showroom or Hardware Showroom uses which abut Scarborough Beach Road shall incorporate glazing to a minimum of 80% of the portion of the building which fronts Scarborough Beach Road.

*Note: This clause does not apply to existing showroom or hardware showroom uses.*

**Table 6.11.9 - Stirling City Centre Land Use Permissibility Table**

LAND USE CATEGORY  USE CLASS						
	Mixed use	Business	Restricted Business	City Residential	Suburban Residential	Civic
Aged/ Dependent Persons Dwelling	P	X	X	P	D	D
Amusement Parlour	P	P	X	X	X	D
Bed and Breakfast	P	X	X	P	D	X
Betting Agency	P	P	X	X	X	X
Boarding House	P	X	X	P	X	X
Car Park	D	D	D	X	X	P
Caravan Park	X	X	X	X	X	X
Caretaker's Dwelling	P	D	D	P	D	D
Child Care Premises	D	D	D	P	D	P
Cinema/Theatre	D	P	X	X	X	P
Civic Use	P	P	P	P	X	P
Club Premises	P	P	D	X	X	P
Community Purposes	P	P	D	P	X	P
Consulting Rooms	P	P	D	X	X	X
Convenience Store	P	P	D	X	X	P
Corrective Institution	X	X	X	X	X	X
Display Home [Amd. 115]	D	D	X	D	D	X
Drive Through Fast Food Outlet	X	X	X	X	X	X
Educational Establishment	P	P	D	X	X	X
Exhibition Centre	P	P	X	X	X	P
Family Day Care	P	P	D	D	X	X
Fast Food Outlet	P	P	D	X	X	X
Fuel Depot	X	X	X	X	X	X
Funeral Parlor	X	P	D	X	X	X
Garden Centre	P	P	X	X	X	X
Grouped Dwelling	X	X	X	X	P	X
Hardware Showroom	X	D***	X	X	X	X
Home Business	P	X	X	P	P	X
Home Occupation	P	X	X	P	D	X
Home Office	P	X	X	P	P	X
Home Store	P	X	X	P	D	X
Hospital	P	P	X	X	X	X
Hostel	P	X	X	P	X	X
Hotel	P	P	X	X	X	X
Industry - Cottage	D	D	X	X	X	X

**Scheme Text** ... continued next page

LAND USE CATEGORY  USE CLASS						
	Mixed use	Business	Restricted Business	City Residential	Suburban Residential	Civic
Industry - Extractive	X	X	X	X	X	X
Industry - General	X	X	X	X	X	X
Industry - Light	X	X	X	X	X	X
Industry - Mining	X	X	X	X	X	X
Industry - Noxious	X	X	X	X	X	X
Industry - Rural	X	X	X	X	X	X
Industry - Service	X	P	X	X	X	X
Institutional Building	D	P	X	X	X	X
Institutional Home	D	P	X	X	X	X
Market	P	P	D	D	X	P
Media Establishment	P	P	P	X	X	X
Medical Centre	P	P	X	X	X	X
Motel	P	P	X	X	X	X
Motor Vehicle Repair [Amd. 115]	X	D	X	X	X	X
Motor Vehicle Wash	X	D	X	X	X	X
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X	X
Multiple Dwelling	P	X	X	P	P	X
Night Club	X	D	X	X	X	X
Nursing Home	P	X	X	D	X	X
Office	P	P	P**	X	X	D
Park Home Park	X	X	X	X	X	X
Personal Care Service [Amd. 115]	P	P	P	X	X	A
Personal Services	P	P	D	X	X	X
Place of Worship	P	P	X	P	P	D
Reception Centre	P	P	X	X	X	X
Recreation - Private	P	P	X	X	X	D
Residential Building	P	X	X	P	X	X
Restaurant	P	P	P	X	X	D
Restricted Premises	P	P	X	X	X	X
Retail Establishment [Amd. 115]	X	X	D***	X	X	X
Retirement Complex	D	X	X	P	X	X
Rural Pursuit	D	D	D	D	D	D
Salvage Yard	X	X	X	X	X	X
Service Station	X	D	X	X	X	X

... continued next page

LAND USE CATEGORY  USE CLASS						
	Mixed use	Business	Restricted Business	City Residential	Suburban Residential	Civic
Shop	P*	P	P**	X	X	X
Short Stay Accommodation	P	P	P	P	X	X
Showroom	X	D***	X	X	X	X
Single Bedroom Dwelling	P	X	X	P	P	X
Single House	X	X	X	P	P	X
Small Bar [Amd. 115]	P	P	P	X	X	X
Storage (Outdoor)	X	X	X	X	X	X
Tavern	P	P	X	X	X	X
Telecommunications Infrastructure	D	D	D	A	X	D
Trade Display	X	X	X	X	X	X
Transport Depot [Amd. 115]	X	X	X	X	X	X
Veterinary Centre [Amd. 115]	D	P	X	X	X	X
Warehouse [Amd. 115]	X	X	X	X	X	X
Wrecking [Amd. 115]	X	X	X	X	X	X

Notes:

\* Maximum net lettable area of 1000m<sup>2</sup>

\*\* Maximum net lettable area of 300m<sup>2</sup>

\*\*\* Permitted only on lots with frontage to King Edward Road, or when in accordance with Clause 6.11.9 e) and f), permitted on lots fronting Scarborough Beach Road

#### 6.11.10 **Land Use Permissibility for Multiple Storey Buildings** [Amd. 84]

- a) Where a land use class is designated with a P, D or A in a relevant land use category in Table 6.11.9, Table 6.11.10 details the location of that land use in a two dimensional context of a building, as follows:

Building Storey

- i) Ground – refers to the ground floor of a development; and
  - ii) Upper – refers to all storeys located above the ground storey.
- b) Where a land use category is 'S – Supported', the development of that land use can be approved in accordance with the relevant permissibility in Table 6.11.9.
- c) Where a land use category is 'NS – Not Supported', the development of that land use on the relative floors of the building where it is not supported shall be considered an X use under Table 6.11.9.
- d) The Local Government shall not approve a development application which is inconsistent with the siting of development as detailed in Table 6.11.10.
- e) Where a parcel of zoned land has no land use permissibility identified in Table 6.11.10 the Local Government shall not approve development or recommend approval for subdivision where a proposal is inconsistent with the objectives and provisions of clause 6.11 of the Scheme, within a WAPC approved Activity Centre Plan or an approved Local Development Plan for Stirling City Centre.

- f) Notwithstanding clause 6.11.10 d), the Council may recommend subdivision or approve the development of land if Council is satisfied that this is consistent with the objectives and development standards of the Scheme, a WAPC approved Activity Centre Plan or an approved Local Development Plan.
- g) To the extent that a requirement referred to in clause 6.11.9 or 6.11.10 of this Scheme is inconsistent with a provision in a WAPC approved Activity Centre Plan or an approved Local Development Plan, the provisions in clauses 6.11.9 and 6.11.10 of this Scheme prevail.
- h) Table 6.11.10 includes the following Tables 6.11.10(a) to 6.11.10(f).

**Table 6.11.10(a) – Northern Precinct**

	<b>NORTHERN PRECINCT</b>						
	<b>Sub-Precincts (as per Local Development Plan)</b>						
<b>Land Use Category</b>	<b>Building Storey</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>MIXED USE</b>	Ground	S	NS	S	NS	N/A	NS
	Upper	S	NS	NS	NS	N/A	NS
<b>BUSINESS</b>	Ground	S	NS	NS	NS	N/A	NS
	Upper	NS	NS	NS	NS	N/A	NS
<b>RESTRICTED BUSINESS</b>	Ground	S	NS	NS	NS	N/A	NS
	Upper	NS	NS	NS	NS	N/A	NS
<b>CITY RESIDENTIAL</b>	Ground	NS	S	S	NS	N/A	NS
	Upper	S	S	S	NS	N/A	NS
<b>SUBURBAN RESIDENTIAL</b>	Ground	NS	NS	NS	S	N/A	NS
	Upper	NS	NS	NS	S	N/A	NS
<b>CIVIC</b>	Ground	NS	NS	NS	NS	N/A	NS
	Upper	NS	NS	NS	NS	N/A	NS

*Note: Refer to the Northern Precinct Local Development Plan for the location of permitted land use categories*

**Table 6.11.10 (b) – Innaloo Precinct:**

	<b>INNALOO PRECINCT</b>							
	<b>Sub-Precincts (as per Local Development Plan)</b>							
<b>Land Use Category</b>	<b>Building Storey</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>MIXED USE</b>	Ground	NS	NS	S	NS	NS	NS	NS
	Upper	NS	NS	NS	S	S	NS	NS
<b>BUSINESS</b>	Ground	NS	NS	NS	S	S	S	S
	Upper	NS	NS	NS	S	NS	NS	NS
<b>RESTRICTED BUSINESS</b>	Ground	NS	NS	NS	NS	NS	NS	NS
	Upper	NS	NS	NS	NS	NS	NS	NS
<b>CITY RESIDENTIAL</b>	Ground	NS	NS	S	NS	NS	NS	NS
	Upper	NS	NS	S	S	S	NS	NS
<b>SUBURBAN RESIDENTIAL</b>	Ground	S	S	NS	NS	NS	NS	NS
	Upper	S	S	NS	NS	NS	S	S
<b>CIVIC</b>	Ground	NS	NS	NS	NS	NS	NS	NS
	Upper	NS	NS	NS	NS	NS	NS	NS

*Note: Refer to the Innaloo Precinct Local Development Plan for the location of permitted land use categories*

**Table 6.11.10(c) – Osborne Park Precinct**

	<b>OSBORNE PARK PRECINCT</b>							
	<b>Sub-Precincts (as per Local Development Plan)</b>							
<b>Land Use Category</b>	<b>Building Storey</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
<b>MIXED USE</b>	Ground	NS	<b>TO BE DETERMINED</b>					
	Upper	S						
<b>BUSINESS</b>	Ground	S						
	Upper	NS						
<b>RESTRICTED BUSINESS</b>	Ground	NS						
	Upper	NS						
<b>CITY RESIDENTIAL</b>	Ground	NS						
	Upper	S						
<b>SUBURBAN RESIDENTIAL</b>	Ground	NS						
	Upper	NS						
<b>CIVIC</b>	Ground	NS						
	Upper	NS						

*Note: Refer to the Osborne Park Precinct Local Development Plan for the location of permitted land use categories.*

**Table 6.11.10(d) – Southern Precinct**

	<b>SOUTHERN PRECINCT</b>								
	<b>Sub-Precincts (as per Local Development Plan)</b>								
<b>Land Use Category</b>	<b>Building Storey</b>	<b>A1 (Figures 13-17)</b>	<b>A2 (Figures 18-19)</b>	<b>A3 (Figures 20-22)</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>MIXED USE</b>	Ground	NS	NS	S	S	NS	S	NS	S
	Upper	NS	S	S	S	S	S	S	S
<b>BUSINESS</b>	Ground	NS	S	S	S	S	S	S	S
	Upper	NS	NS	NS	NS	NS	NS	S	NS
<b>RESTRICTED BUSINESS</b>	Ground	NS	NS	NS	NS	NS	NS	NS	NS
	Upper	NS	NS	NS	NS	NS	NS	NS	NS
<b>CITY RESIDENTIAL</b>	Ground	NS	S	NS	NS	S	NS	NS	S
	Upper	NS	S	S	NS	S	NS	NS	S
<b>SUBURBAN RESIDENTIAL</b>	Ground	S	S	NS	NS	NS	NS	NS	NS
	Upper	S	S	NS	NS	NS	NS	NS	NS
<b>CIVIC</b>	Ground	NS	NS	NS	NS	NS	NS	NS	NS
	Upper	NS	NS	NS	NS	NS	NS	NS	NS

*Note: Refer to the Southern Precinct Local Development Plan for the location of permitted land use categories.*

**Table 6.11.10(e) – Station Precinct**

	<b>STATION PRECINCT</b>							
	<b>Sub-Precincts (as per Local Development Plan)</b>							
<b>Land Use Category</b>	<b>Building Storey</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
<b>MIXED USE</b>	Ground	S	NS	NS	NS	NS	NS	NS
	Upper	S	NS	NS	S	S	S	NS
<b>BUSINESS</b>	Ground	S	NS	NS	S	S	S	NS
	Upper	NS	NS	NS	NS	NS	NS	NS
<b>RESTRICTED BUSINESS</b>	Ground	S	NS	NS	NS	NS	NS	NS
	Upper	NS	NS	NS	NS	NS	NS	NS
<b>CITY RESIDENTIAL</b>	Ground	NS	NS	NS	NS	S	NS	NS
	Upper	NS	NS	NS	S	S	NS	NS
<b>SUBURBAN RESIDENTIAL</b>	Ground	NS	S	S	NS	NS	NS	S
	Upper	S	S	S	NS	NS	NS	S
<b>CIVIC</b>	Ground	NS	NS	NS	NS	NS	NS	NS
	Upper	NS	NS	NS	NS	NS	NS	NS

*Note: Refer to the Station Precinct Local Development Plan for the location of permitted land use categories.*

**Table 6.11.10(f) – Woodlands Precinct**

	<b>WOODLANDS PRECINCT</b>				
	<b>Sub-Precincts (as per Local Development Plan)</b>				
<b>Land Use Category</b>	<b>Building Storey</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>MIXED USE</b>	Ground	NS	NS	S	NS
	Upper	NS	NS	S	NS
<b>BUSINESS</b>	Ground	NS	NS	S	NS
	Upper	NS	NS	NS	NS
<b>RESTRICTED BUSINESS</b>	Ground	NS	NS	S	NS
	Upper	NS	NS	NS	NS
<b>CITY RESIDENTIAL</b>	Ground	NS	NS	S	S
	Upper	NS	NS	S	S
<b>SUBURBAN RESIDENTIAL</b>	Ground	S	S	S	NS
	Upper	S	S	S	NS
<b>CIVIC</b>	Ground	NS	NS	NS	NS
	Upper	NS	NS	NS	NS

[Amd. 115]

*Note: Refer to the Woodlands Precinct Local Development Plan for the location of permitted land use categories.*



6.11.11 **Mandatory Residential** [Amd. 84]

- a) An application for planning approval for a new development for land that is identified as requiring Mandatory Residential in a WAPC approved Activity Centre Plan and/or an approved Local Development Plan shall contain a residential component to the satisfaction of the City of Stirling.
- b) Subject to sub-clause a) the Local Government shall impose a condition on the planning approval granted for a new building on land identified as requiring Mandatory Residential to require delivery of the minimum residential standards referred to in paragraph a) above prior to occupation of that building development.
- c) Notwithstanding Clause 6.11.11 b), the Local Government may allow the transfer of one lot's minimum number of residential dwellings to another lot subject to the following:
  - i) The lot in receipt of the residential dwellings is included in a Mandatory Residential area on a WAPC approved Activity Centre Plan and/or an approved Local Development Plan; and
  - ii) It is demonstrated to the satisfaction of the Local Government by the landowner(s) and/or proponent of the development that the lot in receipt of the required additional residential dwellings can and will accommodate the additional residential dwellings whilst complying with all relevant standards and requirements applicable to the lot under this Scheme, any WAPC approved Activity Centre Plan, any approved Local Development Plan and any approved Local Planning Policy.

6.11.12 **Non-Residential Floorspace Requirements** [Amd. 84]

- a) For any land affected by 'Minimum Non-residential Floorspace Requirements' in a WAPC approved Activity Centre Plan and/or any approved Local Development Plan, the Local Government shall have due regard to those minimum floorspace requirements when considering an application for development approval.

6.11.13 **Urban Design** [Amd. 84]

- a) No individual street block within the Stirling City Centre Special Control Area shall have a dimension longer than 150m along any boundary without an intersecting street.

6.11.14 **Active Frontage Streets** [Amd. 84]

- a) For any land affected by 'Active Frontage Streets' in a WAPC approved Activity Centre Plan and/or any approved Local Development Plan, the Local Government shall have due regard to those minimum requirements when considering an application for development approval.

6.11.15 **Public Open Space** [Amd. 84]

- a) For the land that contains the Public Open Space area shown in a WAPC approved Activity Centre Plan, the Local Government shall recommend on a subdivision or strata application to the Commission, or impose a condition on a planning approval granted for development of that land, to require that the Public Open Space area be ceded free of cost to the Crown and vested in the City of Stirling for the purpose of public recreation.
- b) Notwithstanding paragraph a) above, land identified as District Open Space that is located within the Osborne Park Precinct in a WAPC approved Activity Centre Plan, shall form part of the Development Contribution Plan prepared for the Osborne Park Precinct (refer Clause 6.11.19) and will not be subject to the requirements of clause 6.11.15 a).

#### 6.11.16 **Movement Network Requirements** [Amd. 84]

- a) The design of streets within the Stirling City Centre Activity Centre Area shall be in accordance with the approved cross-section applicable to that street under any WAPC approved Activity Centre Plan and any approved Local Development Plan, in accordance with the following:
- i) 'Fixed Location of Proposed Ceded Roads' are roads that shall be ceded to the City and constructed free of cost as a component of subdivision and/or development approval for the redevelopment of the adjacent land. The locations of these roads are fixed.
  - ii) 'Fixed Location of Proposed Development Contribution Roads' are roads that shall be funded in accordance with a development contribution plan prepared for the Osborne Park Precinct pursuant to Clause 6.11.20. The locations of these roads are fixed.
  - iii) 'Indicative Location of Proposed Ceded Road' are roads that shall be ceded to the City and constructed free of cost as a component of subdivision and/or development approval for the redevelopment of the adjacent land. The precise alignment, geometry and width of these connections shall be determined through the detailed planning for the Local Development Plan(s) adopted for this land.
  - iv) 'Indicative Location of Proposed Developer Contribution Plan Road' are roads that shall be funded in accordance with a development contribution plan prepared for the Osborne Park Precinct pursuant to Clause 6.11.20. The precise alignment, geometry and width of these connections shall be determined through the detailed planning for the Local Development Plan(s) adopted for this land.
  - v) 'Existing Roads to be Upgraded' are roads that are to be upgraded in accordance with the design specification and requirements of the approved Activity Centre Plan and adopted Local Development Plans for the Stirling City Centre Special Control Area. The road upgrades required to Sarich Court, Carbon Court, Selby Street and King Edward Road shall be funded in accordance with a Development Contribution Plan prepared for the Osborne Park Precinct pursuant to Clause 6.11.20.

#### 6.11.17 **Parking for Non-Residential Uses** [Amd. 84]

Car parking bay ratios for non-residential uses in the Stirling City Centre special Control Area shall be provided in accordance with Table 6.11.17 and Figure 6.11.17

**Table 6.11.17- Parking Ratios for Non-Residential Uses**

Size of Development	Maximum Total On-site Parking Provision	Minimum Required Public Parking <sup>1</sup>	Minimum Short Stay Parking <sup>1</sup>
<b>Core Area</b>			
Development with plot ratio above 1.0 of non-residential floorspace	400 bays / net site hectare <sup>2</sup>	350 bays / net site hectare <sup>2</sup>	60%
Development with a plot ratio of 1.0 or less of non-residential floorspace	2.5 bays / 100sqm of non-residential floorspace	1.25 bays / 100sqm of non-residential floorspace	60%
<b>Outer Area</b>			
Development with plot ratio above 1.0 of non-residential floorspace	250 bays / net site hectare <sup>2</sup>	125 bays / net site hectare <sup>2</sup>	60%
Development with plot ratio of 1.0 or less of non-residential floorspace	2.5 bays / 100m <sup>2</sup> of non-residential floorspace	1.25 bays per 100m <sup>2</sup> of non-residential floorspace	60%

Notes:

1. Definitions for 'Public Parking' and 'Short Stay Parking' are provided in Schedule 1
2. Net Site Hectare means the total area of the site upon which the development or use is approved as contained in the certificate of title or titles for the land if the whole of a lot, or if a portion of a lot, the area occupied by the approved development, including all landscaping and ancillary development, as a proportion of 10,000m<sup>2</sup>.

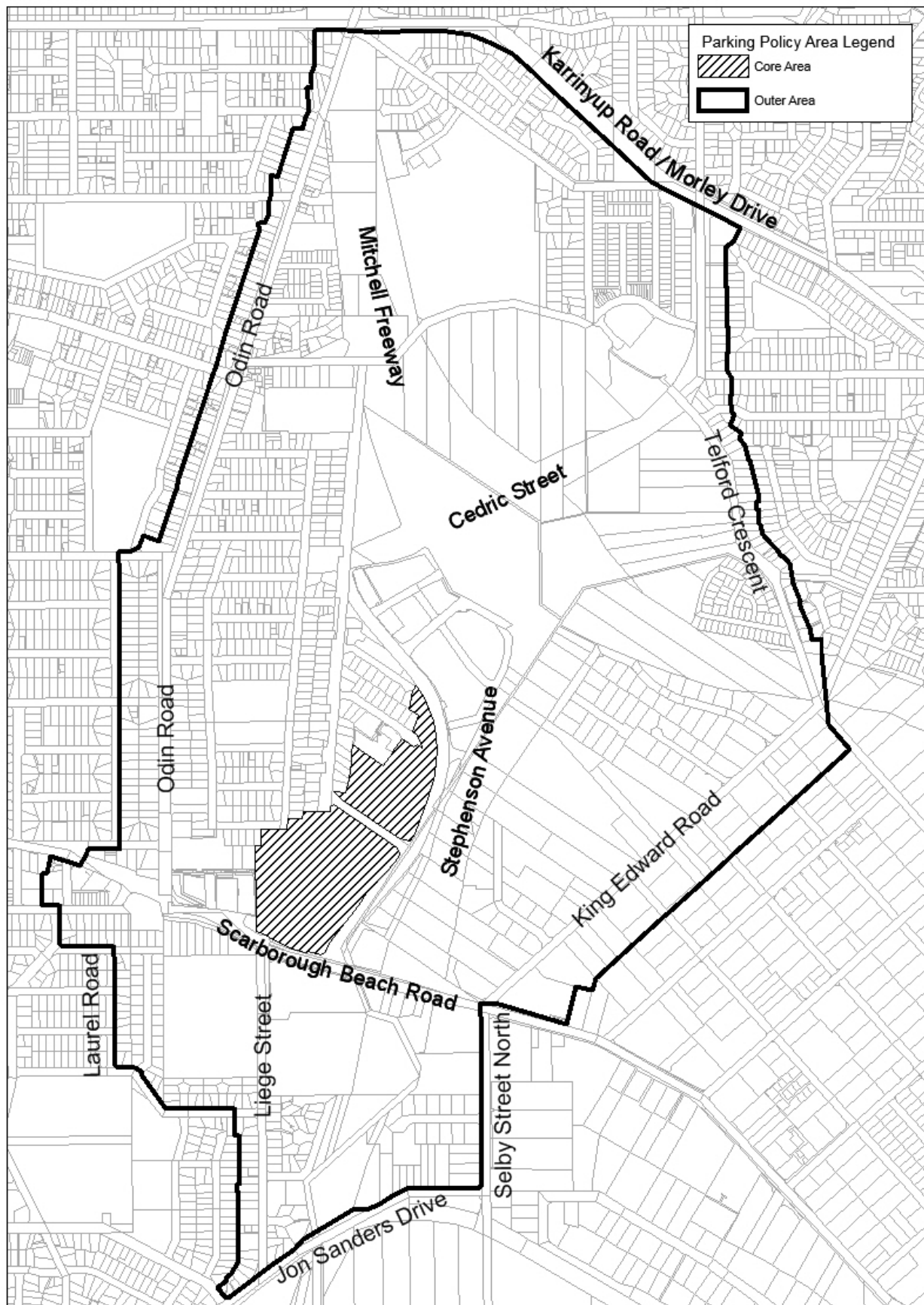


Figure 6.11.17 – Parking Boundaries

6.11.18 **Parking for Residential Uses and Short-stay Accommodation** [Amd. 84]

- a) The required number of car bays for residential development and short-stay accommodation shall be calculated as follows:
  - i) Parking for residential development shall be in accordance with the Residential Design Codes, unless these standards are varied in an adopted Local Development Plan;
  - ii) Parking for short stay accommodation shall be provided at a ratio of 1 bay per 2 accommodation units.
- b) All other car parking requirements within the Stirling City Centre Special Control Area shall be in accordance with the adopted Stirling City Centre Activity Centre Plan, Local Development Plans and Local Planning Policy, and shall be guided by State Planning Policy 4.2 - Activity Centres for Perth and Peel.

6.11.19 **Osborne Park Precinct Development Contribution** [Amd. 84]

A Development Contribution Plan shall be approved for the Osborne Park Precinct (or part thereof) either prior to or at the same time as adoption of the Local Development Plan(s) for this Precinct. The Development Contribution Plan shall be prepared in accordance with the requirements of Part 68 of the Scheme and be incorporated into the Scheme in Schedules 11 and 11A.

6.11.20 **Signage** [Amd. 84]

- a) When determining an application for development approval, the Local Government shall have due regard to any Signage provisions contained in an approved WAPC Activity Centre Plan and any relevant approved Local Development Plans.

**6.12 Dianella Centre Special Control Area [Amd. 7]**

6.12.1 **Objectives**

- a) To ensure a diversity of uses and services which encourage reduced car travel, shorter trips and better social interaction.
- b) To ensure the development of multiple functions benefiting the community through appropriate social services and business mix.
- c) To ensure integration of intensive building form and land uses with public transport infrastructure.
- d) To ensure building forms provide for a long life span and adaptability for use, changing with time.
- e) To apply the activity centre standards of the Residential Design Codes, to encourage consolidated housing forms and diversity.
- f) To apply minimum development standards to achieve the desired intensive building form and land use mix.

6.12.2 **Special Control Area**

The Dianella Centre Special Control Area is the land delineated as such on the Scheme Map.

6.12.3 **Centre Plan**

The Dianella Centre Plan is to be read in conjunction with the provisions of Clause 6.12. Where there is an inconsistency between the provisions of the Scheme and the Dianella Centre Plan, the Scheme provisions shall prevail.

#### 6.12.4 **Development**

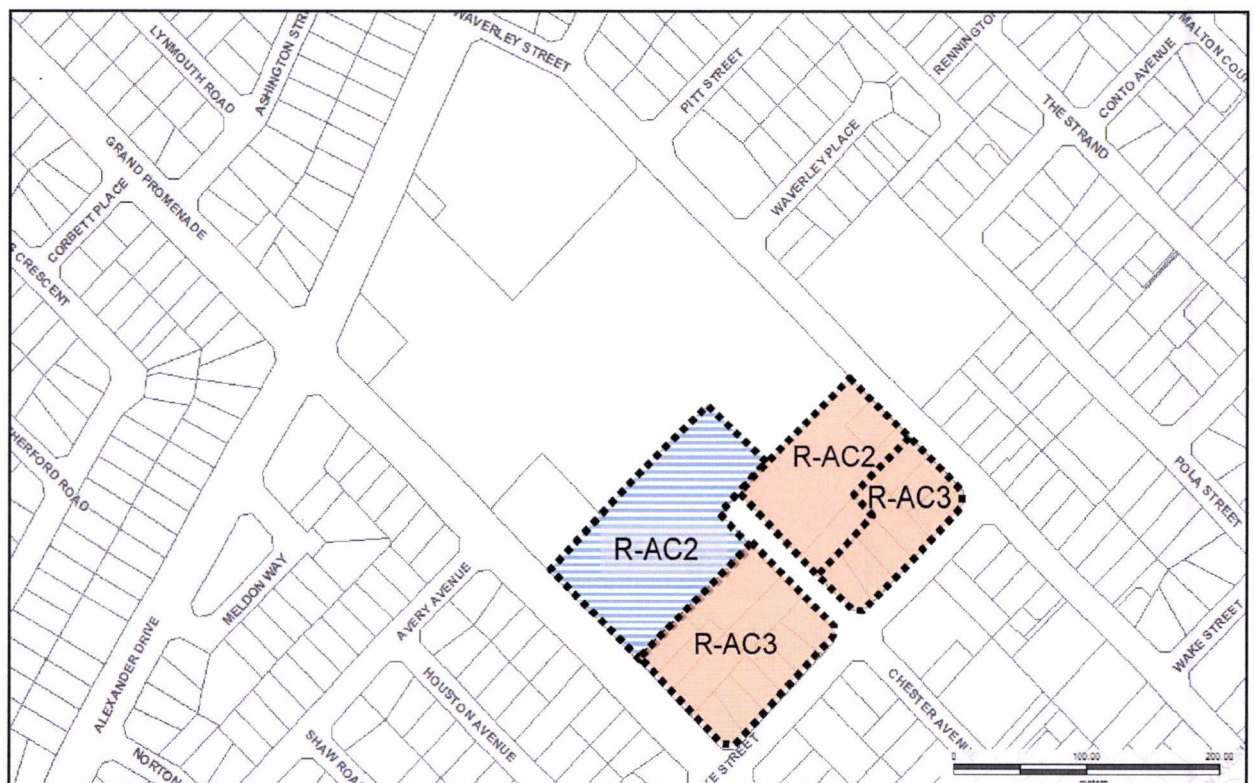
All development within the Dianella Centre Special Control Area shall comply with the following:

a) Building Height

- i) Buildings on land zoned District Centre shall comply with the following requirements:
  1. Floor to ceiling height of the ground floor shall be a minimum of 3.5m;
  2. Building Height measured from the natural ground level of the lot boundary fronting Alexander Drive, Grand Promenade and Waverly Street shall be a minimum of:
    - 15m - to the top of pitched roof,
    - 11m - to the top of external wall (concealed roof), and
    - 9.5m - to the top of external wall.
- ii) Maximum height of buildings on land fronting Chester Avenue and Waverly Street zoned Residential R-AC2 measured from the natural ground level of the lot shall comply with the following:
  - 15m - to the top of pitched roof,
  - 11m - to the top of external wall (concealed roof), and
  - 9.5m - to the top of external wall.
- iii) Except as otherwise required in the Scheme, the minimum building form in residential zones shall be three (3) storeys.

b) Residential Design Codes

- i) Figure 6.12.4.b outlines the applicable R-AC2 and R-AC3 codes and locations within the Dianella Special Control Area:-



**Figure 6.12.4.b – R-AC2 & R-AC3 Codes within Dianella Centre**

- ii) In addition to the general provisions of the Scheme, a Local Planning Policy and the Residential Design Codes, the standards in Table 6.12.4 b) shall apply to all residential development on land coded R-AC3. [Amd. 115]

**Table 6.12.4 b) – R-AC3 Provisions [Amd. 115]**

Max Plot Ratio	Min Open Space	Primary Street Setback	Secondary Street Setback	Maximum Height			Max Height of built to boundary walls	
				Top of external wall	Top of external wall height (concealed roof)	Top of pitched roof	Max Height	Average
1.5	No Minimum Requirements	2m	2m	9.5m	11m	15m	7m	6m

- c) Streetscape Provisions - Non-Residential Development
- i) All buildings to be designed to have external facing uses.
  - ii) Car parking to be behind the building line hidden from view of a street, at grade, underground or above ground level.

