



Western  
Australian  
Planning  
Commission

CITY OF COCKBURN
23 AUG 2016
SUBJECT 109/047
RETENTION 124.2.3 AS
PROPERTY
APP
ACTION CAROL CATHWOOD

Your ref: 109/047  
Our ref: TPS/1712  
Enquiries: Heather Brooks (6551 9436)

Chief Executive Officer  
City of Cockburn  
PO Box 1215  
BIBRA LAKE WA 6965

Transmission via electronic mail to: [ccatherwood@cockburn.wa.gov.au](mailto:ccatherwood@cockburn.wa.gov.au)

Dear Sir

**LOCAL PLANNING SCHEME No. 3  
AMENDMENT No. 111**

**MINISTERIAL DECISION FOR LOCAL PLANNING SCHEME AMENDMENT -  
APPROVAL**

Pursuant to clause 87(2) of the *Planning and Development Act 2005* (the Act), the Minister for Planning has granted final approval to amendment 111 to the City of Cockburn Local Planning Scheme No. 3 on 15 August 2016.

In accordance with clause 87(3) of the Act, the Western Australian Planning Commission (Commission) will cause the amendment to be published in the Government Gazette.

The Commission has forwarded the notice to State Law Publisher and it is the Council's responsibility to make arrangements for the payment of any publication costs. Council is required under clause 87(4B) of the Act, and clause 62(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to advertise and make copies of the amendment available to the public.

For all payment and purchase order queries, please contact State Law Publisher on (08) 6552 6012 or fax (08) 9321 7536. One signed set of the amending documents is returned herewith.

Yours sincerely

Kerrine Blenkinsop  
Secretary  
Western Australian Planning Commission  
23 August 2016



wa.gov.au

Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000  
Tel: (08) 655 19000 Fax: (08) 655 19001 corporate@planning.wa.gov.au www.planning.wa.gov.au  
ABN 35 482 341 493

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
**CITY OF COCKBURN**  
**LOCAL PLANNING SCHEME No. 3 - AMENDMENT No. 111**

Ref: TPS/1712

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Cockburn Local Planning Scheme amendment on 15 August 2016 for the purpose of:

Amendment to Part Two – currently titled Local Planning Policy Framework

1. Rename this Part “Reserves”.
2. Delete current clauses 2.1-2.6 from Part Two.
3. Move all current provisions for Reserves (clauses 3.1-3.4) from Part Three into Part Two.

Amendment to Part Three – currently titled Reserves

4. Rename this Part “Zones and Use of land”.
5. Move all current provisions for Zones and Use of land (clauses 4.1-4.12 and Table 1) from Part Four into Part Three.

Amendment to Part Four – currently titled Zones and Use of Land

6. Move clause 7.6 (tree protection) ; Schedule 2 Additional Uses; Schedule 3 Restricted Uses; and Schedule 4 Special Use Zones into Part 4 General Development Requirements.
7. Rename this Part “General development requirements”.
8. Move all current provisions for General development requirements (clauses 5.1-5.17, Tables 2-5) from Part Five to Part Four.

Amendment to Part Five – currently titled General Development Requirements

9. Rename this Part “Special Control Areas”.
10. Move current provisions for Special Control Areas (clauses 6.1, 6.2.2.2, 6.2.3, 6.3-6.6 only) from Part Six to Part Five.

Amendment to Part Six – currently titled Special Control Areas

11. Delete current clauses 6.2.1-6.2.2.1, 6.2.4-6.2.8.2, 6.2.9-6.2.16.2 from Part Six.



Amendment to Part Seven – currently titled Heritage Protection

12. Delete current clauses 7.1-7.5 from Part Seven.

Amendment to Part Eight – currently titled Development of Land

13. Delete current clauses 8.1-8.2.1(b)(v), 8.2.1(d)-8.2.1(e), 8.3-8.4 from Part Eight.
14. Move current clause 8.2.1(b)(vi) from Part Eight to Part Five with rewording as set out in Attachment 2.

Amendment to Part Nine – currently titled Application for Planning Approval

15. Delete current clauses 9.1-9.4 from Part Nine.

Amendment to Part Ten – currently titled Procedure for dealing with applications

16. Delete current clauses 10.1-10.10 from Part Ten.

Amendment to Part Eleven – currently titled Enforcement and Administration

17. Delete current clauses 11.1-11.7.2, 11.11-11.12 from Part Eleven.

Amendment to Part Twelve – currently titled Schedules

18. Move clause 6.2.8.3 from Part Six into Schedule A – Supplemental Provisions to the Deemed Provisions.
19. Move current clauses 8.2.1(c), 8.2.1(f)-(l) from Part Eight to Schedule A – Supplemental Provisions to the Deemed Provisions.
20. Move clauses 11.8-11.10 from Part Eleven into Schedule A – Supplemental Provisions to the Deemed Provisions.
21. Move Schedule 5 Exempted Advertisements into Schedule A – Supplemental Provisions to the Deemed Provisions.
22. Move Schedule 1 Dictionary of Defined Words and Expressions into Part 6 Terms Referred to in Scheme.
23. Amend Schedule 11 – Development Areas to remove or amend clauses that conflict with the Deemed Provisions, as per Attachment 1 to the Schedule of Modifications.
24. Move Schedule 11 Development Areas; Schedule 12 Development Contribution Areas; and Schedule 13 Statutory Static Feasibility Assessment Model into Part 5 Special Control Areas.
25. Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2:
  - Advertisement
  - Amenity
  - Local government
  - Local planning strategy
  - Owner
  - Premises