## **6.13 Tuart Hill Local Centre Special Control Area [Amd. 58]**

### **6.13.1 Objectives**

- a) To create a vibrant and active mixed use centre by locating facilities such as housing, employment places and retail activities together;
- b) To create a high level of pedestrian amenity and safety through the provision of continuous active retail streetscapes, controlled crossing points on Wanneroo Road, and weather shelter;
- c) To ensure the provision of new access ways and parking arrangements to reduce vehicular/pedestrian conflict and maximise developable areas;
- d) To promote a high quality built form that creates a distinctive urban form and enables safety and security through passive surveillance;
- e) To create public and private spaces that are safe, attractive and surrounded by active vibrant uses that will become the focal / meeting point of the centre; and
- f) To setback buildings on Wanneroo Road to enable the future ceding of land for road widening purposes which may include transit lanes, cycle lanes and wider footpaths.

### **6.13.2 Special Control Area**

The Tuart Hill Local Centre Special Control Area is the land delineated as such on the Scheme Map.

#### 6.13.3 **Development**

The development of all land within the Tuart Hill Local Centre Special Control Area is to be guided by the Tuart Hill Local Centre Local Development Plan adopted by the local government.

#### 6.13.4 **Road Widening Requirements**

The owner of any site affected by road widening as identified in Figure 2 of the Tuart Hill Local Centre Local Development Plan shall cede such road widening to the Crown, free of cost and without any payment of compensation, as a condition of development approval that involves, in the opinion of the local government, the complete or substantial redevelopment of the site or as a condition of subdivision or strata subdivision of a lot, whichever occurs first.

#### 6.13.5 **Residential Design Codes**

Notwithstanding clause 5.3.2 the residential component of mixed use development within the Tuart Hill Local Centre Special Control Area is to comply with the requirements of multiple dwellings under the R-ACO code.

### **6.14 Karrinyup Civic Centre Special Control Area [Amd. 66]**

6.14.1 Development of all land within the Karrinyup Civic Centre Special Control Area shall comply with the following objectives:

- (a) To provide for the integrated developments of public and private land uses to facilitate the create of a safe, vibrant mixed-use environment that integrates into the surrounding community.
- (b) To complement and support the desired planning and development outcomes for the Karrinyup Town Centre.
- (c) To minimise the impact of further development within the special control area on the road network.
- (d) To facilitate the development of a diverse range of housing types.
- (e) To facilitate the development of a range of commercial uses that will contribute to economic development and local employment.
- (f) To provide for the continued provision of a range of community facilities.
- (g) To create public spaces and facilitate public movement through the special control area to promote its permeability.
- (h) To ensure that development does not adversely impact on the amenity of adjoining lots.

6.14.2 The Karrinyup Civic Centre Special Control Area is shown on the Scheme Maps.



## **6.15 Scarborough Beach Road West Special Control Area [Amd. 65]**

### **6.15.1 Objective**

- (a) To ensure development (i.e. subdivision, land use and development) is generally consistent with the Scarborough Beach Road West Activity Corridor Strategy and Scarborough Beach Road West Area Local Development Plan.
- (b) To cede land for road widening purposes along Scarborough Beach Road; and
- (c) To ensure subdivision of land does not restrict the access of lots to Right of Ways.

### **6.15.2 Special Control Area**

The Scarborough Beach Road West Special Control Area is the land delineated as such on the Scheme Map.

### **6.15.3 Special Application of Residential Design Codes**

Notwithstanding clause 5.3.2 of the Scheme, residential development on land zoned Mixed Use within the Special Control Area is to comply with the requirements of multiple dwellings under the R-AC0 R-Code. Development requirements for the R-AC0 R-Code are outlined in the Scarborough Beach Road West Area Local Development Plan.

### **6.15.4 Uses**

Notwithstanding Table 1 - Zoning Table, single houses are not permitted on lots located within this Special Control Area which is subject to the Scarborough Beach Road West Area Local Development Plan.

### **6.15.5 Development**

All development within the Scarborough Beach Road West Special Control Area shall conform with the objectives listed in clause 6.15.1 of this Scheme, and shall give due regard to the Scarborough Beach Road West Area Local Development Plan.

### **6.15.6 Subdivision**

Subdivision of land fronting Scarborough Beach Road shall not be supported by the Council where this would result in vehicle access to any right of way at the rear of the land being restricted or removed for any of the new lots.

### **6.15.7 Land subject to ceding for road widening**

- (a) The owner of any site affected by a road widening reservation under the Metropolitan Region Scheme or relevant Planning Control Area shall cede such road widening free of cost on the date on which, in the opinion of the City, the development, subdivision or strata subdivision of the lot the subject of the road widening requirement, is commenced.

The owner of any site affected by a right of way widening under the Local Planning Policy relating to Right of Ways shall cede such a right of way widening free of cost as a condition of development approval or subdivision or strata title approval recommended by the City.



- (b) The power conferred by clause 5.5.1 of Local Planning Scheme No.3 shall not apply to clause 6.15.7 (a).
- (c) Notwithstanding clause 6.15.7 (a) the following properties are not required to cede such road widening free of cost:
  - i. Lot 775, Strata 34435, No. 232 Flamborough Street, Doubleview
  - ii. Lot 1, Strata 60985, No. 295 Scarborough Beach Road, Doubleview
  - iii. Lot 1, Strata 38414, No. 299 Scarborough Beach Road, Doubleview
  - iv. Lot 1, Strata 65169, No. 309A Scarborough Beach Road, Woodlands
  - v. Lot 4, Strata 48196, No. 2A Mahlberg Avenue, Woodlands
  - vi. Lot 8, Strata 48668, No. 317A Scarborough Beach Road, Woodlands
  - vii. Lot 11, Strata 48622, No. 21A Grant Street, Woodlands
  - viii. Lot 12, Strata 65405, No. 20 Grant Street, Woodlands
  - ix. Lot 400, Strata 20235, No. 5 Hazel Avenue, Woodlands (2 properties directly adjacent to Scarborough Beach Road only)
  - x. Lot 1, Strata 8545, No. 1A Hazel Avenue, Woodlands
  - xi. Lot 201, Strata 38818, No. 341A Scarborough Beach Road, Woodlands
  - xii. Lot 1, Strata 75807, No. 3D Muriel Avenue, Woodlands.

## **6.16 Servite College Special Control Area [Amd. 104]**

### **6.16.1 Objectives**

Development within the Servite College Special Control Area shall comply with the following objectives:

- (a) To provide for the continued provision of educational facilities at Servite College.
- (b) To provide for the expansion of Servite College, in an orderly and proper manner.
- (c) To protect the amenity of the surrounding residential uses, and to ensure that any development is compatible with surrounding development.
- (d) To ensure that a Local Development Plan is provided to achieve (a), (b) and (c) above.

### **6.16.2 Special Control Area**

The Servite College Special Control Area is the land delineated as such on the Scheme Maps.

### **6.16.3 Development**

Development on non-residential zoned land that proposes additional classrooms, additional floor space, or development higher than a single storey shall not be approved by the Council until a Local Development Plan for the Special Control Area has been adopted by the Council in accordance with Part 6A of the Scheme. All Development shall conform with the Local Development Plan adopted by Council for the Special Control Area.

Note: The land uses in the Servite College Special Control Area are restricted to the uses identified in Schedule 3 of the Scheme.

## **6.17 Beach Road Special Control Area [Amd. 77]**

### **6.17.1 Special Control Area**

The Beach Road Special Control Area is the land delineated as such on the Scheme Map.

### **6.17.2 Purpose**

To ensure that development within the Beach Road Special Control Area does not have a detrimental impact on the amenity of the adjacent residential zone.

### **6.17.3 Land Use and Development**

- (a) A minimum 50% of the gross floor area of new development within the Beach Road Special Control Area shall be for residential use.
- (b) Notwithstanding Condition 2 of Table 1—Zoning Table residential development is permitted on the ground floor fronting the street within the Beach Road Special Control Area.
- (c) The Shop land use shall be restricted to a maximum net lettable area of 300m<sup>2</sup> per development site.
- (d) All access to development in excess of an R20 density within the Beach Road Special Control Area shall be from Glendale Avenue.

### **6.17.4 Maximum Height**

Notwithstanding the requirements of the Residential Design Codes, land within 20 metres of the Glendale Avenue street boundaries shall have a maximum building height of four storeys.

### **6.17.5 Setback Requirements**

- (a) All development in excess of an R20 density within the Beach Road Special Control Area, including non-residential development, shall comply with the minimum setbacks prescribed for R60 development in the Residential Design Codes, except where a setback is varied by Clause 6.17.5 (b) below.
- (b) The following setbacks shall apply to the development of land within the Beach Road Special Control Area which abuts a Residential zone -
  - (i) A minimum rear setback of 6 metres from an abutting Residential zone for portions of buildings up to two storeys in height;
  - (ii) A minimum rear setback of 9 metres from an abutting Residential zone for portions of buildings greater than two storeys in height; and
  - (iii) A minimum side setback of 6 metres from an abutting Residential zone for portions of buildings greater than two storeys in height.

### **6.17.6 Variations to Development Standards**

The power conferred by Clause 5.5.1 of the Scheme shall not apply to Clauses 6.17.3(a), 6.17.3(c), 6.17.4 and 6.17.5 above.

## 6.18 Main Street District Centre Special Control Area [Amd. 112]

### 6.18.1 Development and Subdivision

#### (a) Building Height

The following building height plan in Figure 6.18.1 and Table 6.18.1 shall apply to all development within the Main Street District Centre Special Control Area.



Figure 6.18.1 - Building Height Plan

**Table 6.18.1- Height and Building Standards**

<b>Building Type</b>	<b>Building Height</b>	<b>Plot Ratio</b>
Attached—A2	Minimum height— 2 storeys Maximum base height— 4 storeys	Base plot ratio: 2.5
	Bonus building height and plot ratio— Subject to the requirements of the Main Street Local Development Plan	
Detached—D1	Minimum height— 2 storeys Maximum height— 2 storeys for lots less than 1,000m <sup>2</sup> and/or less than 24m frontage 3 storeys for lots greater than 1,000m <sup>2</sup> and 24m frontage	Plot ratio of 0.8 for lots less than 1,000m <sup>2</sup> and/or less than 24m frontage Plot ratio of 1.1 for lots greater than 1,000m <sup>2</sup> and 24m frontage
	No bonus building height or plot ratio permitted	
<b>Building Type</b>	<b>Building Height</b>	<b>Plot Ratio</b>
Detached—D1A	Minimum height— 2 storeys Maximum height— 3 storeys for lots less than 1,000m <sup>2</sup> and/or less than 24m frontage 4 storeys for lots greater than 1,000m <sup>2</sup> and 24m frontage	Plot ratio of 1.0 for lots less than 1,000m <sup>2</sup> and/or less than 24m frontage Plot ratio of 1.3 for lots greater than 1,000m <sup>2</sup> and/or less than 24m frontage
	No bonus building height or plot ratio permitted	
Detached—D1B	Minimum height— 2 storeys Maximum height— 3 storeys for lots less than 1,000m <sup>2</sup> and/or less than 24m frontage 4 storeys for lots greater than 1,000m <sup>2</sup> and 24m frontage	Plot ratio of 1.0 for lots less than 1,000m <sup>2</sup> and/or less than 24m frontage Plot ratio of 1.3 for lots greater than 1,000m <sup>2</sup> and/or less than 24m frontage
	No bonus building height or plot ratio permitted	

- (b) Development bonuses only apply to land zoned District Centre and shall be considered above the base building criteria outlined within section 5.0—Building Types of the Main Street Local Development Plan.
- (c) Notwithstanding the provisions of the Residential Design Codes, subdivision of single house and grouped dwellings within the Main Street District Centre Special Control Area is to be in accordance with the requirements of the R40 density code.
- (d) For the purposes of the Main Street District Centre Special Control Area, substantial redevelopment is defined as: a development application which proposes the complete redevelopment of a site including demolition of existing buildings.

#### 6.18.2 **Residential Design Codes**

Notwithstanding clause 5.3.2, the residential component of mixed use development within the Main Street District Centre Special Control Area is to comply with the requirements of multiple dwellings under the R-AC0 code.

#### 6.18.3 **Mandatory Residential—District Centre zone**

- (a) A minimum residential plot ratio area of 0.5 shall be provided upon the substantial redevelopment of any site within the District Centre zone of the Main Street District Centre Special Control Area.
- (b) Notwithstanding clause 6.18.3(a), the Council may consider allowing the transfer of one development's minimum required residential plot ratio area requirement to another lot subject to the following—
  - (i) The lot in receipt of the additional residential floorspace requirement is included in the District Centre zone of the Main Street District Centre Special Control Area; and
  - (ii) It is demonstrated to the satisfaction of the Council by the landowner(s) and/or proponent of the development that the lot in receipt of the additional residential floorspace requirement can and will accommodate the additional residential floorspace whilst complying with all relevant standards and requirements applicable to that lot under this Scheme.

#### 6.18.4 **Road Widening Requirements**

- (a) Where—
  - i. a site contains land affected by a road widening requirement identified within Figure 6.18.4; and
  - ii. in the opinion of the local government, the development to which the development approval relates is substantial redevelopment as defined within clause 6.18.1(d).

The City may require the land so affected to be ceded—

- i. to the Crown prior to commencement of development;
  - ii. at the cost of the landowner without any reimbursement of that cost by the City; and
  - iii. without the payment of any compensation to the landowner.
- (b) Development shall not encroach into the road widening requirement as identified in Figure 6.18.4.

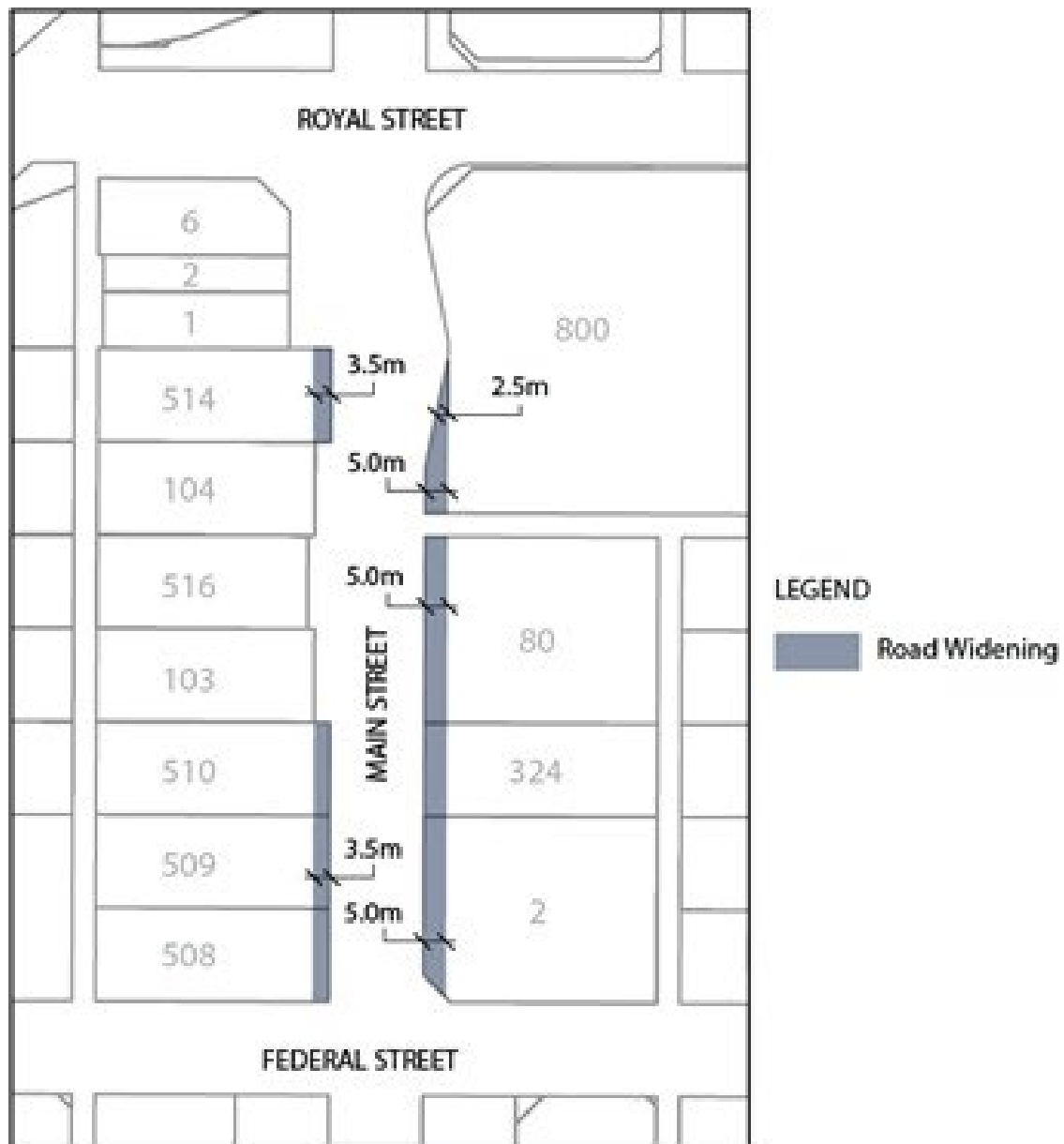


Figure 6.18.4 - Road Widening Plan

INTENTIONALLY  
BLANK

## PART 6A - DEVELOPMENT (STRUCTURE PLAN) AREAS

*Note: The purpose of this Part is to enable Structure Plans to be prepared and adopted prior to subdivision, use or development of land, where comprehensive planning is required to coordinate such subdivision, use or development.*

### 6A.1 Interpretation

In clause 6A, unless the context otherwise requires:

**‘Owner’** means an owner or owners of land in the Development Area; and

**‘Structure Plan’** means a structure plan that has come into effect in accordance with clause 6A.12.1.

### 6A.2 Purpose of Development Areas

6A.2.1 The purpose of Development Areas are to:

- a) Identify areas requiring comprehensive planning; and;
- b) Coordinate subdivision and development in areas requiring comprehensive planning.

6A.2.2 Schedule 10 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to Development Areas.

*Note: Development Areas are shown on the Scheme Map, with the exception of ‘Careniup Swamp’ which is shown as a ‘Special Control Area’ (refer Clause 6.2)*

### 6A.3 Subdivision and Development in Development Areas

6A.3.1 The development of land within a Development Area is to comply with Schedule 10.

6A.3.2 The subdivision and development of land within a Development Area is to be generally in accordance with any structure plan that applies to that land.

### 6A.4 Structure Plan Required

6A.4.1 The Council is not to:

- a) Consider recommending subdivision; or
- b) Approve development

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

6A.4.2 Notwithstanding clause 6A.4.1, the Council may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the Council is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.



## **6A.5 Preparation of Structure Plans**

6A.5.1 A proposed structure plan may be prepared by:

- a) The Council; or
- b) An owner.

## **6A.6 Details of Proposed Structure Plan**

6A.6.1 A proposed structure plan is to contain the following details:

- a) A map showing the area to which the proposed structure plan is to apply;
- b) A site analysis map showing the characteristics of the site including:
  - i) Landform, topography and land capability;
  - ii) Conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
  - iii) Hydrogeological conditions, including approximate depth to water table;
  - iv) Site and features of Aboriginal and European heritage value.
- c) A context analysis map of the immediate surrounds to the site including:
  - i) The pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
  - ii) Transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
  - iii) Existing and future land use.
- d) For district structure plans a map showing proposals for:
  - i) The pattern of neighbourhoods around town and neighbourhood centres;
  - ii) Arterial routes and neighbourhood connector streets;
  - iii) The protection of natural features such as water courses and vegetation;
  - iv) Major open spaces and parklands;
  - v) Major public transport routes and facilities;
  - vi) The pattern and disposition of land uses; and
  - vii) Schools and community facilities.

- e) For local structure plans a map showing proposals for:
  - i) Neighbourhoods around proposed neighbourhoods and town centres;
  - ii) Existing and proposed commercial centres;
  - iii) Natural features to be retained;
  - iv) Street block layouts;
  - v) The street network including street types;
  - vi) Transportation corridors, public transport network, and cycle and pedestrian networks;
  - vii) Land uses including residential densities and estimates of population;
  - viii) Schools and community facilities;
  - ix) Public parklands; and
  - x) Urban water management areas.
- f) A written report to explain the mapping and to address the following:
  - i) The planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - ii) The site analysis including reference to the matters listed in clause 6A.6.1 b) above and, in particular, the significance of the conservation, environmental and heritage values of the site;
  - iii) The context analysis including reference to the matters listed in clause 6A.6.1 c) above;
  - iv) How planning for the structure plan area is to be integrated with the surrounding land;
  - v) The design rationale for the proposed pattern of subdivision, land use and development;
  - vi) Traffic management and safety;
  - vii) Parkland provision and management;
  - viii) Urban water management;
  - ix) Proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
  - x) The proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

- 6A.6.2 The maps referred to in clause 6A.6.1 are to:
- a) Be drawn to a scale that clearly illustrates the details referred to in clause 6A.6.1; and
  - b) Include a north point, visual bar scale, key street names and a drawing title and number.
- 6A.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed structure plan becomes a structure plan, the Council is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land within a Development Area.
- 6A.6.4 A proposed structure plan must, in the opinion of the Council, be consistent with orderly and proper planning.

## **6A.7 Submission to Council and Commission**

- 6A.7.1 A proposed structure plan prepared by an owner is to be submitted to the Council.
- 6A.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the Council is to forward a copy of the proposed structure plan to the Commission.
- 6A.7.3 The Commission is to provide comments to the Council as to whether it is prepared to endorse the proposed structure plan with or without modifications.
- 6A.7.4 The Commission must provide its comments to the Council within 30 days of receiving the proposed structure plan.

## **6A.8 Advertising of Structure Plan**

- 6A.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 6A.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the Council), the Council is to:
- a) Advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways:
    - i) Notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
    - ii) A sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
  - b) Give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:
    - i) All owners whose land is included in the proposed structure plan;
    - ii) All owners and occupiers who, in the opinion of the Council, are likely to be affected by the adoption of the proposed structure plan;
    - iii) Such public authorities and other persons as the Council nominates.

- 6A.8.2 The advertisement and notice are to:
- a) Explain the scope and purpose of the proposed structure plan;
  - b) Specify when and where the proposed structure plan may be inspected; and
  - c) Invite submissions to the Council by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 6A.8.3 A Structure Plan may be prepared and advertised in accordance with the provisions of Part 6A prior to an amendment to the Scheme, which designates the area the subject of the Structure Plan as a Development Area, being published in the Government Gazette. Upon publication of the amendment in the Government Gazette, the provisions of Clause 6A.9 onwards shall apply to that Structure Plan, with the exception that the 60 day period referred to in Clause 6A.9.1 shall commence on the day on which the amendment is published in the Government Gazette. [Amd.1]

## **6A.9 Adoption of Proposed Structure Plan**

- 6A.9.1 The Council is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to:
- a) Adopt the proposed structure plan, with or without modifications; or
  - b) Refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.
- 6A.9.2
- a) In making a determination under clause 6A.9.1, the Council is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan; and
  - b) If the Commission requires modifications to the proposed structure plan, the Council is to consult with the Commission prior to making a determination under clause 6A.9.1.
- 6A.9.3 If the Council, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the Council may:
- a) Readvertise the proposed structure plan; or
  - b) Require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;
- and thereafter, the procedures set out in clause 6A.8.1 onwards are to apply.
- 6A.9.4 If within the period referred to in clause 6A.8.3 or clause 6A.9.1 (as the case may be) or such further time as may be agreed in writing between the owner who submitted the proposed Structure Plan and the Council, the Council has not made a determination under clause 6A.9.1, the Council is deemed to have refused to adopt the proposed Structure Plan. [Amd.1]

## **6A.10 Endorsement by Commission**

- 6A.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 6A.9.1, the Council is to forward the proposed structure plan to the Commission for its endorsement.

- 6A.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.
- 6A.10.3 The Commission is to notify the Council of its determination under clause 6A.10.2.

## **6A.11 Notification of Structure Plan**

- 6A.11.1 As soon as practicable after adopting a proposed structure plan under clause 6A.9.1 and if clause 6A.10 applies, as soon as practicable after being notified of the Commission's decision under clause 6A.10.3, the Council is to forward a copy of the structure plan to:
- a) Any public authority or person that the Council thinks fit; and
  - b) Where the structure plan was submitted by an owner, to the owner.

## **6A.12 Operation of Structure Plan**

- 6A.12.1 A structure plan comes into effect:
- a) Where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6A.10.2; or
  - b) On the day on which it is adopted by the Council under clause 6A.9.1 in all other cases.
- 6A.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

## **6A.13 Inspection of Structure Plan**

- 6A.13.1 The structure plan and the Commission's notification under clause 6A.10.3 is to be kept at the Council's administrative offices, and is to be made available for inspection by any member of the public during office hours.

## **6A.14 Variation to Structure Plan**

- 6A.14.1 The Council may vary a structure plan:
- a) By resolution if, in the opinion of the Council, the variation does not materially alter the intent of the structure plan;
  - b) Otherwise, in accordance with the procedures set out in clause 6A.6 onwards.
- 6A.14.2 If the Council varies a structure plan by resolution, and the variation does not propose the subdivision of land, the Council is to forward a copy of the variation to the Commission within 10 days of making the resolution.
- 6A.14.3 If the Council varies a structure plan by resolution, and the variation proposes the subdivision of land, the Council is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.
- 6A.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 6A.14.3, the Commission is to determine whether to endorse the proposed variation.

- 6A.14.5 The Commission is to notify the Council of its determination under clause
- 6A.14.4. A variation to a structure plan by resolution comes into effect:
- a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6A.14.4; or
  - b) on the day on which the Council resolves to make the variation under clause 6A.14.1 a).

## **6A.15 Existing Approved Structure Plans**

- 6A.15.1 Any Structure Plan or Outline Development Plan duly approved by the Council and the Commission under the provisions of District Planning Scheme No.2, is to have the full force and effects as if it were approved as a Structure Plan under the Scheme;
- 6A.15.2 Any Structure Plan or Outline Development Plan that, on the Gazettal date, is being prepared under the provisions of District Planning Scheme No. 2, may continue to be prepared in the manner required under that scheme, and following approval by the Council and the Commission, is to have the full force and effects as if it were approved as a Structure Plan or Outline Development Plan under the Scheme.

## **6A.16 Detailed Area Plan**

- 6A.16.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan or in other circumstances for a particular lot or lots, a detailed area plan may be prepared by:
- a) The Council; or
  - b) An owner.
- 6A.16.2 A detailed area plan may include details as to:
- a) Land Uses including residential densities; [Amd. 1]
  - b) Building envelopes;
  - c) Distribution of land uses within a lot;
  - d) Private open space;
  - e) Services;
  - f) Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
  - g) The location, orientation and design of buildings and the space between buildings;
  - h) Advertising signs, lighting and fencing;
  - i) Landscaping, finished site levels and drainage;
  - j) Protection of sites of heritage, conservation or environmental significance;
  - k) Special development controls and guidelines; and
  - l) Such other information considered relevant by the Council.

- 6A.16.3 When a proposed detailed area plan is prepared under clause 6A.16.1, the Council is to:
- a) Advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways:
    - i) Notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
    - ii) A sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and
  - b) Give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to:
    - i) All owners whose land is included in the proposed detailed area plan;
    - ii) All owners and occupiers who, in the opinion of the Council, are likely to be affected by the adoption of the proposed detailed area plan;
    - iii) Such public authorities and other persons as the Council nominates.
- 6A.16.4 The advertisement and notice are to:
- a) Explain the scope and purpose of the proposed detailed area plan;
  - b) Specify when and where the proposed detailed plan may be inspected; and
  - c) Invite submissions to the Council by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 6A.16.5 The Council is to consider all submissions received and:
- a) Approve the detailed area plan with or without conditions; or
  - b) Refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.
- 6A.16.6 If within 60 days of receiving a detailed area plan prepared under clause 6A.16.1(b), or such longer period as may be agreed in writing between the owner and the Council, the Council has not made one of the determinations referred to in clause 6A.16.5, the Council is deemed to have refused to approve the detailed area plan.
- 6A.16.7 Once approved by the Council, the detailed area plan constitutes a variation of the structure plan.
- 6A.16.8 The Council may vary a detailed area plan in accordance with the procedures set out in clause 6A.16 onwards provided such variations do not prejudice the intention of any related structure plan.

## **6A.17 Appeal**

- 6A.17.1 An owner who has submitted a proposed structure plan under clause 6A.7.1 may appeal, under Part 14 of the Planning and Development Act:
- a) Any failure of the Council to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 6A.8.1;
  - b) Any determination of the Council:
    - i) To refuse to adopt a proposed structure plan (including a deemed refusal); or
    - ii) To require modifications to a proposed structure plan that are unacceptable to that owner.
- 6A.17.2 An owner who has submitted a detailed area plan in accordance with clause 6A.16 may appeal, in accordance with Part 14 of the Planning and Development Act, any discretionary decision made by the Council under clause 6A.16.

## PART 6B - DEVELOPMENT CONTRIBUTION AREAS

### 6B.1 Interpretation

In clause 6B, unless the context otherwise requires:

**‘Administrative Costs’** means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items as provided in State Planning Policy 3.6) implementation of the development contribution plan.

**‘Administrative Items’** means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items as provided in State Planning Policy 3.6) implement the development contribution plan, including legal, accounting, planning, engineering, and other professional advice.

**‘Cost Apportionment Schedule’** means a schedule prepared and distributed in accordance with clause 6B.10

**‘Cost Contribution’** means the contribution to the cost of infrastructure and administrative costs.

**‘Development Contribution Area’** means the area shown on the scheme map as DCA with a number or included in schedule 11 and 11A.

**‘Development Contribution Plan’** means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause 6B of the scheme (as incorporated in schedule 11 and 11A to this scheme).

**‘Development Contribution Plan Report’** means a report prepared and distributed in accordance with clause 6B.10.

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

**‘Infrastructure Costs’** means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

**‘Owner’** means an owner of land that is located within a development contribution area.

[Amd. 5]

### 6B.2 Purpose

The purpose of having Development Contribution Areas is to:

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

[Amd. 5]



### **6B.3 Development Contribution Plan Required**

A Development Contribution Plan is required to be prepared for each Development Contribution Area. [Amd. 5]

### **6B.4 Development Contribution Plan Part of Scheme**

The development contribution plan is incorporated in schedule 11 and 11A as part of this scheme. [Amd. 5]

### **6B.5 Subdivision, Strata Subdivision and Development**

The Council shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure. [Amd. 5]

### **6B.6 Guiding Principles for Development Contribution Plans**

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

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

[Amd. 5]

## **6B.7 Recommended Content of Development Contribution Plans**

6B.7.1 The development contribution plan is to specify:

- a) the development contribution area to which the development contribution plan applies;
- b) the infrastructure and administrative items to be funded through the development contribution plan;
- c) the method of determining the cost contribution of each owner; and
- d) the priority and timing for the provision of infrastructure.

[Amd. 5]

## **6B.8 Period of Development Contribution Plan**

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

[Amd. 5]

## **6B.9 Land Excluded**

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

- a) roads designated under the Metropolitan Region Scheme as primary roads and other regional roads;
- c) existing public open space;
- d) existing government primary and secondary schools; and
- d) such other land as is set out in the development contribution plan,

is to be excluded.

[Amd. 5]

## **6B.10 Development Contribution Plan Report and Cost Apportionment Schedule**

6B.10.1 Within 90 days of the development contribution plan coming into effect, the Council is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6B.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

6B.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the Council they are subject to review as provided under clause 6B.11.

[Amd. 5]

## **6B.11 Cost Contributions Based on Estimates**

- 6B.11.1 The determination of Infrastructure Costs and Administrative Costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Council and adjusted accordingly, if necessary.
- 6B.11.2 Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Council:
- a) In the case of land to be acquired, in accordance with clause 6B.12; and
  - b) In all other cases, in accordance with the best and latest information available to the Council,
- until the expenditure on the relevant item of Infrastructure or Administrative Costs has occurred.
- 6B.11.3 The Council is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.
- 6B.11.4 Where any Cost Contribution has been calculated on the basis of an estimated cost, the Council:
- a) Is to adjust the Cost Contribution of any Owner in accordance with the revised estimated costs; or
  - b) May accept a Cost Contribution, based upon estimated costs, as a final Cost Contribution and enter into an agreement with the Owner accordingly.
- 6B.11.5 Where an Owner's Cost Contribution is adjusted under clause 6B.11.4, the Council, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.
- 6B.11.6 If an Owner objects to the amount of a Cost Contribution, the Owner may give notice to the Council requesting a review of the Cost Contribution by an appropriate qualified person ('independent expert') agreed by the Council and the Owner at the Owner's expense, within 28 days after being informed of the Cost Contribution.
- 6B.11.7 If the independent expert does not change the Cost Contribution to a figure acceptable to the Owner, the Cost Contribution is to be determined:
- a) by any method agreed between the Council and the Owner; or
  - b) if the Council and the Owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 2012*, with the costs to be shared equally between the Council and Owner. [Amd. 115]

[Amd. 5]

## **6B.12 Valuation**

6B.12.1 Clause 6B.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6B.12.2 In clause 6B.12:

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

The value of land is to be determined according to the methodology outlined in State Planning Policy 3.6 'Development Contributions for Infrastructure' and accompanying Guidelines."

'Valuer' means a licensed valuer agreed by the Council and the owner, or, where the Council and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6B.12.3 If an owner objects to a valuation made by a valuer, the owner may give notice to the Council requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.

6B.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined:

- a) by any method agreed between the Council and the owner; or
- b) if the Council and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

[Amd. 5]

## **6B.13 Liability for Cost Contributions**

6B.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6B.

6B.13.2 An owner's liability to pay the owner's cost contribution to the Council arises on the earlier of:

- a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
- b) the commencement of any development on the owner's land within the development contribution area;
- c) the approval of any strata plan by the Council or Western Australian Planning Commission on the owner's land within the development contribution area; or
- d) the approval of a change or extension of use by the Council on the owner's land within the development contribution area.

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

- 6B.13.3 Notwithstanding clause 6B.13.2 and subject to a provision in a development contribution plan to the contrary, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.
- 6B.13.4 Where a development contribution area expires in accordance with clause 6B.8, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over to any subsequent development contribution plan which includes the owner's land, subject to such liability.
- [Amd. 5]

## **6B.14 Payment of Cost Contribution**

- 6B.14.1 The Owner, with the agreement of the Council, is to pay the Owner's Cost Contribution by:
- a) cheque or cash;
  - b) transferring to the Council or a public authority land in satisfaction of the cost contribution;
  - c) the provision of physical infrastructure;
  - d) some other method acceptable to the Council; or
  - e) any combination of these methods.
- 6B.14.2 The Owner, with the agreement of the Council, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner acceptable to the Council.
- 6B.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the Council, constitutes full and final discharge of the owner's liability under the development contribution plan and the Council shall provide certification in writing to the owner of such discharge if requested by the owner.
- [Amd. 5]

## **6B.15 Charge on Land**

- 6B.15.1 The amount of any Cost Contribution for which an Owner is liable under clause 6B.13, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the Council may lodge a caveat, at the Owner's expense, against the Owner's certificate of title to that land.
- 6B.15.2 The Council, at the Owner's expense and subject to such other conditions as the Council thinks fit, can withdraw a caveat lodged under clause 6B.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.
- 6B.15.3 If the Cost Contribution is paid in full, the Council, if requested to do so by the owner and at the expense of the Owner, is to withdraw any caveat lodged under clause 6B.15.
- [Amd. 5]

## **6B.16 Administration of Funds**

- 6B.16.1 The Council is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the Infrastructure costs and Administrative Costs within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.
- 6B.16.2 Interest earned on Cost Contributions credited to a reserve account in accordance with clause 6B.16.1 is to be applied in the Development Contribution Area to which the reserve account relates.
- 6B.16.3 The Council is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.  
[Amd. 5]

## **6B.17 Shortfall or Excess in Cost Contribution**

- 6B.17.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the Council may:
- a) make good the shortfall;
  - b) enter into agreements with owners to fund the shortfall; or
  - c) raise loans or borrow from a financial institution,
- but nothing in paragraph 6B.17.1 (a) restricts the right or power of the Council to impose a differential rate to a specified development contribution area in that regard.
- 6B.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the Council is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.  
[Amd. 5]

## **6B.18 Powers of the Council**

The Council in implementing the Development Contribution Plan has the power to:

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

[Amd. 5]

## **6B.19 Arbitration**

Subject to clauses 6B.12.3 and 6B.12.4, any dispute between an Owner and the Council in connection with the Cost Contribution required to be made by an Owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 2012*. [Amd. 115]

[Amd. 5]

## **6B.20 Not a Requirement Prescribed under the Scheme**

*(Deleted by Amendment No.5, Gazetted 15 December 2015)*

### **Scheme Text**

INTENTIONALLY  
BLANK

## PART 7 - HERITAGE PROTECTION

### 7.1 Preparation of a Heritage List

- 7.1.1 The Council is to establish and maintain a Heritage List to identify those places within the Scheme Area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.
- 7.1.2 In the preparation of the Heritage List the Council is to –
- a) have regard to the local heritage survey prepared by the Council under section 103 of the *Heritage Act 2018*; and [Amd. 115]
  - b) include on the Heritage List such of the entries on the Local Heritage Survey as it considers to be appropriate. [Amd. 115]
- 7.1.3 In considering a proposal to include a place on the Heritage List the Council is to -
- a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
  - b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
  - c) carry out such other consultations as it thinks fit; and
  - d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 7.1.4 Where a place is included on the Heritage List, the Council is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.
- 7.1.5 The Council is to keep a copy of the Heritage List with the Scheme documents for public inspection.
- 7.1.6 The Council may add a place to the Heritage List or remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3. [Amd. 4]

- Note:*
- 1. *The purpose and intent of the heritage provisions are -*
    - (a) *to facilitate the conservation of places of heritage value; and*
    - (b) *to ensure as far as possible that development occurs with due regard to heritage values.*
  - 2. *A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.*
  - 3. *Clause 9.4.1 (f) requires all development on a property listed as Management Category A on the heritage list to be advertised and Council shall have regard to clause 10.2 (h) when determining an application to commence development.*



## **7.2 Heritage List Provisions [Amd. 4]**

### **7.2.1 Management Categories**

Each Place on the Heritage List shall be allocated to one of the following Management Categories:

- a) Management Category A: Place of Exceptional Cultural Heritage Significance;
- b) Management Category B: Place of Considerable Cultural Heritage Significance; and
- c) Management Category C: Place of Some Cultural Heritage Significance.

### **7.2.2 Management Category Provisions**

#### **7.2.2.1 Management Category A**

##### **a) Objectives**

Notwithstanding any other provision in the scheme, for all development of or on a place allocated to Management Category A, under Clause 7.2.1, the following objectives apply:

- to retain and conserve the Place;
- to ensure no part of the Place is demolished, except in specified exceptional circumstances;
- to ensure that any building or works affecting the Place (in particular, the replacement of worn or damaged materials) match the existing colours and materials of the Place;
- to ensure that development has minimal impact on the cultural heritage significance of the Place and is in accordance with Burra Charter principles; and
- in the case of a Place located within a Heritage Protection Area Special Control Area, to ensure that development conforms with the provisions of Local Planning Policy *Character Retention Guidelines Mount Lawley, Menora and Inglewood*.

##### **b) Relationship of Management Category A to Heritage Protection Area Special Control Area**

Where a Place allocated to Management Category A, under Clause 7.2.1, is located within a Heritage Protection Area Special Control Area and a provision of Part 6 of the Scheme is inconsistent with Part 7 of the Scheme, the provision of Part 7 prevails.

*Note: 1. The purpose of this provision is to ensure compliance with the Burra Charter principles over and above the requirements of the Local Planning Policy Character Retention Guidelines Mount Lawley, Menora and Inglewood.*

c) Application Requirements

(i) An application for approval is required for:

- the carrying out of any building or work which affects the interior of a building;
- the carrying out of any building or work which affects the external appearance of a building including the illumination, installation or alteration of signage and changes to exterior materials or colours of the building;
- a change of use;
- the demolition of any part of the Place; or
- the carrying out of any other works including fencing, incidental structures, outbuildings and patios.

(ii) In addition to the requirements of Part 9 of the Scheme, each application for approval shall be accompanied by the following:

- Heritage Impact Statement;
- Signage Strategy where any existing signs are being modified or new signs are proposed; and
- in the case of demolition an Archival Record and, where approval of demolition is sought because the structural integrity of the building has failed to the extent that it cannot be rectified without permanent removal of the majority of its significant fabric, a structural engineer's report verifying the failure.

(iii) Where an application for approval involves demolition of any part of the Place, the Council may not grant approval to that application unless notice is first given in accordance with Clause 9.4.3; and

- the structural integrity of the Place or relevant part thereof has failed to the extent that it cannot be rectified without the permanent removal of the majority of the significant fabric of the Place; or
- the portion of the Place to be demolished does not form part of the significant fabric of the Place and does not contribute to the cultural heritage significance of the Place;

except where otherwise advised by the Heritage Council of Western Australia under Part 5 Subdivision 2 of the *Heritage Act 2018* or by another appropriate heritage authority or agency. [Amd. 115]

*Note: 1. The purpose of this provision is to ensure that Places listed as Management Category A are not demolished except in exceptional circumstances.*

#### 7.2.2.2 Management Category B

##### a) Objectives

Notwithstanding any other provision in the scheme, for all development of or on a place allocated to Management Category B, under Clause 7.2.1, the following objectives apply:

- to retain and conserve the Place;
- to ensure no part of the Place is demolished, except in specified exceptional circumstances;
- to ensure that any building or works affecting the Place (in particular, the replacement of worn or damaged materials) match the existing colours and materials of the Place;
- to ensure that development has minimal impact on the cultural heritage significance of the Place and is in accordance with Burra Charter principles; and
- in the case of a Place located within a Heritage Protection Area Special Control Area, to ensure that development conforms with the provisions of Local Planning Policy *Character Retention Guidelines Mount Lawley, Menora and Inglewood*.

##### b) Relationship of Management Category B to Heritage Protection Area Special Control Area

Where a Place allocated to Management Category B, under Clause 7.2.1, is located within a Heritage Protection Area Special Control Area and a provision of Part 6 of the Scheme is inconsistent with Part 7 of the Scheme, the provision of Part 6 prevails.

*Note: 1. The purpose of this provision is to ensure compliance with the Local Planning Policy Character Retention Guidelines Mount Lawley, Menora and Inglewood over and above the requirements of the Burra Charter principles.*

##### c) Application Requirements

(i) An application for approval is required for:

- the carrying out of any building or work which affects the external appearance of a building including the illumination, installation or alteration of signage and changes to exterior materials or colours of the building;
- a change of use;
- the demolition of any part of the Place; or
- the carrying out of any other external works including fencing, incidental structures, outbuildings and patios.

(ii) In addition to the requirements of Part 9 of the Scheme, each application for approval shall be accompanied by the following:

- Heritage Impact Statement;
- Signage Strategy where any existing signs are being modified or new signs are proposed; and
- in the case of demolition an Archival Record and, where approval of demolition is sought because the structural integrity of the building has failed to the extent that it cannot be rectified without permanent removal of the majority of its significant fabric, a structural engineer's report verifying the failure.

- (iii) Where an application for approval involves demolition of any part of the Place, the Council may not grant approval to that application unless notice is first given in accordance with Clause 9.4.3; and
- the structural integrity of the Place or relevant part thereof has failed to the extent that it cannot be rectified without the permanent removal of the majority of the significant fabric of the Place; or
  - the portion of the Place to be demolished does not form part of the significant fabric of the Place and does not contribute to the cultural heritage significance of the Place;

except where otherwise advised by the Heritage Council of Western Australia under Part 5 Subdivision 2 of the *Heritage Act 2018* or by another appropriate heritage authority or agency. [Amd. 115]

*Note: 1. The purpose of this provision is to ensure that Places listed as Management Category B are not demolished except in exceptional circumstances.*

#### 7.2.2.3 Management Category C

##### a) Objectives

Notwithstanding any other provision in the scheme, for all development of or on a place allocated to Management Category C, under Clause 7.2.1, the following objectives apply:

- to retain and conserve the Place;
- to ensure that any building or works affecting the Place (in particular, the replacement of worn or damaged materials) match existing colours and materials of the Place;
- to ensure that development has no impact on the cultural heritage significance of the Place and is in accordance with Burra Charter principles; and
- in the case of a Place located within a Heritage Protection Area Special Control Area, to ensure that development conforms with the provisions of Local Planning Policy *Character Retention Guidelines Mount Lawley, Menora and Inglewood*.

##### b) Relationship of Management Category C to Heritage Protection Area Special Control Area

Where a Place allocated to Management Category C, under Clause 7.2.1, is located within a Heritage Protection Area Special Control Area and a provision of Part 6 of the Scheme is inconsistent with Part 7 of the Scheme, the provision of Part 6 prevails.

*Note: 1. The purpose of this provision is to ensure compliance with the Local Planning Policy Character Retention Guidelines Mount Lawley, Menora and Inglewood over and above the requirements of the Burra Charter principles.*

c) Application Requirements

(i) An application for approval is required for:

- the carrying out of any building or work which affects the external appearance of a building including the illumination, installation or alteration of signage and changes to exterior materials or colours of the building; or
- the demolition of any part of the Place.

(ii) In addition to the requirements of Part 9 of the Scheme, each application for approval shall be accompanied by the following:

- Heritage Impact Statement;
- Signage Strategy where any existing signs are being modified or new signs are proposed; and
- in the case of demolition, an Archival Record.

(iii) Where an application for approval involves demolition of any part of the Place, the Council may not grant approval to that application unless notice is first given in accordance with Clause 9.4.3.

## **7.3 Designation of a Heritage Area**

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

7.3.2 The Council is to -

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

7.3.3 If the Council proposes to designate an area as a heritage area, the Council is to -

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

- 7.3.4 Notice of a proposal under Clause 7.3.3(b) is to specify -
- a) the area subject of the proposed designation;
  - b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
  - c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.
- 7.3.5 After the expiry of the period within which submissions may be made, the Council is to -
- a) review the proposed designation in the light of any submissions made; and
  - b) resolve to adopt the designation with or without modification, or not to proceed with the designation.
- 7.3.6 If the Council resolves to adopt the designation, the Council is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.
- 7.3.7 The Council may modify or revoke a designation of a heritage area.
- 7.3.8 Clauses 7.3.3 to 7.3.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

## **7.4 Heritage Agreements**

The Council may, in accordance with the *Heritage Act 2018*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits. [Amd. 115]

*Note:* 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.  
2. Detailed provisions relating to heritage agreements are set out in the *Heritage Act 2018*. [Amd. 115]

## **7.5 Heritage Assessment**

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

## **7.6 Variations to Scheme Provisions for a Heritage Place or Heritage Area**

Where desirable to -

- a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage Act 2018* or listed in the Heritage List under Clause 7.1.1; or [Amd. 115]
- b) enhance or preserve heritage values in a heritage area designated under Clause 7.3.1, the Council may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in Clause 5.5.2.

## **7.7 Heritage Conservation Notice [Amd. 27]**

7.7.1 The owner, occupier or other person in control of a Place:

- a) on the heritage list;
- b) in a Heritage Protection Area Special Control Area; or
- c) in an area designated as a heritage area under Clause 7.3,

shall preserve the Place against demolition by neglect.

7.7.2 If it appears to the Council that a Place referred to in Clause 7.7.1 is threatened by demolition by neglect, the local government may give a written notice to the owner, occupier or other person in control of the Place requiring the repair of all matters contributing to the demolition by neglect. The written notice:

- a) is to identify the matters contributing to the demolition by neglect which require repair; and
- b) is to specify a time being not less than 60 days after the written notice is given, within which the written notice is to be complied with.

Works undertaken pursuant to a notice served under this Clause are subject to the provisions of Clause 8.2.1(q).

7.7.3 A written notice under Clause 7.7.2 may be given to a person in any of the ways provided for by Sections 75 and 76 of the *Interpretation Act 1984*. If it is not reasonably practicable to give the written notice in one of these ways, it may be given in any way provided for by Section 9.52(2) and (3) of the *Local Government Act 1995*.

7.7.4 If the person to whom the written notice is given under Clause 7.7.2 fails to carry out the required repairs within the time specified in the written notice, the local government may itself enter the place and undertake the repairs.

7.7.5 Any expenses incurred by the local government in carrying out repairs under Clause 7.7.4 may be recovered from the person to whom the written notice was given as a debt due in a court of competent jurisdiction.

7.7.6 The local government may:

- a) extend the time specified in the written notice given under Clause 7.7.2 for undertaking repairs; or
- b) revoke a written notice given under Clause 7.7.2.

7.7.7 A failure to comply with a written notice given under Clause 7.7.2 is a contravention of the Scheme.

7.7.8 A person given a written notice under Clause 7.7.2 may apply to the State Administrative Tribunal for review of the written notice in accordance with Part 14 of the Act.

7.7.9 Clause 7.7.1 to 7.7.8 apply regardless of whether the demolition by neglect occurs prior to or following the inclusion of those Clauses in the Scheme.

## PART 8 - DEVELOPMENT OF LAND

### 8.1 Requirement for Approval to Commence Development

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

8.1.2 All development on land classified as 'No Zone' under the provisions of clause 4.1.3, requires the prior approval of the Council except where such development is for public works and Illuminated Street Signs. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the Council under Part 9. [Amd. 57]

*Note:* 1. The planning approval of the Council is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).  
2. (Deleted by Amendment No.115, Gazetted 28 March 2023)  
3. Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme.  
4. The provisions of clause 8.1.2 are intended to require development approval for proposed development on unzoned land such as may occur in road, ROW and PAW closures from time to time (refer clauses 4.1.3 and 4.13).

### 8.2 Permitted Development

8.2.1 Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of the Council:

- a) (Deleted by Amendment No.115, Gazetted 28 March 2023)
- b) (Deleted by Amendment No.115, Gazetted 28 March 2023)
- c) The following Incidental Structures:
  - Satellite dish;
  - Air conditioner;
  - Solar panel;
  - Shade structure or sail;
  - Screening; or
  - Clothes line;unless the development is located:
  - at a place listed on the Heritage List; or
  - within the front setback area (or attached to the front facing portion of a building including the roof) of land within the Heritage Protection Area Special Control Area. [Amd. 115]
- cA) Incidental Structures not listed in Clause 8.2.1 c). [Amd. 115]
- d) Outbuildings, but only where outbuildings comply with all acceptable development requirements of the R-Codes.
- e) Fences, but only where the fence:
  - i) complies with the requirements of the Scheme and the relevant Local Planning Policy, Structure Plan, Activity Centre Plan or Local Development Plan. [Amd. 115]
  - ii) does not exceed 0.6 metres above natural ground level if in the street setback area of land used for residential purposes within a heritage protection area;
  - iii) is not located on land included in the Heritage List; and
  - iv) is not located within a visual truncation specified in the R-Codes.
- f) Home office.
- g) Retaining walls that comply with all acceptable development requirements of the R-Codes.



- h) The filling of land where it complies with all acceptable development requirements of the R-Codes.
- i) Swimming pools not available for use by the public.
- j) Tennis courts (including chain link fencing surrounding and associated with these, additional to otherwise permissible fencing, to a total maximum height of 5.0 metres) not available for use by the public and not located within the front setback area
- k) Temporary buildings.
- l) Patios which comply with the acceptable development requirements of the R-Codes.
- m) Parking of commercial vehicles on private land except where it is related to the use of that land as transport depot or it is located within a residential zone.
- n) *(Deleted by Amendment No.115, Gazetted 28 March 2023)*
- o) *(Deleted by Amendment No.115, Gazetted 28 March 2023)*
- p) Any matters requiring repair prescribed in the notice served under clause 7.7.2. [Amd. 27]
- q) Use of Land for the purpose of a family day care centre where located within the Residential zone. [Amd. 82]

8.2.2 Notwithstanding that a particular use or development may not require the planning approval of the Council, the provisions of the Scheme shall apply to such use or development.

*Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157(1) of the Act.*

### **8.3 Amending or Revoking a Planning Approval**

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

8.3.2 Notwithstanding clause 8.3.1 above, if a Home Business, Home Occupation, Home Office or the Parking of a Commercial Vehicle in the Residential Zone has been carried on with the approval of the Council and if in the opinion of the Council such Home Business, Home Occupation, Home Office or the Parking of a Commercial Vehicle in a Residential Zone is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it and after such rescission, no person shall upon the land subject of a resolution for rescission, carry on a Home Business, Home Occupation, Home Office or the Parking of a Commercial Vehicle in the Residential Zone unless approval to do so shall subsequently be granted by the Council.

### **8.4 Unauthorised Existing Developments**

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

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

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

### **8.5 Inconsistent Planning Approvals**

Where, in relation to a particular premises, the Council grants a planning approval which is inconsistent with an earlier planning approval in respect of the same premises, then, to the extent of the inconsistency, the later planning approval is to prevail.

## PART 9 - APPLICATIONS FOR PLANNING APPROVAL

### 9.1 Form of Application

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

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

subject to Clause 9.2, is to be made in the form prescribed in Schedule 5 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme. [Amd. 115]

9.1.2 *(Deleted by Amendment No.115, Gazetted 28 March 2023)*

*Note: 1. Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within a regional reserve is to be referred by the local government to the Commission for determination. No separate determination is made by the local government.*

*2. An application for planning approval in respect of land which is wholly within the management area of the Swan River Trust is to be referred by the local government to the Swan River Trust for determination by the Minister responsible for the Swan River Trust Act 1988.*

*3. An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is -*

- (a) affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme;*
- (b) within or partly within a planning control area declared by the Commission under the Planning and Development Act 2005; [Amd. 115]*
- (c) partly within the management area of the Swan River Trust or which abuts waters that are in that area; or*
- (d) affected by a notice of delegation published in the Gazette by the Commission under the Planning and Development Act 2005; [Amd. 115]*

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

## **9.2 Accompanying Material**

Unless the Council waives any particular requirement, every application for planning approval is to be accompanied by -

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

## **9.3 Additional Material for Heritage Matters**

Where an application relates to a place entered on the Heritage List or within a heritage area, the Council may require an applicant to provide one or more of the following to assist the Council in its determination of the application -

- a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

## **9.4 Advertising of Applications**

- 9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves:
- a) an 'A' use as referred to in Clause 4.3.2;
  - b) a use not listed in Table 1 - Zoning Table;
  - c) a change of non-conforming use as referred to in Clause 4.9;
  - d) the parking of a commercial vehicle within the Residential Zone;
  - e) development that exceeds 12m in height in a Non Residential Zone and within the Coastal Height Limit - Special Control Area; or
  - f) Development of a property listed as Management Category A on the Heritage List;
  - g) Demolition of a property listed on the Heritage List; [Amd. 4]
- the Council is not to grant approval to that application unless notice is given in accordance with Clause 9.4.3.
- 9.4.2 Despite Clause 9.4.1, where application is made for a purpose other than a purpose referred to in that Clause, the Council may require notice to be given in accordance with Clause 9.4.3.
- 9.4.3 The Council may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways -
- a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the Council, are likely to be affected by the granting of planning approval, stating that submissions may be made to the Council by a specified date being not less than 14 days from the day the notice is served;
  - b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council by a specified day being not less than 14 days from the day the notice is published;
  - c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.
- 9.4.4 The notice referred to in Clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 6 with such modifications as are considered appropriate by Council. [Amd. 115]
- 9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the Council.
- 9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the Council is to consider and determine the application.

INTENTIONALLY  
BLANK

## **PART 10 - PROCEDURE FOR DEALING WITH APPLICATIONS**

### **10.1 Consultation with Other Authorities**

- 10.1.1 In considering an application for planning approval the Council may consult with any other statutory, public or planning authority it considers appropriate.
- 10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Council is to consult that authority before making its determination.

### **10.2 Matters to be considered by the Council**

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

- a) the aims and provisions of the Scheme and the objectives of the relevant zone and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);
- b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- c) any approved statement of planning policy of the Commission;
- d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- f) any Local Planning Policy adopted by Council under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.3.2, and any other structure plan, detailed area plan or guidelines adopted by the Council under the Scheme; [Amd. 4]
- g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage Act 2018*, or which is included in the Heritage List under Clause 7.1 and 7.2, and the effect of the proposal on the character or appearance of a heritage area and the following: [Amd. 115]
  - i) the effect of the proposed development on the heritage significance of the place;
  - ii) the measures proposed to conserve the heritage place;
  - iii) if the proposal involves demolition, whether the heritage place is reasonably capable of conservation, and whether or not the place is structurally sound;
  - iv) whether the character, design and aesthetics of any proposed replacement building and its relationships to character of adjacent buildings are appropriate.

- i) the compatibility of a use or development with its setting;
- j) any social issues that have an effect on the amenity of the locality;
- k) the cultural significance of any place or area affected by the development;
- l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- n) the preservation of the amenity of the locality;
- o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- s) whether public utility services are available and adequate for the proposal;
- t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- u) whether adequate provision has been made for access by disabled persons;
- v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- w) whether the proposal is likely to cause soil erosion or land degradation;
- x) the potential loss of any community service or benefit resulting from the planning approval;
- y) any relevant submissions received on the application;
- z) the comments or submissions received from any authority consulted under Clause 10.1.1;
- za) any other planning consideration the Council considers relevant.

## **10.3 Determination of Applications**

- 10.3.1 Subject to clause 6B5.1, in determining an application for planning approval the Council may –
- a) grant its approval with or without conditions; or
  - b) refuse to grant its approval.
- 10.3.2 Without limiting the generality of clause 10.3.1(a), the Council may impose conditions on a planning approval relating to -
- a) the density and/or intensity of development, including the number of dwellings, floor space and occupancy;
  - b) the location and arrangement of development, including setbacks, coverage, open space and car parking areas;
  - c) design of buildings and associated development, including architectural character, floor levels, height, facades and roofing;
  - d) use and occupation of premises including the nature of tenancies, control of access, limitation of occupancy and control of noise;
  - e) site works, including fill, retention of excavation, paving, drainage and fencing;
  - f) advertising, directional signage and lighting, including the location, number, height, extent, location, design, timing and duration;
  - g) access, parking and servicing, including facilities for pedestrians, cyclists and people with disabilities;
  - h) landscaping, the retention of established trees and other vegetation and the requirement to plant advanced trees of particular maturity and species; [Amd. 9]
  - i) hours of operation and/or occupation of premises or defined areas or activities;
  - j) contributions towards the cost of works and/or infrastructure required to service the proposed development or which will provide a benefit to the occupiers and/or users of the development site;
  - k) setting aside or giving up of land or property rights for public purposes;
  - l) notification of constraints or impacts likely to affect the use and development of land, including the registration of memorials or notices on title;
  - m) contribution of cash-in-lieu of parking required to service the proposed development, or which will provide a benefit to the occupiers and/or users of the development site; and
  - n) retention or demolition of buildings and the repair, refurbishment and maintenance of premises;
  - o) the preparation of an archival record; [Amd. 4]
  - p) recognition and interpretation of a Place listed on the Heritage List; and [Amd. 4]
  - q) the retention, replacement or provision of street trees, including a payment for the provision or removal of such trees (where a street tree is approved for removal, the payment shall include the tree removal cost, the amenity tree value compensation cost and the replacement tree cost); [Amd 9]
  - r) the sealing and draining of a right of way or laneway to provide vehicular access to development regardless of whether alternative vehicular access already exists for the development. [Amd. 5]

*Note: The conditions imposed by the Council on a planning approval should not change the nature of the application (for example, where an application is for 5 grouped dwellings a condition restricting the number of dwellings below five is not appropriate - rather, the application should be refused).*



## **10.4 Form and Date of Determination**

- 10.4.1 As soon as practicable after making a determination in relation to the application, the Council is to convey its determination to the applicant in the form prescribed in Schedule 7 and the date of determination is to be the date given in the notice of the Council's determination.
- 10.4.2 Where the Council refuses an application for planning approval the Council is to give reasons for its refusal.

## **10.5 Term of Planning Approval**

- 10.5.1 Where the Council grants planning approval for the development of land -
- a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
  - b) the approval lapses if the development has not substantially commenced before the expiration of that period.
- 10.5.2 A written request may be made to the Council for an extension of the term of planning approval at any time prior to the expiry of the approval period in Clause 10.5.1.

## **10.6 Temporary Planning Approval**

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

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

## **10.7 Scope of Planning Approval**

- 10.7.1 Planning approval may be granted -
- a) for the use or development for which the approval is sought;
  - b) for that use or development, except for a specified part or aspect of that use or development; or
  - c) for a specified part or aspect of that use or development.
- 10.7.2 Notwithstanding clause 10.7.1 above, a planning approval granted by the Council for a Home Business, Home Occupation, Home Office or for the Parking of a Commercial Vehicle in the Residential Zone:
- a) is personal to the person to whom it was granted and shall apply only to the site in respect of which it was granted;
  - b) cannot be transferred or assigned to any other person; and
  - c) cannot be applied or transferred to another site.

## **10.8 Approval Subject to Later Approval of Details**

- 10.8.1 Where an application is for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent planning approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the Council thinks fit.
- 10.8.2 In respect of an approval requiring subsequent planning approval, the Council may require such further details as it thinks fit prior to considering the application.
- 10.8.3 Where the Council has granted approval subject to matters requiring the later planning approval of the Council, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

## **10.9 Deemed Refusal**

- 10.9.1 Subject to Clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of the application by the Council, or within such further time as is agreed in writing between the applicant and the Council.
- 10.9.2 An application for planning approval which is the subject of a notice under Clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of the application by the Council, or within such further time as is agreed in writing between the applicant and the Council.
- 10.9.3 Despite an application for planning approval being deemed to have been refused, the Council may issue a determination in respect of the application at any time after the expiry of the period specified in Clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

## **10.10 Application for a Review**

An applicant aggrieved by a determination of the Council in respect of the exercise of a discretionary power under the Scheme may appeal under Part 14 of the Act.

INTENTIONALLY  
BLANK

# **PART 11 - ENFORCEMENT AND ADMINISTRATION**

## **11.1 Powers of the Council**

- 11.1.1 The Council in implementing the Scheme has the power to -
- a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
  - b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Act; and
  - c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- 11.1.2 An employee of the Council authorised by the Council may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

## **11.2 Advertisements**

- 11.2.1 The display of advertisements and advertising signs shall not adversely impact on the amenity of surrounding land while providing appropriate exposure of activities or services. [Amd. 115]
- 11.2.2 Notwithstanding the provisions of Clause 4.8, where an existing advertisement or advertising sign at the time of, or at any time after, the coming into force of the Scheme, is, in the opinion of the Council, in conflict with the amenity of the locality, the Council may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertising sign. [Amd. 115]

## **11.3 Delegation of Functions**

- 11.3.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 11.3.2 The CEO may delegate to any employee of the Council the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under Clause 11.3.1.
- 11.3.3 The exercise of the power of delegation under Clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.
- 11.3.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this Clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

## **11.4 Person Must Comply with Provisions of Scheme**

A person must not -

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

*Note: Section 218 of the Act provides that a person who -*

- (a) contravenes the provisions of a planning scheme; or*
- (b) commences, continues or carries out any development in any part of a region the subject of a region planning scheme or any part of an area the subject of a local planning scheme or improvement scheme otherwise than in accordance with the provisions of the planning scheme; or*
- (c) commences, continues or carries out any such development which is required to comply with a planning scheme otherwise than in accordance with any condition imposed under this Act or the scheme with respect to the development, or otherwise fails to comply with any such condition, commits an offence.*

*Section 223 of the Act provides that a person who commits an offence under this Act is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.*

## **11.5 Compensation**

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Part 11 of the Act -

- a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*; or [Amd. 115]
- b) where the land has been reserved for a public purpose and
  - i) an application made under the Scheme for approval to carry out development on the land is refused; or
  - ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

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

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

*Note: (Deleted by Amendment No.115, Gazetted 28 March 2023)*

## **11.6 Purchase or Taking of Land**

- 11.6.1 If, where compensation for injurious affection is claimed under the Act, the Council elects to purchase or take the land compulsorily the Council is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.
- 11.6.2 The Council may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

*Note: Schedule 7 of the Act empowers the Council to purchase or compulsorily acquire land comprised in a scheme.*

## **11.7 Notice for Removal of Certain Buildings**

- 11.7.1 Under section 214 of the Act, 60 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.
- 11.7.2 The Council may recover expenses under section 215 of the Act in a court of competent jurisdiction.

INTENTIONALLY  
BLANK

## SCHEDULES

Schedule A	Supplemental provisions to the deemed provisions [Amd. 113]
Schedule 1	Dictionary of Defined Words and Expressions
Schedule 2	Additional Uses
Schedule 3	Restricted Uses
Schedule 4	Special Use Zones
Schedule 5	Form of application for Planning Approval
Schedule 6	Notice of Public Advertisement of Planning Proposal
Schedule 7	Notice of Determination on Application for Planning Approval
Schedule 8	Advertising Signs <i>(Deleted by Amendment No.115, Gazetted 28 March 2023)</i>
Schedule 9	Restrictive Covenants
Schedule 10	Development Areas (Structure Plan)
Schedule 11	Development Contribution Areas
Schedule 11A	Development Contribution Plan [Amd. 5]
Schedule 11B	Scarborough Development Contribution Plan [Amd. 124]
Schedule 12	Additional Site and Development Requirements [Amd. 101]
Schedule 13	Scarborough Special Control Area [Amd. 124]



INTENTIONALLY  
BLANK

## 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*.

<p><b>Part 3 - Heritage Protection</b>  Clause 13B - Significant Tree Register</p>	<p>(1) The local government may establish and maintain a significant tree register to identify trees within the Scheme area that are worthy of preservation.</p> <p>(2) The significant tree register -</p> <ol style="list-style-type: none"> <li>a. Must set out a description of each tree, its location and the reason for its entry in the significant tree register; and</li> <li>b. Must be available for public inspection.</li> </ol> <p>(3) The local government must not enter a tree or remove a tree from the significant tree register unless the local government has received a written nomination from the owner of the land which contains the tree.</p> <p>(4) Upon receiving a written nomination in accordance with subclause (3), the local government may:</p> <ol style="list-style-type: none"> <li>a. Carry out any other consultation the local government considers appropriate; and</li> <li>b. Following any consultation and consideration of the submissions made on the proposal, resolve that the tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register.</li> </ol> <p>(5) If the local government enters a tree in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree.</p> <p>(6) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register.</p>
<p><b>Part 7 - Requirement for development approval</b>  Clause 60 - Development for which development approval is required</p>	<p>Development approval of the local government is required prior to the removal, destruction, and/or interference with any tree included on the local government's significant tree register.</p>

# **SCHEDULE 1     DICTIONARY OF DEFINED WORDS AND EXPRESSIONS**

## **[CL 1.7]**

### **1            General Definitions**

<b>WORD / EXPRESSION     1 – GENERAL DEFINITIONS</b>	
Act:	means the <i>Planning and Development Act 2005</i> ;
Advanced Tree: [Amd. 9]	means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age;
Advertisement:	means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;  <i>Note - (Deleted by Amendment No.115, Gazetted 28 March 2023)</i>
Advertiser:	<i>(Deleted by Amendment No.115, Gazetted 28 March 2023)</i>
Advertising Signs:	<i>(Deleted by Amendment No.115, Gazetted 28 March 2023)</i>
Amenity:	means all those factors which combine to form the character of an area and include the present and likely future amenity;
Archival Record: [Amd. 4]	'Archival record' means a document prepared in accordance with the Heritage Council of Western Australia document 'Guide to preparing an Archival Record' and in accordance with the City's direction as to the required category of archival record referred to in the Guide and any additional requirements determined by the City;
Building:	has the same meaning as in the Residential Design Codes 2002;
Building Envelope:	means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;
Burra Charter: [Amd. 4]	<i>The Burra Charter. The Australia ICOMOS Charter for Places of Cultural Significance 1999.</i>
CEO:	means the Chief Executive Officer of the Council of Stirling;
City:	means the City of Stirling;
Civic Use:	means premises used by a government department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purposes;
Clause:	means a Clause of the Scheme;

... continued next page

<b>WORD / EXPRESSION     1 – GENERAL DEFINITIONS</b>	
Commercial Vehicle: [Amd. 13]	means any vehicle, used or intended to be used in the course of a business or trade, which has a tare weight in excess of one tonne;
Commission:	means the Western Australian Planning Commission;
Community Facilities:	<p><u>Public Space</u> means plazas, courts, pedestrian squares, pedestrian retreats and parks on private land for public use.</p> <p><u>Pedestrian Facilities</u> means pedestrian paths, walkways, arcades, tunnels and bridges on private land.</p> <p><u>Public Art</u> means permanent structures of an artistic nature or the like that are in public spaces.</p> <p><u>Specific Facilities on Private Land</u> means public toilets, change rooms, child care facilities, cultural facilities, performing arts facilities, educational facilities, or other facilities as determined by Council.</p> <p><u>Off-Site Civic Works</u> means streetscape works adjacent the site, upgrading of adjacent right of ways, public toilets, public artworks, road improvements and other civic improvements in the public domain.</p>
Conservation:	has the same meaning as in the <i>Heritage Act 2018</i> ; [Amd. 115]
Considerable Cultural Heritage Significance: [Amd. 4]	means very important to the heritage of the locality (i.e. high degree of integrity/authenticity);
Council:	means the Council of the City of Stirling;
Demolition By Neglect [Amd. 27]	<p>means the actual or potential loss or deterioration of:</p> <ul style="list-style-type: none"> <li>(a) the structural integrity of a Place; or</li> <li>(b) an interior or external element of a Place that is integral to the character of a Place;</li> </ul> <p>which results from:</p> <ul style="list-style-type: none"> <li>(c) neglect in maintaining, repairing or securing the Place; or</li> <li>(d) the removal (whether approved or not) of any element of the Place.</li> </ul>
Development:	has the same meaning as the <i>Planning and Development Act 2005</i> ;
District:	means the district of the City of Stirling;
Exceptional Cultural Heritage Significance: [Amd. 4]	means essential to the heritage of the locality (i.e. rare or outstanding example);
Fence:	means an upright structure erected or placed on land for the purpose of – (i) enclosing an area of land; (ii) separating that land from other land; or (iii) preventing or controlling access to the land. For the purposes of this definition, 'fence' includes gates, except gates that restrict access to four or more car parking bays, but excludes retaining walls.

... continued next page

<b>WORD / EXPRESSION     1 – GENERAL DEFINITIONS</b>	
Floor Area:	has the same meaning as in the Building Code of Australia published by the Australian Building Codes Board;
Frontage:	when used in relation to a building that is used for – (a) residential purposes, has the same meaning as in the Residential Design Codes; and (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;
Gazettal Date:	in relation to a Scheme, means the date on which the Scheme is published in the Gazette under section 87 of the Act;
Gross Floor Area: [Amd. 13]	means the total floor area within a building measured over the enclosing walls (including the portion of any common or party wall forming part of the building) exclusive of parking facilities sited within the building;
Height:	when used in relation to a building that is used for – (a) residential purposes, has the same meaning as in the Residential Design Codes; or (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;
Heritage Impact Statement: [Amd. 4]	a heritage impact statement (HIS) is a document which describes and evaluates the likely impact of a proposal on the cultural heritage significance of the Place. A HIS is to be undertaken in accordance with the Heritage Council of Western Australia document 'Heritage Impact Statements - a guide';
Heritage List:	means the heritage list referred to in Part 7 of the Scheme; [Amd. 4]
Incidental Use:	means a use of premises which is ancillary and subordinate to the predominant use;
Incidental Structure:	<p>means:</p> <p>(a) a dog house, domestic animal or bird enclosure or a cubby house which:</p> <ul style="list-style-type: none"> <li>• does not exceed 3.0 metres in height above natural ground level;</li> <li>• does not have any part of its structure located within 1.0 metres of the boundary with an adjoining lot;</li> <li>• does not have a floor area greater than 6.0 square metres; and [Amd. 115]</li> <li>• is constructed on a lot used solely for residential purposes;</li> </ul> <p>(b) a tree house which:</p> <ul style="list-style-type: none"> <li>• as a structure, does not exceed 3.0 metres in height;</li> <li>• does not have a floor area greater than 4.0 metres; and [Amd. 115]</li> <li>• is constructed in a tree on a lot used solely for residential purposes;</li> </ul> <p>(c) a flag pole which does not exceed 6.0 metres in height above natural ground level;</p> <p>... continued next page</p>

... continued next page

## WORD / EXPRESSION 1 – GENERAL DEFINITIONS

<p>Incidental Structure: (continued):</p>	<p>(d) a satellite dish located on a lot used solely for residential purposes which:</p> <ul style="list-style-type: none"> <li>• does not exceed 0.9 metres in diameter;</li> <li>• is not located in the street setback area; and</li> <li>• is not located on a dwelling roof that directly faces a street;</li> </ul> <p>(e) a satellite dish located on a lot used for purposes other than residential purposes which does not exceed 2.0 metres in diameter; [Amd. 115]</p> <p>(f) television aerial or radio antenna which does not exceed 3.0 metres in height above the ridge of the roof on which it is located or, if located on the ground, not more than 6.0 metres from natural ground level;</p> <p>(g) an air conditioner;</p> <p>(h) a solar panel;</p> <p>(i) a water tank which does not exceed 3.0 metres in height above natural ground level;</p> <p>(j) plumbing vents and pipes;</p> <p>(k) an external hot water heater;</p> <p>(l) shading structures, such as sails and pergolas but only where they are located outside the street setback area, are less than 4.0 metres in height and the roof component is setback a minimum of 1.0 metres from the boundary;</p> <p>(m) screening which:</p> <ul style="list-style-type: none"> <li>• is not a fence, as defined in this Schedule;</li> <li>• is not greater than 3.0 metres in height above natural ground level; and</li> <li>• constitutes a visually permeable structure; [Amd. 115]</li> </ul> <p>(mA) any pole, tower or device used for the purpose of providing outdoor lighting which is: [Amd. 115]</p> <ul style="list-style-type: none"> <li>• constructed on a lot used solely for residential purposes; and</li> <li>• no more than 4.5 metres in height above natural ground level; [Amd. 115]</li> </ul> <p>(n) any pole, tower or device used for the purpose of providing outdoor lighting which is:</p> <ul style="list-style-type: none"> <li>• constructed on a lot used for purposes other than residential purposes; and</li> <li>• no more then 6.0 metres in height above natural ground level.</li> </ul> <p>(o) landscaping;</p> <p>(p) letter boxes;</p> <p>(q) clothes lines; and</p> <p>(r) barbeque, oven or the like [Amd. 13]</p>
---	--

... continued next page

WORD / EXPRESSION 1 – GENERAL DEFINITIONS	
Local Government:	means the City of Stirling;
Local Heritage Survey: [Amd. 115]	has the same meaning as ‘Local Heritage Survey’ in section 102 of the <i>Heritage Act 2018</i> ;
Local Planning Strategy:	<i>(Deleted by Amendment No.115, Gazetted 28 March 2023)</i>
Lot:	has the same meaning as in the Act but does not include a strata or survey strata lot;
Municipal Inventory:	<i>(Deleted by Amendment No.115, Gazetted 28 March 2023)</i>
Natural Ground Level:	has the same meaning as in the Residential Design Codes;
Net Lettable Area (NLA):	<p>means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas -</p> <ul style="list-style-type: none"> <li>(a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</li> <li>(b) lobbies between lifts facing other lifts serving the same floor;</li> <li>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;</li> <li>(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;</li> </ul>
Non-Conforming Use:	has the same meaning as it has in section 172 of the Act;
Non-Residential Floorspace: [Amd. 115]	means the gross floor area of a building used by any non-residential uses.
Owner:	<p>in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity -</p> <ul style="list-style-type: none"> <li>(a) is entitled to the land for an estate in fee simple in possession;</li> <li>(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;</li> <li>(c) is a lessor or licensee from the Crown; or</li> <li>(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;</li> </ul>
Place:	in Part 7 (Heritage Protection) has the same meaning as it has in the <i>Heritage Act 2018</i> ; [Amd. 115]

... continued next page

WORD / EXPRESSION 1 – GENERAL DEFINITIONS	
Plot Ratio:	means the ratio of the gross total of the areas of all floors of buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls but not include the areas of lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, non habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs; [Amd. 13]
Predominant Use:	means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;
Premises:	means land or buildings;
Public Parking: [Amd. 63]	means the parking of vehicles on land by members of the public at any time on any day whether or not payment of a fee is required.
Reciprocal Access Rights:	means rights to access and cross a lot as a pedestrian or in a vehicle, at any time, in order to access any other lot;
Reciprocal Parking Rights:	means rights to park a vehicle in a parking area on a lot, at any time, in order to attend that lot or any other lot;
Residential Design Codes:	means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time; [Amd. 115]
Retail:	means the sale or hire of goods or services to the public;
Retaining Wall:	means a structure to be erected for the purpose of supporting land at a level higher than land immediately adjacent to it;
Short Stay Public Parking: [Amd. 63]	means parking bays that are available to the public where at least 50% of vehicles stay less than 4 hours and at least 90% stay less than 6 hours.
Signage Strategy: [Amd. 4]	for the purposes of Part 7 of the Scheme, a signage strategy contains the following - (a) <u>a site plan</u> (1:100) showing the location of all existing and proposed signs, all buildings and neighbouring buildings, lot boundaries, street names and north point; (b) <u>a perspective or photomontage</u> illustrating the location of all existing and proposed signs, buildings and neighbouring properties; and (c) <u>an illustration</u> (1:50) showing the contents, dimensions (including height above ground), surface areas and structural details of each sign;

... continued next page

### **Scheme Text**



<b>WORD / EXPRESSION      1 – GENERAL DEFINITIONS</b>	
Some Cultural Heritage Significance: [Amd. 4]	means contributes to the heritage of the locality (i.e. has some altered or modified elements, not necessarily detracting from overall significance);
Storey:	means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it, but does not include any portion of a storey having 50% or more of its volume below natural ground level;
Street Tree: [Amd. 9]	means a tree that is located within a road reserve;
Substantially Commenced: [Amd. 13]	means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
Temporary Building:	<p>means any structure whether fixed or moveable which is placed or erected on land:</p> <ul style="list-style-type: none"> <li>(a) for a period not exceeding 48 hours and used for a purpose incidental to a public or private event; or</li> <li>(b) for a purpose incidental to the carrying out of another approved development where the structure is: <ul style="list-style-type: none"> <li>• to be removed at the completion of that other approved development; and</li> </ul> </li> </ul> <p>not placed or erected on land for a period greater than 6 months;</p>
Transport Infrastructure:	<p>means the works and undertakings described below for the purpose of providing public transport infrastructure, walking and cycling infrastructure, parking infrastructure and demand management:</p> <ul style="list-style-type: none"> <li>(a) public transport stops, shelters and stations, signs, public transport lanes, vehicles, track and catenary, priority signals and any associated works/designs;</li> <li>(b) paths, signs, bikes, end of trip facilities (showers and lockers), pedestrian and cycling crossings and any associated works/designs;</li> <li>(c) on and off street parking bays, parking machines, parking signs, shelters and any associated works/designs and technologies;</li> </ul>
Utility:	means any works or undertaking constructed or maintained by a public authority, private company or the Council, as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services;
Wholesale:	means the sale of goods or materials to be sold by others;

... continued next page

WORD / EXPRESSION 2 – LAND USE DEFINITIONS	
Aged or Dependent Persons Dwelling:	has the same meaning as in the Residential Design Codes;
Amusement Parlour:	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
Bed and Breakfast:	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
Betting Agency:	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> ; [Amd. 115]
Boarding House:	means any building, in which provision is made for lodging or boarding for more than four persons with a keeper located on the premises (usually long term) exclusive of the family of the keeper if any, which may or may not form part of a dwelling, for hire or reward, but does not include a hotel, motel, residential building, hospital, institutional building or institutional home;
Car Park:	means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
Caravan Park:	has the same meaning as in the <i>Caravan Parks and Camping Grounds Act 1995</i> ;
Caretaker's Dwelling:	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
Child Care Premises: [Amd. 82]	<p>(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia) Act 2012 section 5(1)</i>, other than a family day care service as defined in that section, is provided; or</p> <p>(b) a child care service as defined in the <i>Child Care Services Act 2007 section 4</i> is provided;</p>
Cinema / Theatre:	means premises where the public may view a motion picture or theatrical production;
Civic Use:	means the use of land by a Government Department, instrumentality of the Crown or Council 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;

... continued next page

WORD / EXPRESSION      2 – LAND USE DEFINITIONS	
Community Purposes:	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
Consulting Rooms:	means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
Convenience Store:	means premises - (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; (b) operated during hours which include, but may extend beyond, normal trading hours; (c) which provide associated parking; and (d) the floor area of which does not exceed 300 square metres net lettable area;
Corrective Institution:	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
Display Home: [Amd. 13]	means one or more dwellings, which are intended to be open for public inspection;
Drive Through Fast Food Outlet:	means a fast food outlet which includes the sale and serving of food or beverages direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building, or portion thereof;
Educational Establishment:	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
Exhibition Centre:	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
Family Day Care: [Amd. 82]	means premises where family day care service as defined in the <i>Education and Care Services National Law (Western Australia) Act 2012</i> is provided;
Fast Food Outlet:	means premises used for the preparation, sale and serving of food or beverages to customers in a form ready to be eaten without further preparation, primarily off the premises;
Fuel Depot:	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;
Funeral Parlour:	means premises used to prepare and store bodies for burial or cremation;
Garden Centre:	means premises used for the growing of trees, plants, shrubs or flowers for sale and includes the sale of associated gardening supplies;

... continued next page

#### **Scheme Text**

**WORD / EXPRESSION    2 – LAND USE DEFINITIONS**

Grouped Dwelling:	has the same meaning as in the Residential Design Codes;
Hardware Showroom:	means premises used for the display and sale of goods and products of a hardware nature used for house, garden, and industrial trade purposes being primarily tools, implements, fittings, trade supply items, paints, equipment, construction materials, outdoor furniture and the like, and excludes food;
Home Business:	<p>means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -</p> <ul style="list-style-type: none"><li>(a) does not employ more than 2 people not members of the occupier's household;</li><li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li><li>(c) does not occupy an area greater than 50 square metres;</li><li>(d) does not involve the retail sale, display or hire of goods of any nature;</li><li>(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and</li><li>(f) does not involve the use of an essential service of greater capacity than normally required in the zone;</li></ul>
Home Occupation:	<p>means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —</p> <ul style="list-style-type: none"><li>(a) does not employ any person not a member of the occupier's household;</li><li>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</li><li>(c) does not occupy an area greater than 20 square metres; [Amd. 115]</li><li>(d) does not display a sign exceeding 0.2 square metres;</li><li>(e) does not involve the retail sale, display or hire of goods of any nature;</li><li>(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and</li><li>(g) does not involve the use of an essential service of greater capacity than normally required in the zone;</li></ul>

... continued next page

**Scheme Text**

WORD / EXPRESSION      2 – LAND USE DEFINITIONS	
Home Office:	means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:  (a) entail clients or customers travelling to and from the dwelling; (b) involve any advertising signs on the premises; or (c) require any external change to the appearance of the dwelling;
Home Store:	means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;
Hospital:	means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;
Hostel:	means a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations;
Hotel:	means premises providing accommodation the subject of a hotel licence under the <i>Liquor Control Act 1988</i> , and may include a betting agency on those premises, but does not include a tavern or motel; [Amd. 115]
Industry:	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for -  (a) the storage of goods;  (b) the work of administration or accounting;  (c) the selling of goods by wholesale or retail; or  (d) the provision of amenities for employees, incidental to any of those industrial operations;
Industry - Cottage:	means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which -  (a) does not cause injury to or adversely affect the amenity of the neighbourhood;  (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;  (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;  (d) does not occupy an area in excess of 50 square metres; and  (e) does not display a sign exceeding 0.2 square metres in area;

... continued next page

WORD / EXPRESSION     2 – LAND USE DEFINITIONS	
Industry - Extractive:	means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;
Industry - General:	means an industry other than a cottage, extractive, light, mining, noxious, rural or service industry;
Industry - Light:	means an industry - (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
Industry - Mining:	means land used commercially to extract minerals from the land;
Industry - Noxious:	means an industry which: (a) is specifically listed as an offensive trade under Schedule 2 of the <i>Health (Miscellaneous Provisions) Act 1911</i> , excluding cleaning establishments and laundries; or [Amd. 115] (b) is specifically listed as a prescribed premises under Schedule 1 of the <i>Environmental Protection Regulations 1987</i> , excluding those industries encompassed by the definition of <i>agriculture - intensive, animal husbandry - intensive or industry - rural</i> ;
Industry - Rural:	means - (a) an industry handling, treating, processing or packing rural products; or (b) a workshop servicing plant or equipment used for rural purposes;
Industry - Service:	means - (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

... continued next page

WORD / EXPRESSION      2 – LAND USE DEFINITIONS	
Institutional Building:	means land and building used or designed for use wholly or principally for the purpose of a rehabilitation centre or home for alcoholics, drug addicts, persons released from penal institutions or other persons requiring treatment as provided by such a centre;
Institutional Home:	means a building used for the residence of or for the care and maintenance of children, State wards or orphans;
Market:	means premises used for the display and sale of goods from stalls by independent vendors;  <i>Note: For the purpose of this definition, a 'stall' includes any structure whether fixed or moveable, temporary or permanent, vehicles, trailers and the like. The sale of 'goods' includes the sale of food or drinks from a 'stall'. [Amd. 108]</i>
Media Establishment:	means premises used for radio, television, film and allied media industries including, but without limiting the foregoing, the electronic media other than telecommunications, and such other administrative and entertainment activities as would normally be associated with the operation or public image of such industries but does not include such amusements as could normally be provided on other land in the Scheme Area and does not include printing presses or activities normally associated with the printed media;
Medical Centre:	means premises, other than a hospital, used by more than two health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling) and allows for ancillary services such as a chemist;
Motel:	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the <i>Liquor Control Act 1988</i> ; [Amd. 115]
Motor Vehicle Repair:	means premises used for or in connection with -  (a) electrical and mechanical repairs, or overhauls, to vehicles; or  (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
Motor Vehicle Wash:	means premises where the primary use is the washing of motor vehicles;
Motor Vehicle, Boat or Caravan Sales:	means premises used to sell or hire motor vehicles, boats, caravans, trailers or the like;
Multiple Dwelling:	has the same meaning as in the Residential Design Codes;

... continued next page

WORD / EXPRESSION     2 – LAND USE DEFINITIONS	
Night Club:	means premises - (a) used for entertainment with or without eating facilities; and (b) licensed under the <i>Liquor Control Act 1988</i> ; [Amd. 115]
Nursing Home:	means premises used for the care and maintenance of the aged or infirm or persons with physical or intellectual disabilities;
Office:	means premises used for administration, clerical, technical, professional or other like business activities;
Park Home Park:	has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> ;
Personal Care Services:	means premises used for the provision of services of a personal nature involving care and/or treatment of clients, and includes hairdressing, beauty therapy, manicure and massage, but does not include consulting rooms, medical centre or sex services involving prostitution;
Personal Services:	means premises in which maintenance, repair or adornment of personal apparel or equipment is provided to members of the public and which do not adversely affect the amenity of the locality, and include dry cleaners, laundromats, watch repairers, tailors, embroiderers, key cutters and engravers;
Place of Worship:	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
Reception Centre:	means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
Recreation – Private:	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
Restaurant:	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the <i>Liquor Control Act 1988</i> ; [Amd. 115]
Residential Building:	has the same meaning as in the Residential Design Codes;
Restricted Premises:	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of - (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i> ; [Amd. 115] (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;

... continued next page



<b>WORD / EXPRESSION      2 – LAND USE DEFINITIONS</b>	
Retail Establishment: [Amd. 49]	Any building where goods of a bulky or non-bulky character, not normally purchased on a daily basis, are kept for display, sale by retail or wholesale and the gross floor area shall not be less than 300m <sup>2</sup> . The definition excludes department stores, supermarkets and the display and sale of foodstuffs.
Retirement Complex:	means a development containing accommodation for aged or dependent persons together with amenities incidental and ancillary to the provision of such accommodation;
Rural Pursuit:	means any premises used for - (a) the rearing or agistment of animals; (b) the stabling, agistment or training of horses; (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or (d) the sale of produce grown solely on the lot, but does not include agriculture – extensive or agriculture – intensive;
Salvage Yard:	means any premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;
Service Station:	means premises used for - (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
Shop:	means premises used to sell goods by retail, or hire goods, but does not include a showroom or fast food outlet;
Short Stay Accommodation: [Amd. 13]	means a dwelling designed or intended to be used for the purpose of human habitation on a temporary basis for a maximum time period of 6 consecutive weeks for a single person or single family, and includes a serviced apartment, but does not include a Residential Building, Hotel or Motel;
Showroom:	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

... continued next page

<b>WORD / EXPRESSION      2 – LAND USE DEFINITIONS</b>	
Single Bedroom Dwelling:	has the same meaning as in the Residential Design Codes;
Single House:	has the same meaning as in the Residential Design Codes;
Small Bar: [Amd. 13]	means premises licensed as a small bar under the <i>Liquor Control Act 1988</i> and used to sell liquor for consumption on the premises, but does not include the sale of packaged liquor; and with the number of persons who may be on the licence limited to a maximum of 120;
Storage - Outdoor:	means premises used for the outdoor storage of goods, equipment, plant, materials or containers;
Tavern:	means premises licensed as a tavern under the <i>Liquor Control Act 1988</i> and used to sell liquor for consumption on the premises; [Amd. 115]
Telecommunications Infrastructure:	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
Trade Display:	means premises used for the display of trade goods and equipment for the purpose of advertisement;
Transport Depot:	means premises designed and used, or which is adapted for use for one or more of the following purposes:  (a) for the parking or garaging of more than one commercial vehicle; or  (b) for the transfer of goods or passengers from one vehicle to another vehicle;  and may include the maintenance, mechanical repair or refuelling of the vehicles referred to in (a) or (b) above;
Veterinary Centre:	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
Warehouse:	means premises used to store or display goods and may include sale by wholesale;
Wrecking:	means any premises used for the breaking up or dismantling of vehicles or equipment, and includes the storage and sale of associated material and parts.

## SCHEDULE 2      ADDITIONAL USES [CL 4.5]

*Note: Where there is an inconsistency between the identification of a particular site in this Schedule and the Scheme Map, the Scheme Map shall prevail.*

No.	Description of Land	Additional Uses	Conditions
A1	Lot 157 (House No 8) Walcott Street Mount Lawley	Consulting Rooms	<ol style="list-style-type: none"> <li>1. The Consulting Room being restricted to one practitioner;</li> <li>2. Retention of the existing dwelling;</li> <li>3. The Consulting Room being restricted to three days per week, between the hours of 9am and 5pm; and</li> <li>4. The rear car park shall be enclosed with a security fence, which shall be locked after business hours.</li> </ol>
A2	Portion of Swan Location 1313 and being Lot 2 on Plan 9062 284 Alexander Drive Dianella	Medical Centre and Office	
A3	<i>[Superseded by MRA, Gazetted 2 July 2014]</i>		
A4	Lot 2 (HN 822) Beaufort Street, Inglewood [Amd. 60]	Shop, Office and Consulting Rooms	<ol style="list-style-type: none"> <li>1. Non Residential Uses shall be permitted only on the ground floor.</li> <li>2. Shop uses shall be limited to 250m<sup>2</sup> in net lettable area.</li> </ol>
A5	Portion of Swan Location Y and being Lot 16 on Plan 2473 779 Beaufort Street (cnr Third Avenue) Mt. Lawley	Medical Centre	
A6	Lot 89 (HN 816) Beaufort Street, Inglewood [Amd. 60]	Shop, Veterinary Centre, Office and Consulting Rooms	<ol style="list-style-type: none"> <li>1. Non Residential Uses shall be permitted only on the ground floor.</li> <li>2. Shop uses shall be limited to 250m<sup>2</sup> in net lettable area.</li> </ol>
A7	<i>(Deleted by Amendment No.60, Gazetted 11 December 2018)</i>		
A8	Lot 888 (House Number 57) Burroughs Road, Karrinyup, and Lot 421 (House Number 184) Karrinyup Road, Karrinyup [Amd. 62]	Consulting Rooms, Medical Centre, Office and Personal Care Services	The development shall have due regard for the requirements of the Karrinyup Regional Centre Guidelines

... continued next page

No.	Description of Land	Additional Uses	Conditions
A9	Portion of Swan Location Y and being Lot 15 on Plan 2671 House Number 99 Central Avenue, Mount Lawley. [Amd. 115]	Medical Centre	
A10	Portion of Swan Location 1315 and being Lot 118 on Diagram 44371. 29 Culloton Crescent, Balga	Motor Vehicle Repair	
A11	Portion of Swan Location 566 being Lot 35 on Plan 11535 157 Duffy Road (cnr Monyash Road) Carine	Medical Centre	
A12	Portion of Swan Location 1106 and being Lot 29 on Plan 5023. 212 Flinders Street Yokine	Medical Centre	
A13	Portion of Perthshire Location W and being Lot 4 on Diagram 87589 294 Grand Promenade Dianella	Medical Centre	
A14	Lot 504 (HN 567) Karrinyup Road, Stirling [Amd. 13]	Medical Centre	
A15	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A16	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A17	<i>(Deleted by Amendment No. 18, Gazetted 8 February 2013)</i>		
A18	<i>(Deleted by Amendment No. 1, Gazetted 2 September 2014)</i>		
A19	Portion of Swan Location 968 and being portion of Lot 2 on Diagram 72594 5 Parkland Road (cnr Harborne Street) Glendalough	Educational Establishment	
A20	<i>(Deleted by Amendment No. 65, Gazetted 15 August 2017)</i>		
A21	<i>[Superseded by MRA, Gazetted 2 July 2014]</i>		

... continued next page

### **Scheme Text**

No.	Description of Land	Additional Uses	Conditions
A22	Portion of Swan Location Z and being Lot 4 on Diagram 59974 (No. 256) Walcott Street, Menora	Office 'P' use Veterinary Centre 'D' use Consulting Rooms 'D' use Medical Centre 'D' use [Amd. 123]	1. Prior to development a local development plan shall be prepared in accordance with Schedule 2, Part 6 of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .  2. Development is to generally be in accordance with an approved Local Development Plan. [Amd. 123]
A23	Portion of Swan Location Z and being portion of Lot 19 on Diagram 14632 52 Walcott Street Mt. Lawley	Consulting Rooms	
A24	<i>(Deleted by Amendment No. 58, Gazetted 1 November 2016)</i>		
A25	Portion of Swan Location 7529 and being Lot Pt. 25 on Plan 9759 31 Williamson Way, Trigg	Offices	
A26	<i>(Deleted by Amendment No. 65, Gazetted 15 August 2017)</i>		
A27	Portion of Perthshire Location Au being Lot 1 on Diagram 56336 210 Amelia Street Balcatta	Consulting Rooms and Offices	
A28	<i>(Deleted by Amendment No. 109, Gazetted 31 August 2021)</i>		
A29	<i>(Deleted by Amendment No. 65, Gazetted 15 August 2017)</i>		
A30	Portion of location 1152 being Lot 300 on Diagram Plan 25709 116 Flora Terrace North Beach	Consulting Rooms, Offices, Shop, Restaurant and Personal Services	Non-residential uses restricted to a total maximum of 200m <sup>2</sup> gross floor area
A31	Lot 10 on Plan 9310 698 North Beach Road, Gwelup	Consulting Rooms	
A32	Lot 391 on Plan 209699 5 Cheddar Place Karrinyup	Medical Centre	
A33	Portion of Location Y being Lot 17 on Plan 2437 781 Beaufort Street Mt. Lawley	Medical Centre	
A34	Lot 11 on Diagram Plan 39403 168 Karrinyup Road Karrinyup	Medical Centre	

... continued next page

### Scheme Text

No.	Description of Land	Additional Uses	Conditions
A35	Lot 8 (HN 14) Green Street Joondanna	Consulting rooms	
A36	<i>(Deleted by Amendment No.60, Gazetted 11 December 2018)</i>		
A37	<i>[Superseded by MRA, Gazetted 2 July 2014]</i>		
A38	<i>[Superseded by MRA, Gazetted 2 July 2014]</i>		
A39	Lot 21 64 Stanley Street, Scarborough	Four grouped dwellings in addition to those existing on the site at the date of gazettal of Amendment 407	
A40	<i>[Superseded by MRA, Gazetted 2 July 2014]</i>		
A41	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A42	Lot 340 (HN 34) Nollamara Ave, Nollamara	Educational Establishment	
A43	Lot 349 Karrinyup road and Lot 6 Francis Avenue, Karrinyup	Consulting Rooms, Medical Centre	The development shall have due regard for the requirements of the Karrinyup Regional Centre Guidelines
A44	Lot 561 (HN 2) Morris Road, Innaloo	Office	
A45 [Amd. 60]	Lot 88 (HN 818) Beaufort Street, Inglewood	Shop, Offices and Consulting Rooms	1. Non Residential Uses shall be permitted only on the ground floor. 2. Shop uses shall be limited to 250m <sup>2</sup> in net lettable area.
A46	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A47	<i>(Deleted by Amendment No.60, Gazetted 11 December 2018)</i>		
A48	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A49	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A50	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		

... continued next page

No.	Description of Land	Additional Uses	Conditions
A51	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A52	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A53	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A54	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A55	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A56	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A57	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A58	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A59	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A60	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A61	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A62	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A63	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A64	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A65	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A66	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A67	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
A68	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		

... continued next page


No.	Description of Land	Additional Uses	Conditions
A69 [Amd. 60]	Lot 87 (HN 820) Beaufort Street, Inglewood	Shop, Office, Consulting Rooms	1. Non Residential Uses shall be permitted only on the ground floor.  2. Shop uses shall be limited to 250m <sup>2</sup> in net lettable area.
A70	<i>[Superseded by MRA, Gazetted 2 July 2014]</i>		
A71 [Amd. 23]	Lot 73 (HN 135) Swan Street and Lot 62 (HN 198) Wanneroo Road, Yokine	Medical Centre	The two lots are required to be amalgamated prior to any development approvals being issued.
A74 [Amd. 60]	Lots 30, 20 and 23, 24, 1, 2, 21, and 22 (HN's 946, 948, 950, 952, 952A, 954 and 956) Beaufort Street, Inglewood, and Lots 890, 889 and 888 (HN's 133, 135 and 137) Stuart Street, Inglewood	Consulting Rooms, Office	
A75 [Amd. 52]	Portion of Swan Location W and being Lot 11 on Diagram 14265 Vol 1291 Fol 259 House Number 234 Grand Promenade, Dianella. [Amd. 115]	Medical Centre	
A76 [Amd. 59]	Lot 550, House Number 19, Hutton Street, Osborne Park	Showroom	
A77 [Amd. 49]	Lot 214, House Number 7, Erindale Road, Stirling Lot 705, House Number 39, Erindale Road, Stirling Lot 7, House Number 41, Erindale Road, Stirling	Retail Establishment	The gross floor area shall not be less than 300m <sup>2</sup>

... continued next page



No.	Description of Land	Additional Uses	Conditions
A78 [Amd. 70]	Lot 101, House Number 377, Wanneroo Road, Balcatta	Multiple Dwellings and Grouped Dwellings	<ol style="list-style-type: none"> <li>1. Notwithstanding Condition 2 of Table 1 – Zoning Table, multiple dwellings and grouped dwellings are discretionary 'D' land uses on the ground floor fronting Paghan Road. [Amd. 115]</li> <li>2. A Local Development Plan is to be prepared and adopted in accordance with the deemed provisions prior to the determination of an application for development approval for the development of multiple or grouped dwellings on the ground floor fronting Paghan Road.</li> </ol>
A79 [Amd. 65]	<p>Lot 1204 (HN 224), Lot 1205 (HN 228), Lot 1206 (HN 230), Lot 20 (HN 232), Lot 21 (HN 232A), Lot 1209 (HN 234), Lot 1210 (HN 236), Lot 5 (238), Lot 4 (240), Lot 16, (HN 220) Scarborough Beach Road, Doubleview;</p> <p>Lot 6 (HN 255) Woodside Street, Doubleview;</p> <p>Lot 1199 (HN 215), Lot 200 (HN 219), Lot 1106 (HN 223), Lot 1195 (HN 225 &amp; 7), Lot 1 (HN 227), Lot 1192 (HN 231), Lot 1191 (HN 233 &amp; 15), Lot 411 (HN 235 &amp; 17), Lot 1189 (HN 237), Lot 1188 (HN 239), Lot 1187 (HN 241 &amp; 23), Lot 1186 (HN 243 &amp; 25), Lot 1185 (HN 245 &amp; 27), Lot 1184 (HN 247 &amp; 29), Lot 1183 (HN 249) Scarborough Beach Road and Madang Lane, Doubleview</p> <p>Lot 1 (HN 234), Lot 2 (HN 234a) Hancock Street, Doubleview</p>	Consulting Rooms Office Personal Care Services	<ol style="list-style-type: none"> <li>1. Additional uses shall only be permitted on the ground floor and not on upper floors</li> <li>2. Ground floor of development to be adaptable for future non-residential land use that is compatible with residential land uses above.</li> <li>3. Only residential uses shall be permitted on upper floors.</li> </ol>

... continued next page

No.	Description of Land	Additional Uses	Conditions
A80 [Amd. 60]	Lot 401 (HN 981) Beaufort Street, Inglewood, and Lots 25 and 400 (HN's 5 and 7) Wood Street, Inglewood	Multiple Dwelling, Office, Shop	<ol style="list-style-type: none"> <li>1. A Hotel or Tavern use shall be maintained on part of the ground floor of the existing building.</li> <li>2. Multiple Dwellings shall only be located on the upper floor of the existing building.</li> <li>3. Maintain the 24 car bays for the adjoining Hotel site.</li> <li>4. R-Coding of R-AC0.</li> </ol>
A81 [Amd. 60]	Lot 51 (HN 9) Wood Street, Inglewood	Multiple Dwelling	<ol style="list-style-type: none"> <li>1. R-Coding of R-AC0.</li> </ol>
A82 [Amd. 60]	Lots 1 - 10 (HN's 951, 947, 945, 943, 941, 939, 937, 935, 933 and 931) Beaufort Street, Inglewood	Shop, Office, Consulting Rooms	<ol style="list-style-type: none"> <li>1. Non Residential Uses shall be permitted only on the ground floor and shall be restricted to a maximum net lettable area of 250m<sup>2</sup> each on Lots 1 – 10 (HN's 951,947, 945, 943, 941, 939, 937, 935, 933 and 931) Beaufort Street, Inglewood, as provided in the below diagram.</li> </ol> 
A83 [Amd. 60]	Lot 500 (HN 803) Beaufort Street, Mount Lawley (South-east of Wenberi Lane)	Multiple Dwelling, Office	<ol style="list-style-type: none"> <li>1. A Hotel or Tavern use shall be maintained on part of the ground floor of the existing building.</li> <li>2. Multiple Dwellings shall only be located on the upper floor of the existing building.</li> <li>3. R-Coding of R-AC0.</li> </ol>
A84 [Amd. 60]	Lot 500 (HN 803) Beaufort Street, Mount Lawley (North-west of Wenberi Lane)	Multiple Dwelling	<ol style="list-style-type: none"> <li>1. Maintain the 51 car bays for the adjoining Hotel site.</li> <li>2. New buildings are to be set back to match the setbacks of the adjoining residential dwelling.</li> <li>3. R-Coding of R-AC0.</li> </ol>

... continued next page

No.	Description of Land	Additional Uses	Conditions
A85 [Amd. 60]	Lots 118 and 117 (HN 734 and 736) Beaufort Street, Mount Lawley	Club Premises, Consulting Rooms, Education Establishment, Recreation Private, Restaurant and Convenience Store	
A86 [Amd. 60]	Lot 90 (HN 812) Beaufort Street, Mount Lawley	Service Station	
A87 [Amd. 60]	Lot 123 (HN 731) Beaufort Street, Mount Lawley	Club Premises, Educational Establishment, Office, Reception Centre, Restaurant	<p>1. Development shall be in accordance with the following zones:</p> <p>a) Mixed Use Area: The area is located between the Beaufort Street boundary of Lot 123 and the Residential Area.</p> <p>b) Residential Area: The area is located between the St Patrick's Church and the adjoining Lot 7 (House Number 67), First Avenue, Mount Lawley. It comprises an area 15 metres wide, measured along the First Avenue Street frontage. The resulting area is 906m<sup>2</sup> (60.4 metres x 15 metres).</p> <p>2. Conditions applicable to the Mixed Use Area:</p> <p>a) Additional uses shall be restricted to the Mixed Use Area only.</p> <p>b) Additional uses located between the 35 metre setback from the Beaufort Street boundary and the residential area shall be incidental to the predominant use of Place of Worship.</p> <p>c) Buildings shall be designed and located such that the church is not obscured from Beaufort Street.</p> <p>d) Notwithstanding clauses 6.6.6 (a) and (b) buildings located between the Beaufort Street boundary of Lot 123 and the 35 metre setback from the Beaufort Street boundary shall not exceed a maximum height equal to the finished floor level of the Waurena House (St Patrick's Church Rectory).</p>

... continued next page

### **Scheme Text**

No.	Description of Land	Additional Uses Conditions
		<p>e) A roof-top terrace or community space with a minimum dimension of not less than 15m x 15m shall be located on the Beaufort Street frontage.</p> <p>f) Buildings fronting Beaufort Street shall have active street frontages with pedestrian entrances located at the finished pavement level of Beaufort Street.</p> <p>g) Buildings shall have a minimum street setback of 3.0 metres.</p> <p>h) Development shall be in accordance with this Schedule and the Beaufort Street Local Development Plan.</p> <p>3. Conditions applicable to the Residential Area:</p> <p>a) Multiple dwellings shall not be permitted</p> <p>b) Notwithstanding clauses 6.6.6 (a) and (b) buildings shall not exceed 2 storeys in height.</p> <p>c) Buildings shall be set back a minimum of 4 metres from the common boundary with Lot 7 (House Number 67), First Avenue, Mount Lawley.</p> <p>d) A 1.0 metre wide landscaped strip shall be provided on Lot 123, Mount Lawley, along the common boundary with Lot 7 (House Number 67), First Avenue, Mount Lawley.</p> <p>e) Vehicular access shall be via a driveway, minimum 3 metres wide, located adjacent and parallel to the landscape strip along the common boundary with Lot 7 (House Number 67), First Avenue, Mount Lawley.</p> <p>f) Development shall be in accordance with this Schedule and Part 7 of Local Planning Policy 3.1 Character Retention Guidelines Mount Lawley, Menora and Inglewood.</p> <p>g) The provisions of clause 6.6.5(a) shall not apply to the residential area.</p>

... continued next page

No.	Description of Land	Additional Uses	Conditions
			<p>4. A 1.5 metre wide landscaped strip shall be provided on Lot 123, Mount Lawley, along the common boundary with Lots 1 and 2, Mount Lawley.</p> <p>5. Access from Beaufort Street shall be limited to one vehicular access point in the existing location adjacent to Lot 1 (House Number 727), Beaufort Street, Mount Lawley.</p>
A88 [Amd. 74]	Lot 5, House Number 1, Smith Street, Karrinyup	Consulting Rooms, Medical Centre, Office and Personal Care	The development shall have due regard for the requirements of the Karrinyup Regional Centre Guidelines
A89 [Amd. 80]	Lots 23, 24, 35, 36, 5, 28, 39 and 2 Cleveland Street, and Lots 3, 6, 14 – 20 and 38 Harold Street, Dianella	Consulting Rooms 'D' use Industry-Light 'D' use Industry-Service 'D' use Office 'D' use Personal Care Service 'D' use Personal Services 'D' use Recreation-Private 'D' use	<p>1. Additional Uses shall only be permitted on the ground floor fronting a road reserve.</p> <p>2. Additional Uses shall be limited to a maximum plot ratio area of 250m<sup>2</sup> per tenancy.</p>
A90 [Amd. 81]	Lot 81, House Number 10, Sanderling Street, Stirling	All Use Classes in Table 1 - Zoning Table designated 'P', 'D' or 'A' within the Local Centre zone	<p>1. A minimum 15m setback to any parking bays from the front lot boundary.</p> <p>2. Notwithstanding Condition 2 of Table 1 - Zoning Table, multiple dwellings and grouped dwellings are permitted on the ground floor fronting the road reserve.</p>
A93 [Amd. 88]	Lot 387 House Number 66, Francis Avenue, Karrinyup	Consulting Rooms	<p>1. Development shall respect the residential character of grouped dwellings on the eastern side of Francis Avenue.</p> <p>Development shall have the appearance of a residential building, and shall comply with the requirements of the R- Codes and the City's Local Planning Policy relating to:</p> <ul style="list-style-type: none"> <li>i. Street setbacks.</li> <li>ii. Lot boundary setback; and</li> <li>iii. Residential building height</li> </ul> <p>2. Development shall include features such as windows, entry points, fencing and balconies that are common to the area</p>

... continued next page

### Scheme Text

No.	Description of Land	Additional Uses	Conditions
A94 [Amd. 117]	Part Lot 9002 (House Number 139) Balcatta Road, Balcatta	Educational Establishment 'D' use	1. The additional use shall be limited to establishments that provide education or training relating to activities consistent with the objectives of the Industry zone (cl. 4.2.6).
A95 [Amd.126]	Lot 66 House Number 220, Balcatta Road, Balcatta	Drive Through Fast Food Outlet 'D' use	
A96 [Amd.129]	Lot 22 on Strata Plan 60271, House Number 20, Pearl Parade, Scarborough	Consulting Room, Office, Personal Care Services and Shop  'D' Uses	1. The additional uses are limited to Lot 22 only
A97 [Amd. 121]	Lot 196, House Number 1, Waterloo Street, Joondanna.	Consulting Rooms 'D' use  Office 'D' use	1. Additional uses are to operate only on the ground floor level of a development.

## SCHEDULE 3 RESTRICTED USES [CL 4.6]

*Note: Where there is an inconsistency between the identification of a particular site in this Schedule and the Scheme Map, the Scheme Map shall prevail.*

No.	Description of Land	Restricted Use	Conditions
RU1 [Amd. 104]	<p>Servite College Special Control Area</p> <p>Lot 301, 139 Cape Street Lot 302, 143 Cape Street Lot 1102, 143 Cape Street Lot 10, 148 Cape Street Lot 34, 113 Stoneham Street Lot 46, 12 Myers Street Lot 1, 14 Myers Street Lot 17, 10 Morgans Street Lot 18, 12 Morgans Street Lot 19, 14 Morgans Street Lot 21, 18 Morgans Street Lot 23, 22 Morgans Street [Amd. 104]</p> <p>Lot 44, 151 Cape Street Lot 27, 155 Cape Street Lot 32, 162 Cape Street [Amd. 116]</p>	<p>Car Park Caretakers Dwelling Child Care Premises Community Purpose Educational Establishment Office Recreation-Private Shop</p>	<p>All uses other than Educational Establishment are only permissible when developed as incidental to that use.</p>
RU2 [Amd. 112]	<p>Lot 5, (House Number 178) Edward Street, Osborne Park</p>	<p>Car Park Multiple Dwelling</p>	<p>1. Upon substantial development of the site, 20 public car parking bays shall be maintained until such time as Lot 6, House Number 221, Main Street, Osborne Park is redeveloped and provided with sufficient parking within that lot.</p>

INTENTIONALLY  
BLANK



## SCHEDULE 4 SPECIAL USE ZONES [CL 4.7.1]

*Note: Where there is an inconsistency between the identification of a particular site in this Schedule and the Scheme Map, the Scheme Map shall prevail.*

No.	Description of Land	Special Use Zone	Conditions
S1	<i>(Deleted by Amendment No. 73, Gazetted 1 November 2016)</i>		
S2	Lot 99 (HN 33) Blythe Avenue, Yokine and Lots 1-6 on Survey Strata Plan 51396.	Uses as per the Local Centre zone	Development of the site is to be in accordance with a Concept Plan adopted by the City to guide the future development and use of the site.
S3	Lots 502, 503 and 50 (HN's 467 & 477) North Beach Road, Gwelup	Caravan Park and Civic Use	<ol style="list-style-type: none"> <li>1. The use shall cease by 6 February 2029.</li> <li>2. The north-south road as indicated on the adopted Concept Plan (an extension of Water Crescent Gardens as indicated on Plan 1) is to be constructed to the City's satisfaction, excised from the property and transferred to Council free of cost, all at the owners cost upon cease of the additional use within a maximum of 20 years from the date of gazettal or upon the date of change of ownership of the land, whichever is the sooner.</li> </ol>
S4	<i>(Deleted by Amendment No. 41, Gazetted 26 May 2015)</i>		
S5	<i>(Deleted by Amendment No. 24, Gazetted 24 October 2014)</i>		
S6	<i>(Deleted by Amendment No. 24, Gazetted 24 October 2014)</i>		
S7	<i>(Deleted by Amendment No. 3, Gazetted 6 July 2012)</i>		
S8	<i>(Deleted by Amendment No. 3, Gazetted 6 July 2012)</i>		

... continued next page

### Scheme Text

No.	Description of Land	Special Use Zone	Conditions
S9N	Portion of Location 1110 being Lot 13 on Diagram 67549, 27 Dianella Drive Dianella <i>(Note: North portion of site)</i>	Media Establishment	
S9S	Portion of Location 1110 being Lot 13 on Diagram 67549, 27 Dianella Drive Dianella <i>(Note: South portion of site)</i>	Media Establishment	
S10	<i>(Deleted by Amendment No. 41, Gazetted 26 May 2015)</i>		
S11	<i>(Deleted by Amendment No. 11, Gazetted 2 November 2012)</i>		
S12	<i>(Deleted by Amendment No. 13, Gazetted 24 March 2015)</i>  <i>Refer to Metropolitan Redevelopment Authority's Scarborough Redevelopment Area – Interim Scarborough Redevelopment Scheme, Gazetted 2 July 2014]</i>		
S13	Lot 1, House Number 59, Gribble Road, Gwelup	Uses as per Residential Zone	Residential Density shall not exceed R30.  Subdivision is to be in accordance with a subdivision concept plan, adopted by the Council, which improves road connectivity to the locality and addresses the nature of surrounding development.
S14	<i>(Deleted by Amendment No. 1, Gazetted 2 September 2014)</i>		
S15	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
S16	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		

... continued next page

### Scheme Text

No.	Description of Land	Special Use Zone	Conditions
S17	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
S18	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
S19	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
S20	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
S21	<i>(Deleted by Amendment No. 39, Gazetted 21 August 2018)</i>		
S22	<i>(Deleted by Amendment No. 1, Gazetted 2 September 2014)</i>		
S23 [Amd 16]	Lot 1, House Number 2, Walter Road West, Inglewood	Residential R60	Development shall be in the form of a Landmark Building, generally in accordance with the submitted Concept Plans (ref: SK 04 Rev B), to the satisfaction of the City.
S26 [Amd 17]	Lot 1, House Number 275, Wanneroo Road, Balcatta and Lot 306, House Number 281, Wanneroo Road, Balcatta	Medical Centre and Convenience Store	<ol style="list-style-type: none"> <li>1. That Lot 1 and Lot 306 be amalgamated to the satisfaction of the City prior to planning approval for the development or use of the site being issued.</li> <li>2. That the southernmost crossover to Lot 1 from Wanneroo Road is removed and the verge reinstated as part of the planning application for the development or use of the site being issued.</li> </ol>

... continued next page

### Scheme Text

No.	Description of Land	Special Use Zone	Conditions
S27 [Amd 14]	Lot 510, House Number 31, Blythe Avenue, Yokine	Local Centre and Residential R80	<p>Development shall be in accordance with a Detailed Area Plan which addresses the following requirements to the satisfaction of the City –</p> <ul style="list-style-type: none"> <li>a. active, non-residential uses at ground floor level;</li> <li>b. residential uses above ground floor level;</li> <li>c. street setbacks aligned to those of adjoining Lots 99 and 10 Blythe Avenue;</li> <li>d. building heights, materials and architectural style to complement development on adjoining Lots 99 and 10 Blythe Avenue;</li> <li>e. a continuous shaded walkway along the front of the development which integrates with the walkway on the adjoining Lots 99 and 10 Blythe Avenue;</li> <li>f. landscaping of all areas of open space including the street verges along Blythe and Hayes Avenues; and</li> <li>g. suitable arrangements being made with the City of Stirling for the upgrading and sealing of the service road and car park area running parallel to Blythe Avenue where it abuts Lot 510 Blythe Avenue, at the applicant's cost.</li> </ul>
S29 [Amd. 8]	Lot 201, House Number 19, Gribble Road, Gwelup	Uses as per Residential Zone	Residential density shall not exceed R30. Subdivision is to be in accordance with a subdivision concept plan, adopted by Council, which improves road connectivity to the locality and addresses the nature of the surrounding development.
S30	<i>(Deleted by Amendment No.60, Gazetted 11 December 2018)</i>		
S32 [Amd. 72]	Lot 7, House Number 31, Gribble Road, Gwelup	Uses as per Residential Zone	Residential density shall not exceed R30. Subdivision is to be in accordance with a subdivision concept plan, adopted by Council, which improves road connectivity to the locality and addresses the nature of surrounding development.

# **SCHEDULE 5      FORM OF APPLICATION FOR PLANNING APPROVAL**

## **[CL 9.1.1]**

### **APPLICATION FOR PLANNING APPROVAL**

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

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

<b>Property Details</b>		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		

Existing Building/Land Use:
Description of proposed Development and/or Use:
Nature of any existing buildings and/or use:
Approximate Cost of proposed Development:
Estimated time of completion:

<b>OFFICE USE ONLY</b>	
Acceptance Officer's initials:	Date received:
Local Government Reference No:	

INTENTIONALLY  
BLANK

**SCHEDULE 6 NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL [CL 9.4.4]**

*Planning and Development Act 2005*

City of Stirling

**Notice of Public Advertisement of Planning Proposal**

The Council has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No: ..... Street: ..... Suburb: .....

Proposal: .....  
.....  
.....

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before the ..... day of ..... 20.....

Signed: ..... Dated: .....  
.....  
for and on behalf of the City of Stirling

INTENTIONALLY  
BLANK



**SCHEDULE 7 NOTICE OF DETERMINATION ON APPLICATION FOR  
PLANNING APPROVAL [CL 10.4.1]**

*Planning and Development Act 2005*

City of Stirling

**Determination on Application for Planning Approval**

Location: .....

Lot: ..... Plan/Diagram: .....


Vol. No.: ..... Folio No: .....


Application Date: ..... Received on: .....

Description of proposed development: .....

.....

The application for planning approval is:

 Granted subject to the following conditions:

 Refused for the following reason(s):

Conditions/reasons for refusal:

.....

.....

.....

*Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.*

*Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.*

*Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part 14 of the Planning and Development Act 2005. An appeal must be lodged within 28 days of the determination.*

Signed: .....

Dated: .....

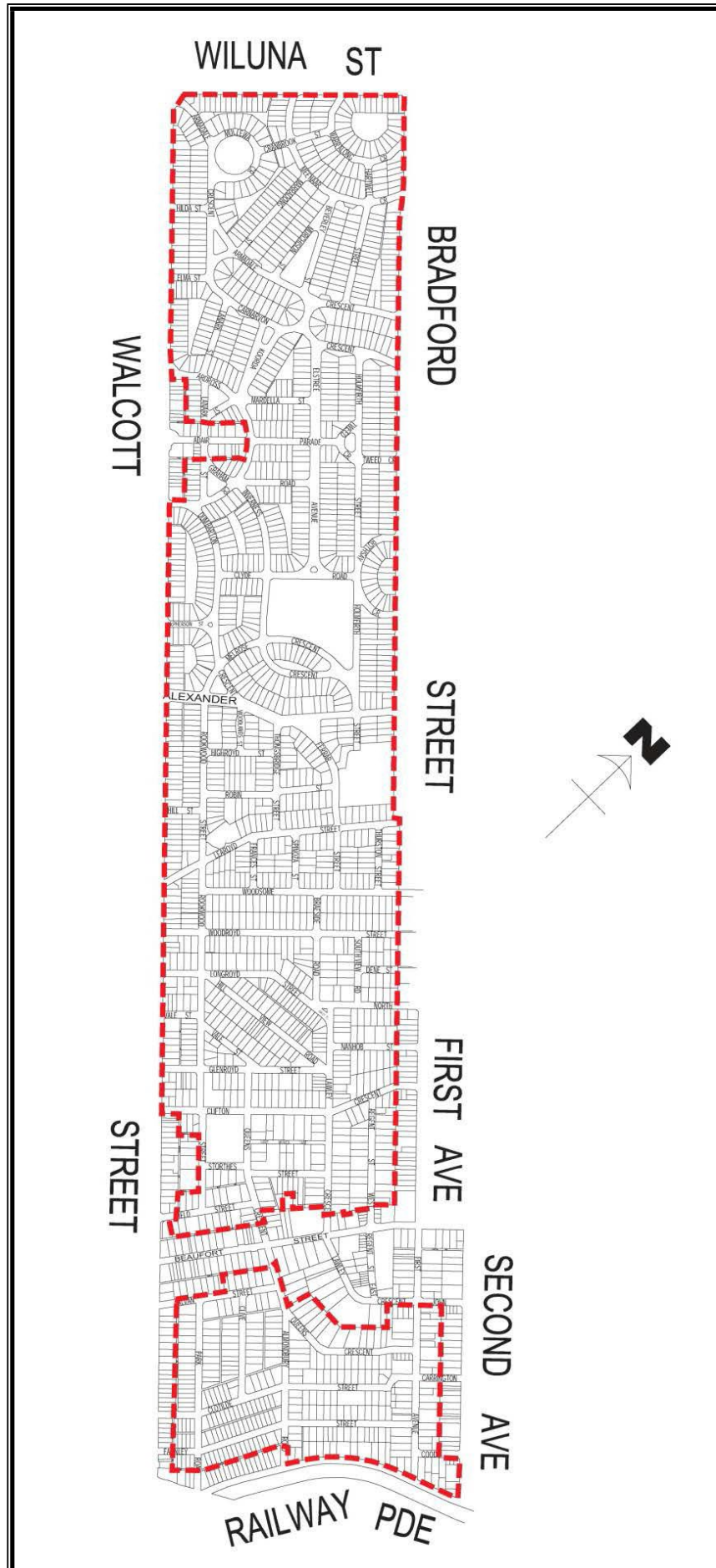
for and on behalf of the City of Stirling

[Amd. 13]

INTENTIONALLY  
BLANK

**SCHEDULE 8      ADVERTISING SIGNS [CL 5.7.2]**  
*(Deleted by Amendment No.115, Gazetted 28 March 2023)*

INTENTIONALLY  
BLANK



INTENTIONALLY  
BLANK

## SCHEDULE 10 DEVELOPMENT (STRUCTURE PLAN) AREAS [CL 6A]

*Note: The following table details the areas where structure plans have either been adopted by Council and the Commission or are required as per Clause 6A. The boundaries of these Development Areas are shown on the Scheme Map, with the exception of 'Carenilup Swamp' which is shown as a 'Special Control Area' (refer clause 6.2).*

Name of Structure Plan / Activity Centre Plan [Amd. 85 & Amd. 84]	Purpose	Requirements
Carenilup Swamp, Gwelup	To facilitate development and protect wetland.	As per clause 6.2.
East Roselea, Balcatta	To facilitate development within the East Roselea Balcatta Structure Plan Area of a variety of medium to high density residential lots, public open space and a Neighbourhood Centre in the south western corner of the Structure Plan area. [Amd. 83]	<ol style="list-style-type: none"> <li>1. A Structure Plan prepared and approved pursuant to Schedule 2 Part 4 of the deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> shall apply to the Structure Plan Area to guide subdivision and/or development.</li> <li>2. Development of the Neighbourhood Centre must comply with the following requirements:- <ol style="list-style-type: none"> <li>a. A minimum of 50% of the Karrinyup Road frontage of Lot 150, House Number 732, shall contain buildings with active frontages.</li> <li>b. Development fronting Grindleford Drive and new road frontages must promote pedestrian activation and good places and spaces by:- <ol style="list-style-type: none"> <li>i. Sleaving of any larger scale retail (supermarket) use with smaller retail or commercial tenancies, dwellings, or any other permitted uses that incorporate active facades to adjacent streets.</li> <li>ii. Buildings which address streets provide weather protection to adjacent pedestrian footpaths through the provision of awnings to ground floor commercial uses and avoid blank walls facing the street in order to promote activity and encourage passive surveillance.</li> <li>iii. Loading docks, service yards, storage areas and services for the buildings not being visible from any street other than accessways.</li> </ol> </li> </ol> </li> </ol> <p>... continued next page</p>

... continued next page

### Scheme Text

Name of Structure Plan / Activity Centre Plan [Amd. 85 & Amd. 84]	Purpose	Requirements
East Roselea, Balcatta (continued):		<p>iv. On-site car parking must be sleeved with buildings, or located above, below or within buildings, so as to not be visible from any adjacent street. On street car parking must be provided, by the applicant to the satisfaction of the City, within the road reserve of any street abutting the Neighbourhood Centre site, with the exception of Karrinyup Road.</p> <p>c. The Neighbourhood Centre must not exceed a maximum retail gross floor area of 5,000m<sup>2</sup> which may include a supermarket up to a maximum gross leasable area of 4,000m<sup>2</sup>. Notwithstanding this, an increase to a maximum retail gross floor area of 6,000m<sup>2</sup> may be permitted subject to the submission of a Retail Sustainability Assessment report as part of a structure plan, which demonstrates to the satisfaction of the Council that the likely impact on other centres is acceptable and the urban design provides for a mixture of tenancy sizes that support the development of a centre developed along traditional centre design principles.</p> <p>d. Notwithstanding the above, variations to the provisions of sub-clauses 2b. i, ii, iii and iv, may be considered where development, in the opinion of Council:-</p> <p>i. Creates a vibrant and active neighbourhood centre.</p> <p>ii. Creates development with main street frontages.</p> <p>iii. Provides a high level of pedestrian amenity through the provision of interactive frontages and weather protection; and</p> <p>iv. Promotes a high quality built form which enables safety and security through passive surveillance.</p> <p>[Amd. 83]</p>

... continued next page

# **Scheme Text**



Name of Structure Plan / Activity Centre Plan [Amd. 85 & Amd. 84]	Purpose	Requirements
Edith Cowan University, Churchlands	To facilitate development of a variety of residential densities.	As per adopted Structure Plan.
Herb Graham, Mirrabooka ( <i>Deleted by Amendment No. 29 – Gazetted 16 September 2014</i> )		
Roselea, Stirling	To facilitate development of low to medium density residential lots.	As per adopted Structure Plan.
Princeton, Stirling	To facilitate development of low to medium density residential lots.	As per adopted Structure Plan.
Carine TAFE, Carine	To facilitate the development of: <ol style="list-style-type: none"> <li>1. Aged or Dependent Persons Dwellings</li> <li>2. A Nursing home</li> <li>3. Ancillary facilities and services associated with Aged or Dependent Persons dwelling and the Nursing Home.</li> <li>4. A range of residential densities to facilitate a broad mix and type of housing</li> <li>5. Mixed use development with a range of commercial uses and child care</li> </ol>	<ol style="list-style-type: none"> <li>1. As per Clause 6A.</li> <li>2. A minimum 10% affordable housing is to be provided. The Structure Plan is to specify measures for achieving this.</li> <li>3. Future subdivision and development must ensure that the existing vegetation continues to contribute to local biodiversity and local landscape characteristics of the area and provides an attractive setting for the redevelopment of the site.</li> </ol>
Stirling City Centre, Stirling / Innaloo [Amd. 1]	To facilitate development within the Stirling City Centre Activity Centre Plan Area in a manner consistent with the objectives in Clause 6.11.1. [Amd. 84]	As per Clause 6.11 and the Stirling City Centre Activity Centre Plan. [Amd. 84]
Mirrabooka Town Centre [Amd. 29]	As per Clause 6.8.1 'Objectives' of the Mirrabooka Town Centre Special Control Area.	As per Clause 6.8 and Activity Centre Plan. [Amd. 85]

... continued next page

Name of Structure Plan / Activity Centre Plan [Amd. 85 & Amd. 84]	Purpose	Requirements
Channel Nine Site, Dianella [Amd. 24]	<ol style="list-style-type: none"> <li>1. To implement the objectives of the Dianella Media Zones Precinct Plan.</li> <li>2. To facilitate a mix of lot and housing types that meet the minimum 30 dwelling units per hectare and accommodate a diverse range of demographics.</li> <li>3. To facilitate built form which maximises views, appropriately addresses public open space where applicable, provides an attractive and distinctive streetscape, and responds to the varying topography of the site.</li> <li>4. To articulate in detail the objectives for Detailed Area Plans and identify the lots that will require the preparation of a Detailed Area Plan.</li> <li>5. To provide a minimum of 10% public open space for active (informal) and passive recreation and an eco-corridor to facilitate kangaroo movement between bushland to the north and south of the site.</li> <li>6. To provide a robust and permeable street network.</li> </ol> <p>... continued next page</p>	<ol style="list-style-type: none"> <li>1. As per adopted Structure Plan.</li> <li>2. A range of housing types and densities to be provided within the Structure Plan generally in accordance with the Media Zones Precinct Plan that achieves a minimum yield of 108 dwellings and the dwelling target of 30 units per hectare to the satisfaction of the City.</li> <li>3. The adopted Structure Plan shall provide detailed guidance in regard to built form outcomes. Building height shall be limited to a maximum of 3 storeys.</li> <li>4. Detailed Area Plans shall be required for lots with a density in excess of R30 in accordance with the Dianella Media Zones Precinct Plan.</li> <li>5. A minimum 10% of public open space to be provided in accordance with the Dianella Media Zones Precinct Plan.</li> <li>6. Traffic calming devices to be provided at the applicant's cost along Gay Street and the internal subdivision road given that kangaroos will need to move across these roads via the public open space /Kangaroo Corridor, to the satisfaction of the City.</li> </ol> <p>... continued next page</p>

... continued next page

Name of Structure Plan / Activity Centre Plan [Amd. 85 & Amd. 84]	Purpose	Requirements
Channel Nine Site, Dianella [Amd. 24] (continued):	<ol style="list-style-type: none"> <li>7. To provide an open space link for kangaroo movement.</li> <li>8. To ensure compliance with the Western Australian Planning Commission's policy 'State Planning Policy 3.7 Planning for Bushfire Risk Management', and 'Planning for Bushfire Risk Management Guidelines', including any requirements for buildings in bushfire prone areas to be constructed in accordance with AS3959.</li> </ol>	<ol style="list-style-type: none"> <li>7. The Kangaroo Corridor, identified as public open space on the adopted Structure Plan, shall be revegetated at the applicant's cost to the satisfaction of the City.</li> <li>8. The Structure Plan is to comply with the Western Australian Planning Commission's policy 'State Planning Policy 3.7 Planning for Bushfire Risk Management', and 'Planning for Bushfire Risk Management Guidelines', including any requirements for building in bushfire prone areas to be constructed in accordance with AS3959.  The Structure Plan is to include the following annotation: 'Residential lots within a bushfire prone area will be required to include a notification under section 70A <i>Transfer of Land Act 1893</i> on the certificate of title giving notice of the bushfire hazard and any restrictions and/or protective measures required to be maintained at the landowner's cost.'</li> </ol>
Network Ten and Department of Housing Sites, Dianella [Amd. 41]	<ol style="list-style-type: none"> <li>1. To optimise the residential density in recognition of the proposed light rail network along Dianella Drive;</li> <li>2. To implement the objectives of the Dianella Media Zones Precinct Plan;</li> <li>3. To facilitate a mix of lot and housing product that meets the minimum 30 dwelling units per hectare;</li> <li>4. To provide sufficient public open space for active (informal) recreation and an open space link between the bushland to the north and south of the site; and</li> <li>5. To provide a robust and permeable street network.</li> </ol> <p>... continued next page</p>	<p>As per clause 6A and the adopted structure plan</p> <p>... continued next page</p>

... continued next page

### Scheme Text

Name of Structure Plan / Activity Centre Plan [Amd. 85 & Amd. 84]	Purpose	Requirements
<p>Network Ten and Department of Housing Sites, Dianella [Amd. 41] (continued):</p>	<p>6. To ensure compliance with the Western Australian Planning Commission's policy 'State Planning Policy 3.7 Planning for Bushfire Risk Management,' and 'Planning for Bushfire Risk Management Guidelines'</p> <p>7. To ensure compliance with the Western Australian Planning Commission's policy 'State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning.'</p>	<p>The Structure Plan is to comply with the Western Australian Planning Commission's policy 'State Planning Policy 3.7 Planning for Bushfire Risk Management, and 'Planning for Bushfire Risk Management Guidelines', including any requirements for buildings in bushfire prone areas to be constructed in accordance with AS3959.</p> <p>An annotation is to be included on the Structure Plan stating: <i>'Residential lots within a bushfire prone area will be required to include a notification under section 70A Transfer of Land Act 1893 on the certificate of title giving notice of the bushfire hazard and/or protective measures required to be maintained at the landowner's cost.'</i></p> <p>The Structure Plan is to comply with the Western Australian Planning Commission's policy 'State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning', including noise attenuation barriers, build design and construction techniques.</p>
<p>Atlas Site, Mirrabooka [Amd. 42]</p>	<p>To facilitate the development of a range of:</p> <ul style="list-style-type: none"> <li>• Light/service industrial uses; and</li> <li>• Mixed business uses.</li> </ul>	<p>As per Clause 6A</p>
<p>Lot 201 Harkins Street and Lot 94 Arkana Road, Westminster [Amd. 64]</p>	<p>1. To provide a range of residential densities with a broad mix of housing types to accommodate a diverse range of demographics such as Aged or Dependent Persons Dwellings.</p> <p>2. To facilitate a range of appropriately located non-residential uses.</p>	<p>A structure plan prepared and approved pursuant to Part 4 of the deemed provision shall apply to the structure plan area to guide subdivision and/or development.</p>
<p>Herdsman Glendalough Structure Plan [Amd. 39]</p>	<p>To facilitate development within the Herdsman Glendalough Structure Plan Area in a manner consistent with the objectives in Clause 6.4.1.</p>	<p>As per Clause 6.4 and the Herdsman Glendalough Structure Plan</p>

## SCHEDULE 11 DEVELOPMENT CONTRIBUTION AREAS [CL 6B]

*Note: The following table details the areas in which infrastructure contributions are required, the infrastructure to which developer contributions relate and the basis upon which developer contributions will be determined.*

No.	Description of land	Infrastructure to which cost sharing arrangements	Cost sharing arrangement
1	<i>[Superseded by MRA, Gazetted 2 July 2014]</i>		
2 [Amd. 115]	All land within the Main Street Plaza Special Control Area.	<ul style="list-style-type: none"> <li>• Road Works</li> <li>• Landscaping</li> <li>• Paving</li> <li>• Furniture</li> <li>• Irrigation</li> </ul>	<p><b>1. Development Contribution</b> In accordance with the adopted Implementation Strategy for this area.</p> <p><b>2. Payment of Development Costs [Amd. 5]</b></p> <p>2.1 Unless an agreement is entered into under clause 6B.14.2, the owner must pay the cost contribution within 60 days of the event which under clause 6B.13.2 gave rise to the liability to pay the cost contribution or at such other time as is specified by a condition of development approval issued by the City for the commencement of development.</p> <p>2.2 Payment is required in accordance with clause 6B.14 of the Scheme and in addition:</p> <p>a) interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purpose of section 6.13 of the <i>Local Government Act 1995</i>.</p> <p>b) interest shall be paid from the date an owner becomes liable for a cost contribution to the date on which the cost contribution, or unpaid portion of the cost contribution (as the case may be) is paid.</p>
3	<i>[Superseded by MRA, Gazetted 2 July 2014]</i>		

... continued next page

No.	Description of land	Infrastructure to which cost sharing arrangements relate	Cost sharing arrangement
4	All land within the Stirling City Centre Development Contribution Area [Amd. 1]	<p>The Scheme Works, referred to in Schedule 3 and in conjunction with other provisions, of the previous City of Stirling Town Planning Scheme No.38 (TPS 38)</p> <p><u>Note</u> – All works from TPS38 have been completed and no new works or cost share arrangements are proposed.</p>	<ol style="list-style-type: none"> <li>1. A cost contribution shall be payable by an owner who was required to pay a general costs contribution or precinct costs contribution under TPS 38 which had not been paid by that owner by the date on which Amendment No. 1 to the City of Stirling Local Planning Scheme No. 3 (Stirling City Centre) was published in the <i>Government Gazette</i>.</li> <li>2. The amount of the cost contribution shall comprise the amount of the general costs contribution and precinct costs contribution payable under TPS 38 together with any interest payable in respect of these contributions under TPS 38.</li> <li>3. The provisions of Clauses 6B.13 to 6B.19 (inclusive) shall apply in respect of owners' cost contributions with the following modifications: [Amd. 5] <ol style="list-style-type: none"> <li>a) An owner's costs contribution is not payable for so long as the owner's land continues to be used solely for residential purposes where the density of residential development does not exceed R40;</li> <li>b) Interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purposes of section 6.13 of the <i>Local Government Act 1995</i>. Interest shall be paid from the date on which Amendment No. 1 to the City of Stirling Local Planning Scheme No. 3 (Stirling City Centre) was published in the <i>Government Gazette</i>. [Amd. 5]</li> <li>c) Unless an agreement is entered into under clause 6B.14 .2, an owner must pay the cost contribution within 60 days of the event which under clause 6B.13.2 gave rise to the liability to pay the cost contribution. [Amd. 5]</li> </ol> <p><i>(Deleted by Amendment No.124, Gazetted 9 August 2023)</i></p> </li> </ol>
5 [Amd. 124]	All land within Schedule 11A – Rights of Way Improvement Works	Details relating to DCA 5 – Rights of Way Improvement Works are included in Schedule 11A.	Details relating to DCA 5 – Rights of Way Improvement Works are included in Schedule 11A.

... continued next page

<b>6</b> [Amd. 124]	All land within the Scarborough Special Control Area	Details relating to DCA 6 – Scarborough Development Contribution Area are included in Schedule 11B.	Details relating to DCA 6 – Scarborough Development Contribution Area are included in Schedule 11B.
------------------------	--	---	---

INTENTIONALLY  
BLANK



**SCHEDULE 11A DEVELOPMENT CONTRIBUTION PLAN [CL 5.11A, 6B AND 10.3.2(q)] [Amd. 5]**

Reference No.	Development Contribution Plan for Rights of Way Improvement Works
Area Name:	<p>Rights of Way Improvement Works Development Contribution Area: identified as DCA 5 on ROW Maps 1, 2 and 3 as included in this Schedule.</p> <p>DCA 5 includes all land situated adjacent to and sharing a common boundary with a right of way (ROW) or laneway (or any land set aside for the purpose of widening of such ROW or laneway) as identified on ROW Maps 1, 2 and 3 excluding land designated for public open space, right of way, public roads or other public uses.</p>
Relationship with Other Planning Instruments:	<p>The development contribution plan generally conforms to the:</p> <ul style="list-style-type: none"> <li>• City of Stirling Rights of Way Management Strategy (as amended).</li> <li>• City of Stirling Local Planning Policy 6.5 'Development Abutting Rights of Ways'.</li> <li>• Rights of Way Improvement Works Table as included in the Development Contribution Plan Report, and ROW Maps 1, 2 and 3.</li> </ul>
Infrastructure and Administrative Items to be Funded:	<p>The rights of way or laneways to be upgraded in this plan, together with the nature of upgrade works to be completed for each right of way or laneway, are shown delineated on the <i>Rights of Way Improvement Works Table</i>.</p> <p>The following infrastructure items are to be funded by cost contributions:</p> <ul style="list-style-type: none"> <li>• Road construction;</li> <li>• Kerbing;</li> <li>• Site clearing and preparation;</li> <li>• Crossovers;</li> <li>• Retaining walls;</li> <li>• Stormwater drainage;</li> <li>• Street lighting and electrical;</li> <li>• Works incidental or ancillary to these other infrastructure items;</li> <li>• Borrowing costs;</li> </ul> <p>The infrastructure items referred to above include those carried out, contracted or undertaken by the City whether before or after the development contribution plan to which they relate is incorporated in Schedule 11A and those infrastructure items proposed to be carried out, contracted or undertaken by the City.</p>
Method for Calculating Contributions:	<p>In relation to development or subdivision of land within the Development Contribution Area, a cost contribution is not required to be paid in the following circumstances:</p> <ul style="list-style-type: none"> <li>• the subdivision is solely for the purpose of transferring land for public uses; [Amd. 120]</li> <li>• the Owner or preceding Owner of the land has constructed the ROW or laneway at its own expense to the City's satisfaction, in which case a cost contribution for Lighting Cost only is required;</li> <li>• the Owner or preceding Owner of the land has paid a cash contribution determined by the City based on the estimated cost of constructing the ROW or laneway at the time of the payment, in which case a cost contribution for Lighting Cost only is required;</li> <li>• the ROW or laneway adjacent to the land has been constructed to the City's satisfaction at the expense of neither the City nor the Owner, in which case a cost contribution for Lighting Cost only is required;</li> </ul>

... continued next page

Reference No.	Development Contribution Plan for Rights of Way Improvement Works
	<ul style="list-style-type: none"> <li>the development is a minor addition or modification to an existing development where the addition or modification is valued at \$100,000 or less which value shall be adjusted from time to time by Council to reflect construction cost inflation, and there is no proposed new access nor modification to an existing access to the ROW or laneway from the land;</li> <li>the development is the erection of a patio or pergola (as defined in the R-Codes) or shade sail for residential purposes;</li> <li>the development is the erection of or modification to a boundary fence or retaining wall;</li> <li>the development is solely demolition.</li> </ul> <p><u>Corner Lots</u> The Owner of land adjacent to and sharing a common boundary with more than one ROW or laneway identified in the Development Contribution Area shall only be required to make a cost contribution based on the ROW or laneway with which the Owner's land shares the rear boundary.</p> <p><u>Strata Lots</u> Where land the subject of a strata plan or survey-strata plan is situated adjacent to and shares a common boundary with a ROW or laneway, the Owner of lots shown on the strata plan or survey-strata plan are liable to pay equal shares of the cost contribution for the land comprising the strata plan or survey-strata plan. Where a strata lot is the only land in the strata plan adjacent to and sharing a common boundary with a ROW or laneway, the Owner of that lot will be solely liable to pay the cost contribution.</p> <p><u>Cost Contribution Calculation</u> An Owner's cost contribution shall be determined on the basis of estimated infrastructure costs and calculated with reference to the "Nature of Upgrade" indicated for the relevant laneway abutting the development or subdivision on the <i>Rights of Way Improvement Works Table</i>, the <i>Construction Rate</i> and/or the <i>Lighting Rate</i> and the boundary of the Owner's lot abutting the laneway using the following method:</p> <p>Construction Cost (A): Length of Lot, strata plan or survey-strata plan boundary to laneway (m) x Construction Rate (\$ per linear m)</p> <p>Lighting Cost (B): Length of Lot, strata plan or survey-strata plan boundary to laneway (m) x Lighting Rate (\$ per linear m)</p> <p>Total Cost Contribution = (A) + (B)</p> <p>Where:-  <i>"Length of Lot, strata plan or survey-strata plan boundary to laneway (m)"</i> is the surveyed boundary of the lot, strata plan or survey-strata plan abutting the laneway and shown on the relevant survey plan lodged at Landgate;  <i>"Construction Rate"</i> is the estimated infrastructure cost, per linear metre of lot frontage, for constructing and draining a laneway;  <i>"Lighting Rate"</i> is the estimated infrastructure cost, per linear metre of lot frontage, for installing lighting in a laneway.</p>

... continued next page

<b>Reference No.</b>	<b>Development Contribution Plan for Rights of Way Improvement Works</b>
Payment of Cost Contribution:	Unless an agreement is entered into under clause 6B.14.2, an owner must pay a cost contribution within 60 days of the event which under clause 6B.13.2 gave rise to the liability to pay the cost contribution or at such other time as is specified by a condition of development approval issued by the City of the commencement of development.
Interest on Unpaid Cost Contributions:	<p>(a) Interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purposes of section 6.13 of the <i>Local Government Act 1995</i>.</p> <p>(b) Interest payable on any cost contribution or portion of a cost contribution (as the case may be) shall be paid from the date an owner becomes liable.</p>
Period of Operation:	20 years from the date of gazettal.
Priority and Timing:	In accordance with the adopted Rights of Way Management Strategy and the laneway upgrade works program determined by the City.
Review Process:	<p>The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment.</p> <p>The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with clause 6B.11 of LPS No.3.</p>

... continued next page



# **ROW Map 2** **DCA 5**



... continued next page

[Amd. 120]

## **Scheme Text**

City of Stirling Local Planning Scheme No.3

Schedule 10, Page 5





[Amd. 120]

## SCHEDULE 11B SCARBOROUGH DEVELOPMENT CONTRIBUTION PLAN [Amd. 124]

Reference No.	Development Contribution Plan 6
Area name:	Development Contribution Area 6 as shown on the Scheme Map.
Relationship with other Planning Instruments:	The Development Contribution Plan (DCP) should be read in conjunction with the Scarborough Design Guidelines and Development Policies.
Infrastructure and Administrative Items to be Funded:	<p>The key components of the DCP are defined below:</p> <ol style="list-style-type: none"> <li> <b>Development Contribution Plan Administration</b>  Costs associated with preparation, implementation and review of the DCP, including: <ul style="list-style-type: none"> <li>DCP preparation and review costs;</li> <li>DCP administration costs;</li> <li>Legal fees;</li> <li>Land valuations.</li> </ul> </li> <li> <b>Beachside Precinct Works</b>  Works to enhance and revitalise the Scarborough foreshore area, which provides for the following: <ul style="list-style-type: none"> <li>Road upgrades and improved parking arrangements</li> <li>Hard landscaping</li> <li>Soft landscaping</li> <li>Signage</li> <li>Street furniture</li> <li>Play equipment</li> <li>Community recreation facilities</li> <li>Scarborough Square (including Clock Tower Piazza)</li> <li>Upgrades to the public realm north and south of the Scarborough Amphitheatre.</li> </ul> </li> <li> <b>Streetscape Upgrades East of West Coast Highway</b>  Provision of new infrastructure and upgrades to existing infrastructure, including local area traffic management, to the following streets located east of West Coast Highway: <ul style="list-style-type: none"> <li>Hastings Street between Kay Street and Scarborough Beach Road;</li> <li>Brighton Road between West Coast Highway and Stanley Street;</li> <li>Scarborough Beach Road between West Coast Highway and Hinderwell Street; and</li> <li>Manning Street between West Coast Highway and Joyce Street.</li> </ul> <p>Specific streetscape upgrade works to be undertaken include:</p> <ul style="list-style-type: none"> <li>Provision of additional embayed on-street car parking;</li> <li>Provision of new footpaths;</li> <li>Undergrounding of existing overhead power transmission lines;</li> <li>Provision of street furniture;</li> <li>Provision of new street trees and coastal plantings to verge areas; and</li> <li>Upgrading of existing street lighting.</li> </ul> <p>The costs also include the design and construction of traffic calming infrastructure such as speed bumps, plateaus and intersection treatments to provide a safe, pedestrian orientated environment.</p> </li> </ol>

... continued next page

Method for Calculating Contributions:	<p>The method for calculating costs is one in which the estimated Development Costs are apportioned across the total developable site area based on the maximum number of building levels permitted under the Scarborough Design Guidelines.</p> <p>A higher proportion of the Development Costs will be attributed to sites where increased height and density is afforded.</p> <p>An owner's development contribution shall be calculated by multiplying the applicable contribution rate by the owners total Site Area, as illustrated in the following example:</p> <p><b>Site Area:</b> 1,000m<sup>2</sup></p> <p><b>Max Permitted Building Height:</b> 8 storeys / 29 metres</p> <p><b>Contribution Rate:</b> \$67.29 per m<sup>2</sup></p> <p><b>Total Development Contribution:</b> 1,000 x \$67.29 = \$67,290</p>
Payment of Cost Contribution:	<p>An owner of land in the Development Contribution Area is required to make a Development Contribution in accordance with the applicable Development Contribution Plan. An owner's liability to pay the Development Contribution arises on the earlier of:</p> <ul style="list-style-type: none"> <li>the approval of any development on the owner's land within the Development Contribution Area, unless the development meets the exemption requirements set out below;</li> <li>the approval of any subdivision of the owner's land within the Development Contribution Area;</li> </ul> <p>No person shall commence or carry out any subdivision or development the subject of a subdivision approval or a development approval until the owner's cost contribution in respect of the land has been paid in full, or other arrangements for payment have been made to the satisfaction of the Local Government.</p> <p>Where, prior to the operative date, DevelopmentWA (or the Metropolitan Redevelopment Authority) has given to an owner of land notice in writing that it accepts a payment made by the owner in full and final satisfaction in respect of that land, then the notice is to be taken to be a discharge of that owner's liability under Clause 6B.14.3 of the Scheme.</p>
Exemptions:	<p><b>Minor Development</b></p> <p>Certain minor development proposals are exempt from being liable to pay the Development Contribution. For the purpose of this DCP, minor development includes the first single house on a property, or outbuilding associated with the first single house, and/or small scale alterations and additions to a property.</p> <p>The Local Government may, on request by the landowner, agree to exempt other minor development proposals from being liable. The Local Government will at its discretion consider the exemption where it can be demonstrated to the Local Government's satisfaction that the works are minor or incidental development that does not have a connection (nexus) between the development and the demand for the infrastructure included in the DCP.</p> <p>Should such an exemption be granted, this does not preclude the ability of the Local Government to require a Development Contribution as a result of any subsequent development or subdivision of the affected land.</p> <p><b>Charitable Institutions</b></p> <p>The Local Government may recognise the social contribution and limited financial capacity of Charitable Institutions within the DCP Area and exclude certain charitable land holdings from being liable for Development Contributions.</p> <p>The Local Government may recognise any Charitable Institution which owns land within the DCP Area and uses the land exclusively for charitable purposes, and exempt them from liability to pay the Development Contribution that is applicable to that land.</p> <p>Any application must demonstrate to the Local Government's satisfaction that the land is used for charitable purposes. An exemption may otherwise be provided, at the Local Government's discretion, for part of a land holding if only part of the land is used for charitable purposes.</p> <p>An exemption granted by the Local Government ceases to have effect if the land is no longer owned by the Charitable Institution or is no longer used for charitable purposes.</p>

... continued next page



Interest on Unpaid Cost Contributions:	<p>a) Interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purposes of Section 6.13 of the <i>Local Government Act 1995</i>.</p> <p>b) Interest payable on any cost contribution or portion of a cost contribution (as the case may be) shall be paid from the date an owner becomes liable.</p>
Period of Operation:	The DCP shall have effect until 7 September 2037.
Priority and Timing:	<p>Stage 1 - Beachside works – Completed</p> <p>Stage 2 - Streetscape Upgrades East of West Coast Highway – as funds are available</p>
Review Process:	<p>The plan will be reviewed one (1) year from the date of gazettal of the amendment to the Local Planning Scheme to incorporate the plan.</p> <p>The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs in accordance with Clause 6B.11.2 of the Scheme.</p>

INTENTIONALLY  
BLANK

**SCHEDULE 12      ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS**  
**[CL 5.14)]** [Amd. 101]

No.	Description of Land	Requirement
AR1 [Amd. 101]	No. 7 and 9 Field Street and Reserve 38780, Mount Lawley	<ol style="list-style-type: none"> <li>1. Prior to development , a local development plan shall be prepared and approved which sets out: <ol style="list-style-type: none"> <li>(a) vehicular access arrangements from Masel Lane and /or Memorial Lane; and</li> <li>(b) a tree protection area for the eastern portion of the land.</li> </ol> </li> <li>2. Development is to generally be in accordance with an approved Local Development Plan.</li> </ol>
AR2 [Amd. 106]	Lot 601, House Number 2B, Rawlins Street, Glendalough	<ol style="list-style-type: none"> <li>1. Prior to development, a Local Development Plan shall be prepared and approved which sets out: <ol style="list-style-type: none"> <li>(a) Building Height</li> </ol> <p>Maximum building heights are to be in accordance with the Local Development Plan, but no greater than 3 storeys.</p> <ol style="list-style-type: none"> <li>(b) Pedestrian Connectivity</li> </ol> <p>The redevelopment of the site shall provide a footpath network that links the site to the wider community, including the shared dual use pedestrian and bicycle path to the east of the site.</p> </li> <li>2. Development is to be generally in accordance with an approved Local Development Plan.</li> </ol>

INTENTIONALLY  
BLANK

## **SCHEDULE 13      SCARBOROUGH SPECIAL CONTROL AREA [CL 6.9]** [Amd. 124]

### **1.0 THE VISION AND OBJECTIVES**

The Vision set out below is the overall aim that underpins the preparation, content and application of the Scarborough Special Control Area provisions. The Scarborough Special Control Area provisions applies to all land shown as the Scarborough Special Control Area shown on the Scheme Map. This area is referred to as the 'Scarborough Special Control Area'.

The Local Government will have due regard for the achievement of this Vision in determining applications made under the Scarborough Special Control Area provisions and when making all other discretionary decisions regarding the Scarborough Special Control Area provisions.

#### 1.1 The Vision

The Vision for the redevelopment and urban renewal of the Scarborough Special Control Area is to draw on Scarborough's unique identity to create an authentic, contemporary urban-coastal experience for a growing residential community, workers and visitors, befitting its role as a key tourist destination.

Scarborough will be a vibrant hub of activity with restaurants, cafés, shops and entertainment. A range of events and activities will be on offer for locals and tourists, and people of all ages, at various times of the day and night. Scarborough's role as a meeting place will be enhanced, providing a welcoming place for people from all lifestyles and backgrounds to enjoy and become a part of the community.

The Local Government will strive to create neighbourhoods that embrace and celebrate the urban-coastal lifestyle. The Scarborough redevelopment project will expand lifestyle choices and offer attractive alternatives to traditional suburban development.

The Vision is based on delivering design and development excellence through creating a great public environment, high quality buildings, connecting people and places, and ensuring a successful mixture of land uses and activities. Development will interpret and reflect Scarborough's urban-coastal character and will be highly responsive to the site context including the natural environment, topography, neighbouring sites and streetscape.

#### 1.2 Delivering the Vision

The Scarborough Special Control Area provisions is the principal planning tool that will bring the Vision to life. The Scarborough Special Control Area provisions reinforces the strategic planning and visioning undertaken by the Local Government and embeds this in a statutory planning framework to guide redevelopment of the Scarborough Special Control Area. The Scarborough Special Control Area provisions has the flexibility of an outcomes based approach to development. It is supported by the Development Policies, Design Guidelines and other planning tools to achieve the sustainable development of the Scarborough Special Control Area.

The Scarborough Special Control Area provisions is designed to provide opportunities for renewal, growth and innovation that can respond to changing environmental, economic and social trends and challenges. Inherent in the Scarborough Special Control Area provisions is a quadruple bottom line approach to sustainability, providing opportunities for social enrichment, economic innovation and environmental enhancement through appropriate and transparent governance.

The Scarborough Special Control Area provisions incorporates the requirements, provisions and opportunities to ensure sustainable growth and development, and includes important sustainability outcomes such as compact growth, mixed land use, good design, primacy of public spaces, heritage conservation and reduced car use. The Scarborough Special Control Area provisions places importance on equity, opportunity, diversity and good governance, all intrinsic elements of sustainability.

The Objectives of the Scarborough Special Control Area provisions are intended to be applied in context of the most current technologies and best practices of the time. Creativity and innovation are encouraged, to achieve outstanding development outcomes.

### 1.3 Objectives

The Objectives listed and described in this clause must be taken into account in the preparation and approval of the planning framework for the Scarborough Special Control Area and the assessment and determination of all applications for approval made under the Scarborough Special Control Area provisions. The Objectives are:

- Sense of Place;
- Economic Wellbeing;
- Urban Efficiency;
- Connectivity;
- Social Inclusion; and
- Environmental Integrity

Development in accordance with the Objectives will ensure the Scarborough Special Control Area develops in a sustainable manner which will enrich Scarborough's role as a premier destination for people to live, work, visit and recreate within a vibrant, mixed use setting.

All development proposals will be required to be consistent with the Objectives set out in this clause (Sub-Clauses 1.3.1 - 1.3.6). The Local Government will have due regard to these Objectives in discretionary decision making regarding the Scarborough Special Control Area provisions, including the assessment of:

- Development Applications;
- Structure Plan Applications;
- Local Development Plan Applications; and
- Subdivision Proposals.

#### 1.3.1 Sense of Place

To build a sense of place by supporting high quality urban design, heritage protection, public art and cultural activities that respond to Perth's environment, climate and lifestyle; including:

- Quality Public Realm – Planning, design, development and management of places and spaces that contributes to the vitality, amenity, comfort and safety of the public realm which is attractive to all people;
- Local Character - Create development which respects, responds to and builds upon the existing coastal lifestyle and character of Scarborough and its community; protecting, maintaining and enhancing view corridors to the coast;
- Quality Architecture and Urban Design – Create visually attractive development, with high quality design, a diverse but architecturally urban-coastal character, well-integrated landscaping and appropriately scaled streetscapes and other elements;
- Activation – Increasing activation to public spaces and adding vitality through active ground floor uses and integration between the public and private realm to attract residents, workers and visitors to Scarborough;
- Local Assets – Development and enhancement of key focal points within Scarborough providing for community events, outdoor activities and social engagement;
- Liveability – A high quality of life is facilitated by accommodating a diversity of land uses, services and social infrastructure in a compatible and complimentary manner, with high levels of amenity;
- Heritage – Interpretation of the themes surrounding places, people and stories no longer physically evident;
- Environment – Protection and enhancement of the natural environment;
- Intergenerational Equity – Providing a quality urban environment and protecting community assets, heritage places and natural resources for future generations; and
- Health and Wellbeing – Development that facilitates physical and social health and wellbeing contributing to a safe and comfortable environment for all people through providing a high level of walkability and diverse opportunities for social interaction.

### 1.3.2 Economic Wellbeing

To promote economic wellbeing by supporting, where appropriate, development that facilitates investment and provides opportunity for local businesses and emerging industries to satisfy market demand; including:

- Tourism Services – Increased provision of tourism related industries, including short-stay accommodation, servicing a diverse visitor market and promoting the urban renewal of Scarborough;
- Investment Opportunities – Aid in the revitalisation of Scarborough as an attractive and sustainable coastal destination through the attraction of local and international investment;
- Connectivity and Diversity – Encourage development close to transit corridors that provides a high quality public realm and a mix of land uses to promote the exchange of ideas between people and businesses;
- Business and Employment Growth – Increased business activity establishes a critical mass of employment, services and economic activity, enhancing Scarborough's liveability and competitiveness; create diversity of land use and development which contributes to a range of enhanced employment and residential opportunities in Scarborough;
- Live and Work – Deliver a diverse range of housing choices, providing the opportunity for people to live, work and play in Scarborough; and
- Communication Networks – Encourage the progressive upgrade of data connectivity to ensure effective virtual connections locally and internationally.

### 1.3.3 Urban Efficiency

To promote urban efficiency through infrastructure and buildings, the mix of land use and facilitating a critical mass of population and employment, through:

- Resource Efficiency – Minimise the ecological footprint of building and lifestyles through density, diversity and efficiency in the urban environment;
- Integration – Ensure efficient integration of development with adjoining areas and the transport network;
- Diversity – Diversity of land use and development contributes to enhanced residential and employment opportunities and promotes the revitalisation of Scarborough as a metropolitan attractor; and
- Infrastructure Efficiency – Provides improved efficiency (cost effectiveness) in infrastructure services, community facilities and services.

### 1.3.4 Connectivity

To enhance connectivity and reduce the need to travel by car, supporting development aimed at well-designed places that support walking, cycling and public transit; including:

- Connectivity – Develop a range of transport networks for visitors and commuters that facilitate access to and from Scarborough and promote the use of sustainable transport modes such as cycling, walking and public transit options.
- Land Use and Transport Integration – Development and transport systems support each other to create an efficient and successful urban environment;
- Walking and Cycling – Accessible by active transport modes (walkable & bikeable) through high levels of amenity, safety and permeability throughout the Scarborough Special Control Area;
- Alternatives to Car Use – Development will facilitate non-car based forms of travel, such as bus, cycling and walking, and the potential for future light rail;
- Equity of Access – Provide travel networks that are accessible by all; and
- Transit Integrated Development – Contemporary transport planning and design principles are used to develop appropriate land uses and population densities around well designed transport corridors.

### 1.3.5 Social Inclusion

To promote social inclusion by encouraging, where appropriate, a diverse range of housing and by supporting community infrastructure, activities and opportunities for visitors and residents to socialise; including:

- Place Making – Creation of high quality sustainable places is underpinned by facilitating a diverse range of land uses, housing types, buildings, events and transportation options that meet the needs of a wide demographic;
- Choice and Accessibility – Development facilitates choice and access in housing, employment, leisure and transport, for a wide range of people's needs and interests;
- Inclusive Design – Development is designed to help children, youth, seniors, indigenous people, minority groups and people with disabilities feel included and connected to Scarborough;
- Diversity – Provide a diverse range of housing types and tenures, commercial, cultural, leisure and transport options to create opportunities for everyone to live, work, and play within Scarborough;
- Activation – Promotion of key locations within the Scarborough Special Control Area as destinations for community events, ongoing place activation, recreation, socialising and leisure spaces; and
- Healthy Design – Develop green spaces and urban public spaces in strategic locations throughout Scarborough to provide opportunities for active and passive recreation, and community activities.

### 1.3.6 Environmental Integrity

To enhance environmental integrity by encouraging ecologically sustainable design, resource efficiency, recycling, renewable energy and protection of the local ecology; including:

- Ecological Footprint – Encourage and facilitate development which is consistent with efficient use of energy and the minimisation of greenhouse gas emissions;
- Efficient Use of Land – Redevelopment and urban infill provides improved efficiency in land and resource use;
- Environmentally Sensitive Design – Building design, construction, refurbishment and operation ensures resource efficiency and minimises use of non-renewable resources and the production of waste, pollution and other damaging emissions;
- Water Sensitive Design – Encourage and facilitate development which reduces demand on natural water resources and promotes water reuse and recycling;
- Natural Environments – Development responds to the natural coastal environment of Scarborough beach and assists in the protection of the natural environment and the management of groundwater and drainage;
- Mitigation of Urban Heat Island Effect – Conservation of existing mature trees on public and private land, and new plantings within deep soil zones to allow for growth;
- Alternative Transport – Development incorporates innovative technologies that support non-private car-based forms of transport, including bus, cycling and walking, and the potential for future light rail; and
- Site Responsive Design – Development responds to the site and environmental constraints and reduces 'heat island' impact in urban areas.

## **2.0 PRECINCTS**

### **INTRODUCTION**

This clause identifies the precincts that make up the Scarborough Special Control Area and sets out the intent for the future development of each precinct.

The Scarborough Special Control Area is made up of five precincts, as shown in Appendix 1 to Schedule 13 of the Scheme. A Precinct Map is provided for each precinct and the corresponding text sets out the intent for the development of that precinct. All development within the Scarborough Special Control Area is required to be generally consistent with the Vision and Objectives in Clause 1 and the intent set out in this clause for the relevant precinct.

Additional precincts may be added and existing precincts removed either whole or in part from the Scarborough Special Control Area from time to time.

### **Scheme Text**



## 2.1 Beachside Precinct

The Beachside Precinct encompasses all land west of The Esplanade within the Scarborough Special Control Area, including the foreshore reserve, Scarborough Amphitheatre and Surf Lifesaving Club.

The precinct is envisaged to be the focus for year-round activity, with a series of flexible and robust open spaces which respond to the existing local assets and topography, cater for active and passive uses, and are well serviced by quality amenities and infrastructure.

The precinct will include a number of destinations which support visitor attraction and local amenity across the Scarborough Special Control Area, including Scarborough Square, Beach Hub North, Intergenerational Plaza, Sunset Hill, and Beach Hub South, incorporating the City of Stirling's Beach Pool project. These will be the driving force behind Scarborough's transformation as a contemporary, family friendly destination of State significance.

The destinations will provide contemporary yet diverse activities, which ensure Scarborough will become an inclusive, all-season, modern beach experience, with something happening during extended hours of the day and night. Centralising regional attractions will ensure that the area effectively balances the needs of local residents and regional visitors.

The natural setting, environmental richness and cleanliness of Scarborough Beach will be protected, providing controlled access and supporting rehabilitation.

## 2.2 Esplanade Precinct

The Esplanade Precinct is bounded by The Esplanade to the west, Reserve Street to the north, West Coast Highway to the east and the southern boundary of Lot 115 (No. 204) The Esplanade and Lot 0 (No. 273) West Coast Highway to the south.

The Esplanade Precinct forms the central core of the Scarborough Special Control Area, providing for a wide range of active recreational, retail, commercial, community, entertainment and tourism uses.

As the entry point to the beach itself, it will have a strong sense of arrival and be focussed on the beach, its activities and complementary uses. A permanent population will be established through the redevelopment of existing sites providing the community with improved 'ownership' of the area.

Road widening requirements may apply to developments on West Coast Highway and Scarborough Beach Road to allow for future transport upgrades.

## 2.3 Gateway Precinct

The Gateway Precinct is in two parts, at the northern and southern extents of the Scarborough Special Control Area respectively. The northern gateway is bounded by the foreshore reserve to the west, the boundary of the Scarborough Special Control Area to the north, the eastern boundaries of Lot 900 (No. 5) Pearl Parade and Lot 51 (No. 6) Nautilus Crescent and Filburn Street to the east, and Reserve Street to the south.

The southern gateway generally straddles West Coast Highway between Kay Street and the northern boundaries of Lot 114 (No. 210) The Esplanade and Lot 153 (No. 279) and Lot 201 (No. 266) West Coast Highway.

The Gateway Precinct creates the northern and southern gateways into the Scarborough Beach area. The physical form will create a sense of arrival and a transition into the intensity of the beachfront core from the surrounding residential areas. The precinct will cater for medium to high density residential development and tourism accommodation.

Reflecting Scarborough's relaxed coastal aesthetic, buildings will be positioned in landscaped settings, to provide privacy and recreation spaces for residents and a softening of the built form.

Road widening requirements may apply to developments on West Coast Highway to allow for future transport upgrades.

## 2.4 Beach Road Precinct

The Beach Road Precinct generally encompasses land on the eastern side of West Coast Highway between Reserve Street and the south side of Brighton Road, lots on both sides of Hastings Street between Brighton Road and Scarborough Beach Road, and lots on both sides of Scarborough Beach Road between West Coast Highway and Hinderwell Street.

The Beach Road Precinct will provide a flexible mixed use environment for a diversity of commercial, tourism and medium to high density residential development. Commercial uses may include district level retail and services, and other commercial development not directly dependent on the beachfront.

Commercial development should primarily be located along Scarborough Beach Road and West Coast Highway, with the potential for commercial enterprises to establish on consolidated blocks back from these routes in the longer term.

Road widening requirements may apply to developments on West Coast Highway and Scarborough Beach Road, to allow for future transport upgrades. Pedestrian links through blocks will be promoted to create a more interesting and pedestrian friendly precinct.

For development fronting West Coast Highway or Scarborough Beach Road vehicle access should be taken from secondary streets or laneways, or consolidated access points to be shared between neighbouring sites where possible.

## 2.5 Groves Precinct

The Groves Precinct is generally located at the outer edges of the Scarborough Special Control Area.

The Groves Precinct will provide for medium density residential development accommodating both apartments and townhouses to facilitate continued growth of the local community and housing types to suit different household structures. New development will respond to the relaxed coastal lifestyle and character of Scarborough.

It is envisaged that this precinct will provide a transitional zone between the higher intensity development at the core of the Scarborough Special Control Area and the existing predominantly single to two-storey low density residential development outside the Scarborough Special Control Area boundary.

Limited small-scale non-residential uses such as cafés, small shops or consulting rooms may be considered where it can be demonstrated that such a use would not cause undue impact on the residential amenity or character of the locality.

## **3.0 LAND USE**

### **PART A: INTRODUCTION**

#### 3.1 Introduction

The Land Use clause sets out the provisions guiding the use of land within the Scarborough Special Control Area. Use of land or changing the use of land is generally considered to be “development” and may require development approval from the Local Government, in accordance with Parts 8 and 9 of the deemed provisions.

This clause establishes a land use system based on identifying the preferred activities for which a site should be used for, while generally allowing for a flexible approach to encourage mixed land use, diversity and economic prosperity. This clause also includes specific considerations for certain land uses, to enable a compatible land use mix in the Scarborough Special Control Area.

#### 3.2 Diverse Land Use Environments

- (1) The land use system is predominantly based on the Objectives of Urban Efficiency and Economic Wellbeing, through the provision of mixed land use urban environments. Successful mixed land use environments enable a diversity of complimentary and compatible land uses to provide local convenience, connectivity, reduced travel, and day to evening vitality.
- (2) For the purpose of promoting the Objectives, and subject to any provisions of this clause to the contrary, the Local Government in dealing with any application under this Scheme shall encourage a mixture of compatible land uses throughout the Scarborough Special Control Area and may require a specified mixture of uses within any precinct, site or building.

### 3.3 Active Street Level Land Uses

- (1) The Local Government seeks to develop a strong sense of place in the Scarborough Special Control Area, which includes ensuring an activated and interesting public realm. An active public realm provides a diversity of activity and opportunities for social interaction, whilst also enhancing the personal experience and safety of an area.
- (2) For the purpose of promoting the Objectives, the Local Government in dealing with any application under the Scarborough Special Control Area provisions may require specific land uses at street or pedestrian level of a building or place in order to help achieve activation of the public realm.

## PART B: OVERVIEW

### 3.4 Land Use System

- (1) The Local Government has adopted a precinct based Preferred and Contemplated land use system. The Scarborough Special Control Area provisions does not use land use zones.
- (2) Table 13.1 – Land Use Categories groups together similar types of land uses into seven specific categories. Table 13.2 – Land Use Table then identifies which of these categories are Preferred Uses or Contemplated Uses for each precinct within the Scarborough Special Control Area. Definitions of each land use within each category are provided in Appendix 3 to Schedule 13 of the Scheme.

### 3.5 Preferred Land Uses

Preferred Uses are land uses which are considered to contribute to the Vision and intent for a location, as set out in Clause 1 - Vision and Clause 2 - Precincts. Preferred Uses are those uses within the land use category or categories which are shown as a Preferred category for a particular precinct in Table 13.2 – Land Use Table.

- (1) If Table 13.2 stipulates a land use category as Preferred for a particular precinct the Local Government shall not refuse a Development Application for a use within that category on the basis that the proposed use is not suitable for that location, unless the Preferred Uses for that site are limited by provisions of a Design Guideline.
- (2) In dealing with a Development Application, the Local Government may, having due regard to Parts 8 and 9 of the deemed provisions and Clause 3, relax or vary any requirement of the Scarborough Special Control Area provisions or any relevant Design Guideline or Development Policy if the Local Government considers it desirable to encourage the incorporation of a Preferred Use into the development.

### 3.6 Contemplated Uses

Contemplated Uses are land uses which the Local Government may consider suitable for a location if it can be shown that such a use would not detract from the precinct intent and the amenity of the locality. Contemplated Uses are those uses within the Land Use Category or Categories which are shown as a Contemplated category for a particular precinct in Table 13.2 – Land Use Table.

- (1) If Table 13.2 stipulates a Land Use Category as Contemplated for a particular precinct, in dealing with a Development Application involving a use within that category the Local Government may:
  - (a) require written justification from the applicant detailing the suitability of the use in that location, including consistency with the Vision and precinct intent and its compatibility with surrounding land uses;
  - (b) seek expert advice on the application or require the applicant to obtain expert advice (at the applicant's cost) on aspects of the proposal;
  - (c) advertise the application for public comment; and/or
  - (d) require the incorporation of a Preferred Use into the development instead of or as well as the Contemplated Use.
- (2) The Local Government may approve or refuse an application involving a Contemplated Use, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Local Government considers appropriate to manage the suitability or compatibility of that use in its location.

### 3.7 Uses Not Preferred or Contemplated

Where a use is a defined use in Table 13.1 but is not included in a category that is shown in Table 13.2 as a Preferred or Contemplated use for a relevant precinct, the use or uses are generally considered inconsistent with the precinct intent and may be inappropriate for that precinct. However those uses may be considered for approval.

- (1) In dealing with a Development Application for a defined use that is not Preferred or Contemplated the Local Government may:
  - (a) require written justification from the applicant detailing the suitability of the use in that location, including its consistency with the Vision and precinct intent and its compatibility with surrounding land uses;
  - (b) seek expert advice on the application, or require the applicant to obtain expert advice (at the applicant's expense) on aspects of the proposal;
  - (c) advertise the application for public comment; and/or
  - (d) require the incorporation of a Preferred Use or Contemplated Use into the development instead of or as well as the proposed use.
- (2) The Local Government may approve or refuse an application involving a use that is not Contemplated or Preferred, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Local Government considers appropriate to manage the suitability or compatibility of that use in its location.

## **PART C: OBJECTIVES FOR SPECIFIC LAND USES**

### 3.8 Culture and Creative Industry Uses

Cultural activities and creative industries have the potential to make a positive contribution to the urban renewal of Scarborough. These land uses can provide both character and economic advantage to an area, and engender diversity and a unique sense of place.

- (1) In determining a Development Application for a land use within the Culture and Creative Industry land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives:
  - (a) infusing creativity, originality and innovation into the built environment;
  - (b) the encouragement of creative industries;
  - (c) providing opportunities for business incubation;
  - (d) the provisions of flexible and adaptive spaces to live, work and display; and
  - (e) ensuring the compatible operation of culture and creative land uses with other land uses in the vicinity of the proposed development.

### 3.9 Commercial Land Uses

Commercial activities are a fundamental aspect of the function of the Scarborough Special Control Area. The Local Government seeks to encourage a considerable portion of commercial development throughout the Scarborough Special Control Area to facilitate economic growth and job creation, the achievement of urban efficiency, and connection of residents to workplaces and services.

- (1) In determining a Development Application for a land use within the Commercial land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives:
  - (a) facilitating prosperity and diversity in economic activity and commercial buildings and premises;
  - (b) ensuring an active interface of ground floor development with the public realm;
  - (c) healthy, functional and environmentally sustainable workplaces; and
  - (d) accessibility to work places by sustainable modes of transport.

### 3.10 Light Industry Land Uses

Given the Vision, Objectives and intent of the Scarborough Special Control Area, light and service industry uses are not encouraged in any precinct of the Scarborough Special Control Area. However, development applications may be considered, subject to detailed justification for the proposal and how it complies with the Vision, Objectives and precinct intent, as well as other relevant provisions of the Scarborough Special Control Area, Design Guidelines and Development Policies.

- (1) In determining a Development Application for a land use within the Light Industry land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives:
  - (a) ensuring the proposed use is generally compatible with the intent of the Precinct within which it is proposed to be developed;
  - (b) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise, emissions and other operations are compatible with surrounding land uses; and
  - (c) ensuring an appropriate interface of the development with the surrounding environment, including amenity and quality streetscape.

### 3.11 Retail Land Uses

Retail development is an important activity throughout the Scarborough Special Control Area, both in supporting tourism and the visitor market and in providing convenient goods and services to local residents.

- (1) In determining a development application for a land use within the Retail land use category, in addition to the other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives:
  - (a) encouraging a diversity of retail services and premises in appropriate locations; and
  - (b) ensuring an active interface of ground floor development with the public realm.

### 3.12 Residential Land Uses

Increasing both the permanent and transient residential population in the Scarborough Special Control Area is a key element of the Vision and Objectives, to create dynamic, authentic and sustainable places. An increased population will facilitate critical mass and provide increased vibrancy and improved efficiencies. The Local Government also recognises that all types of individuals and households should have the opportunity to live in the Scarborough Special Control Area.

- (1) In determining a Development Application for a land use within the Residential land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives:
  - (a) encouragement of a socially diverse population;
  - (b) the provision of a diversity of housing and accommodation types, size and tenure;
  - (c) the provision of social and affordable housing;
  - (d) the provision of universally accessible and adaptable housing; and
  - (e) the appropriate interface of new residential development with non-residential development.
- (2) Where the provisions of this clause or a Design Guidelines indicate that residential development generally or a specific type of Permanent Residential or Transient Residential development is a Preferred Use within a specific precinct or site, the Local Government when dealing with a Development Application within that precinct may require the inclusion of a residential component within the proposed development, and may require a minimum level intensity or proportion for the residential component as against any non-residential component.

### 3.13 Community Land Uses

The need for social interaction, physical activity, leisure, health services and social support are fundamental aspects of any successfully functioning community. The Local Government seeks to promote social inclusion and a strong sense of place, and will encourage and support community land uses that enhance the quality of life for residents, and support local workers and visitors.

- (1) In determining a Development Application for a land use within the Community land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives:
  - (a) encouraging facilities that provide essential services or enhanced lifestyles to segments of the community or to the general public;
  - (b) facilitating social interaction and community building;
  - (c) supporting physical activity and healthy lifestyles; and
  - (d) ensuring the appropriate interface of development with the surrounding environment, including patron and traffic management and a high quality public realm.

### 3.14 Dining and Entertainment Land Uses

Dining and Entertainment land uses in the Scarborough Special Control Area are important in supporting the role of the Scarborough Special Control Area as a key tourist and visitor destination, and in enhancing the lifestyle for residents. However, entertainment land uses generally need to be carefully planned and managed to ensure compatibility with residential or other sensitive land uses.

- (1) In determining a Development Application for a land use within the Dining and Entertainment land use category, in addition to other provisions of the Scarborough Special Control Area, the Local Government shall have regard to the following objectives:
  - (a) enhancing lifestyle, character and vibrancy in the Scarborough Special Control Area;
  - (b) achieving effective venue management, including venue operation, patron management, and customer and public safety; and
  - (c) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise or other emissions, and is compatible with surrounding land uses.

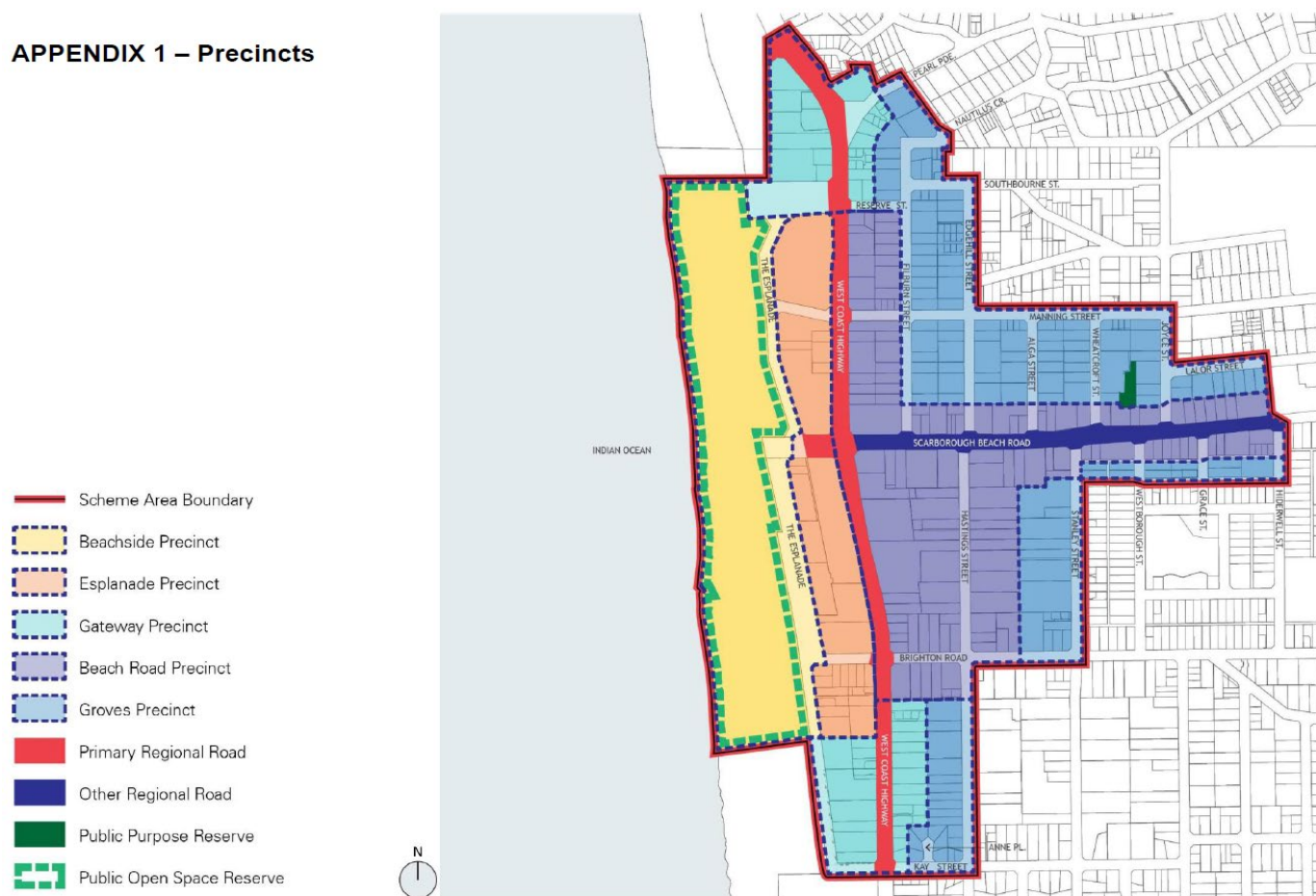
**Table 13.1 Land Use Categories**

Land Use Category	Land Use Type
<p>Category 1: Culture and Creative Industry</p> <p>Category Description:</p> <p>Businesses and activities which have their origin in individual creativity, skill and talent and which contribute to the cultural richness and economic advantage of an area. Provides opportunities for business incubation and job creation through exploitation of intellectual property and/or unique skills.</p>	<p>Media Production, Artist Studio, Theatre/Performance Venue, Exhibition Centre, Event Space.</p>
<p>Category 2: Commercial</p> <p>Category Description:</p> <p>Business activities, professional services and other principally profit-based land uses of a non-retail, low impact nature. The category does not include businesses of an industrial, entertainment or other moderate to high impact nature.</p>	<p>Office, Business Services, Consulting Rooms, Medical Centre, Laundromat, Veterinary Centre, Trade Display, Commercial Car Park.</p>
<p>Category 3: Light Industry</p> <p>Category Description:</p> <p>Low to moderate impact businesses, predominately based in skilled trades, manufacturing, goods handling, the automotive industry and other land uses of an industrial nature. The land uses usually require large purpose built premises and may not be appropriate for mixed-use buildings or residential areas.</p>	<p>Industry - Light, Industry - Service, Motor Vehicle Maintenance, Warehouse, Showroom, Research &amp; Development, Self-Storage Unit, Outdoor Display Centre, Transport Depot, Convenience Store, Service Station, Animal Establishment, Caretakers Dwelling, Lunch Bar, Telecommunications Infrastructure.</p>
<p>Category 4: Retail</p> <p>Category Description:</p> <p>Places of business offering goods displayed on the premises for sale or hire to the public, and also includes premises for the provision of services of a personal nature. May include the preparation of goods for sale on site but not manufacturing of goods.</p>	<p>Shop, Shopping Complex, Personal Services, Dry Cleaning, Garden Centre, Market, Liquor Store.</p>
<p>Category 5: Residential</p> <p>Category Description:</p> <p>A building or a portion of a building that is designed or adapted for habitation either as Permanent Residential – being private dwellings, or as Transient Residential – being accommodation provided for temporary periods, generally for commercial gain.</p>	<p>Category 5A Permanent Residential:</p> <p>Single House, Multiple Dwellings, Group Dwellings, Specific Purpose Housing, Aged Persons Accommodation, Home Business, Home Store.</p> <p>Category 5B Transient Residential:</p> <p>Bed and Breakfast, Motel, Short Stay Accommodation, Serviced Apartments, Hotel, Hostel.</p>
<p>Category 6: Community</p> <p>Category Description:</p> <p>Premises or land uses which provide essential services or leisure facilities to local residents and workers or the wider community, also referred to as 'social infrastructure'. May include activities for commercial gain which provide a social benefit.</p>	<p>Community Facility, Commercial Hall, Recreation &amp; Sporting Facilities, Library, Public Open Space, Place of Worship, Funeral Parlour, Child Care Premises, Hospital, Educational Establishment.</p>
<p>Category 7: Dining and Entertainment</p> <p>Category Description:</p> <p>Premises designed and used to provide public entertainment or social interaction, principally dining and drinking. Usually involves extended/evening trading and may involve service of alcohol and amplified music. Includes land uses which may present moderate impacts on residential amenity, due to noise, patronage and hours of operation.</p>	<p>Tavern, Small Bar, Night Club, Entertainment Complex, Function Centre, Club Premises, Restaurant/Café, Fast Food Outlet, Cinema, Amusement &amp; Gaming Centre, Betting Agency, Exhibition Centre.</p>

Table 13.2 Land Use Table

Precinct	Category 1 Culture and Creative Industry	Category 2 Commercial	Category 3 Light Industry	Category 4 Retail	Category 5 Residential	Category 6 Community	Category 7 Dining and Entertainment
Beachside	Contemplated	-	-	Contemplated	-	Preferred	Preferred
Esplanade	Contemplated	Contemplated	-	Preferred	Preferred	Contemplated	Preferred
Gateway	Contemplated	Contemplated	-	Contemplated	Preferred	Contemplated	Contemplated
Beach Road	Preferred	Preferred	-	Preferred	Preferred	Contemplated	Preferred
Groves	Contemplated	-	-	Contemplated	5A Preferred 5B Contemplated	Preferred	Contemplated

## APPENDIX 1 – Precincts



## Scheme Text



## APPENDIX 2      DEFINED TERMS

**Disclaimer – The definitions in this Appendix 2 only applies to Schedule 13 of the Scheme for the Scarborough Special Control Area, and where these conflict with other definitions these definitions prevail**

WORD / EXPRESSION	DEFINITION
Advertisement or Advertising Device:	means any object or structure on which words, numbers, figures or drawings are displayed for the purpose of advertising, announcing or providing direction to any business, function, operation, development, event undertaking or any product;
Amplified Music Entertainment Venue:	means a hotel, tavern, nightclub, small bar, function centre, entertainment complex, theatre/performance venue, or other such entertainment premises, that plays amplified music, either live or pre-recorded, on a regular or periodic basis for the entertainment of customers or the general public;
Applicant:	means a person, company or body authorised by the owner to make an application for development, subdivision or other application under the Scheme, or to act on any other matter in relation to the land;
Building:	means any structure whether fixed or moveable, temporary or permanent, placed or erected on land;
Building Height:	means the full and greatest height of a building or structure, as measured at any point from ground level at the lot boundary to the highest point of any roof;
Charitable Institution:	means an establishment, organisation or association that is instituted and operated to advance or promote a charitable purpose, and does not engage in activities that do not further, or are not in aid of, its charitable purpose; such as institutions providing not for profit services to the homeless, sick, disabled, aged, or under privileged persons, and is not an individual, a partnership, a political party, a superannuation fund or a government body;
Contemplated Use:	means land uses falling within a Land Use Category that is listed in Table 13.2 as 'Contemplated' for a specified Precinct, or a land use/s specified in a Design Guideline as Contemplated for a Precinct, site or part of a building;
Council:	also Local Government, means the Council of the relevant Local Government (whether City, Town or Shire) which has statutory jurisdiction under the <i>Local Government Act 1995</i> (as amended) over the district in which the subject land is located;
Cultural Heritage Significance:	means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations;

... continued next page

WORD / EXPRESSION	DEFINITION
Design Guideline:	provide specific development requirements for project or site specific areas to ensure quality development outcomes;
Development:	has the same meaning as the <i>Planning and Development Act 2005</i> ;
Development Application:	means an Application for Approval to Undertake Development issued by the Local Government;
Development Approval:	means an Approval to Undertake Development issued by the Local Government, including the approval form and any conditions of approval and all plans and documents of that approval;
Development Contribution:	means a financial contribution required from an owner towards the Development Costs in a Development Contribution Area, in accordance with a Development Contribution Plan. Liability for a Development Contribution is set out in Schedule 11B;
Development Contribution Area:	means an area as defined in Schedule 11B and shown on the Scheme Map;
Development Contribution Plan:	means a plan which sets out the Development Costs required for a Development Contribution Area and the calculation system for Development Contributions, prepared in accordance with Schedule 11B;
Development Costs:	means the infrastructure and administrative costs as identified in Schedule 11B;
Development Policy:	detailed statutory requirements to achieve issue specific outcomes for the Scarborough Special Control Area;
Dwelling:	means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family;
Gross Floor Area:	means the gross total of the area of all floors within a building including the thickness of all walls but excluding non-habitable floor space in basements; areas used exclusively for the parking of wheeled vehicles at or below ground level; lift shafts, stairs, and stair landings, open balconies, verandas, courtyards and roof terraces; lobbies or amenities common to more than one dwelling or occupancy; machinery/air conditioning/plant rooms;

... continued next page

WORD / EXPRESSION	DEFINITION
Heritage Conservation:	means, in relation to any place, the management of that place in a manner that will enable the cultural heritage significance of that place to be retained and yield the greatest sustainable benefit to the present community without diminishing the cultural heritage significance of that place, and may include preservation, stabilisation, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards and as appropriate to the place;
Heritage Inventory:	the inventory of heritage places and precincts that are of recognised cultural heritage significance, adopted under the Scheme;
Heritage Place:	means land, building/s or structure/s within a defined area that is of recognised cultural heritage significance and is listed in the Local Government's Heritage Inventory or the State Register of Heritage Places;
Land Use:	means the development or use of land for a specified purpose, including but not limited to the Land Uses listed within each Land Use Category in Table 13.1;
Land Use Category:	means a Land Use Category listed as one of the seven categories of Table 13.1 and includes all Land Uses listed in Table 13.1 as being within that category;
Land Use Table:	means Table 13.2 that indicates the Preferred and Contemplated Land Use Categories for each Precinct within the Scarborough Special Control Area;
Local Development Plan:	also referred to as Detailed Area Plans approved by the Local Government under the Scheme to provide specific and detailed planning to guide and coordinate development, which may include variation(s) to development requirements;
Mixed Land Use:	means the existence of a variety of different land uses within a project area, precinct, site or locality;
Mixed-Use:	buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration;

... continued next page

WORD / EXPRESSION	DEFINITION
Net Lettable Area:	<p>means the gross floor area of a building minus the area of the thickness of external walls and excludes the following areas -</p> <ul style="list-style-type: none"> <li>(a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</li> <li>(b) lobbies between lifts facing other lifts serving the same floor;</li> <li>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; and</li> <li>(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;</li> </ul>
Owner:	<ul style="list-style-type: none"> <li>(a) 'Owner' in relation to any land includes the Crown or any instrumentality of the Crown or the Council and every person who jointly or severally, whether at law or in equity is in possession as: <ul style="list-style-type: none"> <li>(i) the holder of a legal or equitable estate of freehold in possession in the land;</li> <li>(ii) a Crown lessee with a right to purchase or acquire the freehold;</li> <li>(iii) a mortgagee of the land; or</li> <li>(iv) a trustee, executor, administrator, attorney or agent of any of the foregoing.</li> </ul> </li> <li>(b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a) of this interpretation except that of mortgagee;</li> <li>(c) in regard to State Crown land not vested in any department, authority, instrumentality, Council, body or person and not the subject of a lease with a right to purchase or acquire the freehold means the Crown in right of the State of Western Australia;</li> <li>(d) in regard to State Crown land vested in any department, authority, instrumentality, Council, body or person for any purpose, means that department, authority, instrumentality, Council, body or person; and</li> <li>(e) an owner of land that is located within a Development Contribution Area;</li> </ul>
Planning and Development Act:	means the <i>Planning and Development Act 2005</i> (as amended);

... continued next page

WORD / EXPRESSION	DEFINITION
Precinct:	means a definable area within a project area;
Preferred Use:	means land uses falling within a Land Use Category that is listed in Table 13.2 as “Preferred” for a specified Precinct, or a land use/s listed in a Design Guideline as a Preferred Use for a Precinct, site or part of a building;
Project Area:	means a definable area within the Scarborough Special Control Area designated on the Scheme Map;
Public Realm:	also means public domain, means the public setting of place that people can see and access, and interact with each other and their surroundings, including public land, public places, public gardens, streets, laneways, footpaths and the associated environmental setting and building frontages;
Structure Plan:	a framework to coordinate future land use, subdivision and development, including the provision of transport networks, public open space, utility and service networks;
Undertake:	when the term is used in relation to development it means to commence, carry out or continue development;
Universal Access:	means the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design;

## APPENDIX 3      DEFINED LAND USES

**Disclaimer – The definitions in this Appendix 3 only applies to Schedule 13 of the Scheme for the Scarborough Special Control Area, and where these conflict with other definitions these definitions prevail**

WORD / EXPRESSION	DEFINITION
Aged Persons Accommodation:	means a dwelling or group of dwellings designed and used for the accommodation of aged persons or for a person living with a disability but does not include a hostel or a nursing home;
Amusement and Gaming Centre:	means premises providing public amusement facilities such as amusement machines, computer gaming, karaoke, pool tables or bowling alleys. The premises may be open evenings or late night;
Animal Establishment:	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include veterinary centre;
Artist's Studio:	means a premises from which an artist or artists work to produce items of an artistic nature including paintings, ceramics, sculptures, craft, photography, jewellery, fashion and mixed-media art. It may also include the ancillary display and sale of artistic goods produced on site. An artist studio does not allow for accommodation on the premises;
Bed and Breakfast:	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
Betting Agency:	means premises used for betting and operated in accordance with the <i>Racing and Wagering Western Australia Act 2003</i> (as amended);
Business Services:	means premises used for the provision of commercial services which are predominantly administrative in nature but which are dependent on direct access to the public and generally have a retail shop front, includes a bank or similar financial services, real estate agency or similar property services, post office, travel agency, and other similar such businesses;
Caretaker's Dwelling:	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
Child Care Premises:	means land and buildings used for the daily or occasional care of children in accordance with the <i>Children and Community Services (Child Care) Regulations 2006</i> (as amended);
Cinema:	means land and buildings designed and used for the public viewing of motion pictures which include the provision of single or multiple cinemas or screens, and may also include large scale parking areas and facilities for patron dining or drinking and other ancillary public amusements;

... continued next page

WORD / EXPRESSION	DEFINITION
Club Premises:	means land or buildings used solely by a legally constituted club or association, or other membership-based group to pursue an identified common interest;
Commercial Car Park:	means land and buildings used primarily for parking cars, taxis or wheeled vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale or hire;
Commercial Hall:	means a structure designed and used for commercial gatherings and public meetings;
Community Facility:	means a premises used for the purposes of public meeting, social interaction and other non-commercially based social activities;
Consulting Rooms:	means premises used by not more than two legally qualified health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
Convenience Store:	means premises <ul style="list-style-type: none"> <li>(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;</li> <li>(b) operated during hours which include, but may extend beyond, normal trading hours;</li> <li>(c) which provide associated parking; and</li> <li>(d) the floor area of which does not exceed 300 square metres net lettable area;</li> </ul>
Dry Cleaning Premises:	means premises used for the cleaning of garments and other fabrics by chemical processes;
Educational Establishment:	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
Entertainment Complex:	means a large scale multi-purpose sports, concert and entertainment venue, which may include associated dining and drinking facilities and may be subject to a Special Facility or other such licence under the <i>Liquor Control Act 1988</i> ;
Event Space:	means land and/or premises regularly or occasionally used for temporary events such as festivals, fairs, expos, concerts, artist performances and art exhibitions or art installations;
Exhibition Centre:	means premises used for the display and ancillary sale of materials of an artistic, cultural, historical or scientific nature, such as an art gallery or museum, with or without facilities for the ancillary sale of refreshments and/or souvenirs;

... continued next page

WORD / EXPRESSION	DEFINITION
Fast Food Outlet:	means premises where food is prepared and sold for consumption on the premises and/or to be taken away and the operation of which is likely to attract a high level of pedestrian and/or vehicular traffic, including a drive through facility;
Function Centre:	means premises used, by arrangement, to accommodate for private functions, which would usually include the provision of meals and/or alcohol and may include amplified music or live entertainment. May be subject to a Special Facilities licence under the <i>Liquor Control Act 1988</i> ;
Funeral Parlour:	means premises used to prepare and store bodies for burial or cremation;
Garden Centre:	means premises used for the display and sale of garden products, including ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings;
Grouped Dwelling:	a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;
Home Business:	means any business, commercial or occupational activity operated from a private residential dwelling or within a residential lot. A private residential dwelling is one used for permanent residence and not used for temporary or commercial accommodation;
Home Store:	means any shop with an NLA not exceeding 100m <sup>2</sup> attached to a dwelling and which is operated by a person resident in the dwelling;
Hospital:	means a premises used to provide health care services and treatment to the public or to private patients including medical, surgical, psychiatric, diagnostic and other such services, and includes provisions for the temporary accommodation of patients and may include provisions for visitors, ambulances, and service vehicles;
Hostel:	means accommodation premises specifically used for temporary accommodation of tourists or members of associations or institutions, including youth hostels, backpacker establishments, educational institutions, religious retreats or similar;
Hotel:	means premises providing accommodation the subject of a hotel licence under the <i>Liquor Control Act 1988</i> , and may include a betting agency on those premises, but does not include a tavern or motel;

... continued next page



WORD / EXPRESSION	DEFINITION
Industry – Light:	means premises used for industrial activity of a low impact nature in which the associated processes, machinery, goods or transportation do not present a significant adverse effect on the amenity of the locality from the emissions of bi-products, particles, odours or noise, or other disturbances; and which will not impose an undue load on service infrastructure;
Industry – Service:	means premises used similar to Light Industry but that also include a retail shop front used for the sale of goods manufactured on the premises or the receiving of goods to be serviced on the premises;
Laundromat:	means premises open to the public in which washing machines, with or without provision for drying clothes, are available for use;
Liquor Store:	means premises licensed under the <i>Liquor Control Act 1988</i> providing for the sale of packaged liquor for consumption off the premises only, but does not include a Hotel or a Tavern;
Lunch Bar:	means premises or part premises used for the sale of take-away food in a form ready to be consumed without further preparation;
Market:	means land or premises used for the temporary or permanent establishment of stalls for the display and retail sale of goods or to provide services of a personal nature, by independent vendors or stall holders;
Media Production:	premises designed and used for production, post production, or broadcasting of media;
Medical Centre:	means premises, other than a hospital, used by three or more legally qualified health consultant/s for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment);
Motel:	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the <i>Liquor Control Act 1988</i> ;
Motor Vehicle Maintenance:	means premises used for or in connection with: (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

... continued next page

WORD / EXPRESSION	DEFINITION
Multiple Dwelling:	means a dwelling in a group of more than one dwellings on a lot where any part of a dwelling is vertically above part of any other but  (a) does not include a grouped dwelling; and  (b) includes any dwellings above the ground floor in a mixed use development;
Night Club:	means premises used for late night live entertainment and/or amplified music, with or without eating facilities; and that may be subject of a Nightclub, Cabaret or other licence under the <i>Liquor Control Act 1988</i> , but does not include takeaway (packaged) liquor sales;
Office:	means premises used for administrative, clerical, technical, professional or other like business activities;
Outdoor Display Centre:	means premises which include an open air land area used for the display, hire or sale of goods by wholesale or retail, usually of a bulky nature or in large quantities, such as garden and landscaping products, outdoor leisure goods, hardware goods, and usually also includes large parking and delivery areas and buildings for office or shop purposes;
Personal Services:	means an establishment providing services of a personal beauty or wellbeing nature such as hairdressers, massage, manicure, solariums and beautician services;
Place of Worship:	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
Recreation and Sporting Facilities:	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public, and to which a charge may or may not be made for use;
Research and Development:	means premises used for scientific and industrial research and the development, production and assembly of products associated with that research;
Restaurant/Café:	means premises including a building and any outdoor area used for the primary purpose of providing meals or snacks and/or coffee and other non-alcoholic beverages for consumption on the premises.  The sale of alcohol for consumption on the premises or the sale of food for consumption off the premises may be ancillary to this. May or may not be subject to a Restaurant licence under the <i>Liquor Control Act 1988</i> ;
Self Storage Unit:	means building/s used for the storage of goods, equipment or material;

... continued next page

WORD / EXPRESSION	DEFINITION
Serviced Apartments:	means buildings which include self-contained units used for transient accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel, short stay accommodation, student accommodation or a residential building;
Service Station:	means any land or building used for the supply of vehicle fuels and which includes the provision of lubrication and greasing services, tyre repairs and minor mechanical repairs;
Shop:	means a small scale building or premises used for the display and sale of goods by retail sale, which does not require a large car parking requirement. Includes premises selling items such as clothing, footwear, jewellery, books, music, homewares, plants, flowers, sporting goods and small scale electrical goods, as well as bakeries, butchers, chemists, newsagents and like stores. May include some preparation but not manufacturing of goods for sale on site;
Shopping Complex:	means a large scale premises, building, or group of buildings and associated land and car parking, used for large retail outlets displaying and selling bulky goods or a large variety of goods, such as a supermarket, variety store, department store, retail showroom, or a shopping centre containing several shops;
Short Stay Accommodation:	means premises used for accommodation that may be occupied by the same person/s for a maximum period of three months within any twelve month period, and are not subject to residential tenancy agreements (residential leases);
Showroom:	<p>premises used to display, sell by wholesale or retail, or hire goods of a bulky nature that require a large area for handling, display or storage; or direct access to the site of the premises by the public for the purpose of loading goods into a vehicle after purchase or hire.</p> <p>For example: automotive parts and access; camping and recreational equipment; electrical light fittings; animal pet supplies; floor coverings; furniture; home entertainment goods, household appliances;</p>
Single House:	means a dwelling standing wholly on its green title own lot or survey-strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property;
Small Bar:	means premises licensed as a Small Bar under the <i>Liquor Control Act 1988</i> to sell liquor for consumption on the premises. May or may not provide live entertainment and the supply of food for consumption on the premises;
Specific Purpose Accommodation:	means a dwelling or collection of dwellings designed and/or set aside for a specific or special accommodation need usually of a permanent nature and may include student accommodation;

... continued next page

WORD / EXPRESSION	DEFINITION
Tavern:	means premises licensed as a Tavern under the <i>Liquor Control Act 1988</i> to supply liquor for consumption on the premises;
Telecommunications Infrastructure:	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
Theatre / Performance Venue:	means a premises designed and used for the regular performance and public viewing of a theatrical, dance, music, or comedy performance or other such live artistic performance The premises usually includes a stage, public seating and the ancillary service of beverages or light food, but does not include a Tavern or Nightclub or other such venue operated predominately for the sale and consumption of liquor;
Trade Display:	means premises used for the display of trade goods and equipment for the purposes of advertisement;
Transport Depot:	means land and associated buildings for the holding or storage and ancillary servicing of transport vehicles such as trains, trams, buses and trucks and related infrastructure, equipment, and offices;
Veterinary Centre:	means any premises used in practice by a registered veterinary surgeon for the medical or surgical treatment of animals other than for the purpose of the hospitalisation or boarding of animals;
Warehouse:	means premises used to store or display goods and may include sale by wholesale;