R-Codes  
Substantially commenced  
Works  
Zone

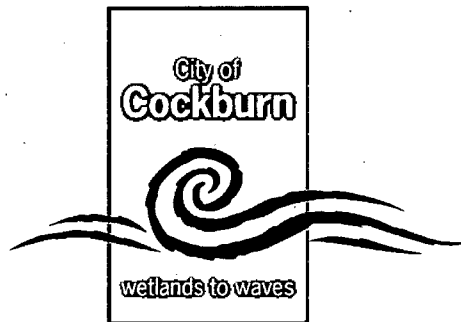
26. Delete current Schedule 6-9 from Part Twelve

General amendments

27. Renumber the scheme provisions and schedules sequentially omitting from the local planning scheme any deemed provisions and or/supplemental provisions.
28. Update any cross referenced clauses to the updated clause numbering.
29. Update any references to the Town Planning Act to the Planning and Development Act 2005.
30. Update any provisions (including model provisions), schedules and notes to reflect structure plan are to be given 'due regard' rather than the 'full force and effect of the Scheme'.

L HOWLETT JP  
MAYOR

D GREEN  
A/CHIEF EXECUTIVE OFFICER



## **TOWN PLANNING SCHEME NO. 3**

### **AMENDMENT NO. 111**

*To implement the Planning and Development (Local Planning Scheme) Regulations 2015*  
Updated to include Minister's modifications  
July 2016

**PLANNING AND DEVELOPMENT ACT, 2005  
RESOLUTION TO AMEND A TOWN PLANNING SCHEME**

**CITY OF COCKBURN  
TOWN PLANNING SCHEME NO 3  
AMENDMENT NO. 111**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the City of Cockburn Town Planning Scheme No. 3 by:

*Amendment to Part One – currently titled Preliminary*

1. Insert the deemed provision 1 “Terms Used” into Part 1

*Amendment to Part Two – currently titled Local Planning Policy Framework*

2. Rename this Part “Reserves and Local Planning Framework”
3. Delete current clauses 2.1-2.6 from Part Two
4. Move all current provisions for Reserves (clauses 3.1-3.4) from Part Three into Part Two
5. Insert the deemed provisions 2-6 into Part Two

*Amendment to Part Three – currently titled Reserves*

6. Rename this Part “Zones and Use of land and Heritage protection”
7. Move all current provisions for Zones and Use of land (clauses 4.1-4.12 and Table 1) from Part Four into Part Three
8. Insert the deemed provisions 7-13 into Part Three
9. Move clause 7.6 from Part Seven into Part Three as a supplemental provision

*Amendment to Part Four – currently titled Zones and Use of Land*

10. Rename this Part “General development requirements and Structure Plans”
11. Move all current provisions for General development requirements (clauses 5.1-5.17, Tables 2-5) from Part Five to Part Four
12. Insert the deemed provisions 14-29 into Part Four
13. Move clause 6.2.8.3 from Part Six into Part Four as a supplemental provision

*Amendment to Part Five – currently titled General Development Requirements*

14. Rename this Part “Special Control Areas and Activity Centre Plans”
15. Move current provisions for Special Control Areas (clauses 6.1, 6.2.2.2, 6.2.3, 6.3-6.6 only) from Part Six to Part Five
16. Insert the deemed provisions 30-45 into Part Five

*Amendment to Part Six – currently titled Special Control Areas*

17. Rename this Part “Local Development Plans”
18. Delete current clauses 6.2.1-6.2.2.1, 6.2.4-6.2.8.2, 6.2.9-6.2.16.2 from Part Six
19. Insert deemed provisions 46-59

*Amendment to Part Seven – currently titled Heritage Protection*

20. Rename this Part “Requirement for development approval”
21. Delete current clauses 7.1-7.5 from Part Seven
22. Insert deemed provisions 60-61 into Part Seven
23. Move current clauses 8.2.1(c), 8.2.1(f)-(l) from Part Eight to Part Seven as supplemental provisions

*Amendment to Part Eight – currently titled Development of Land*

24. Rename this Part “Applications for development approval”
25. Delete current clauses 8.1-8.2.1(b)(v), 8.2.1(d)-8.2.1(e), 8.3-8.4 from Part Eight
26. Move current clause 8.2.1(b)(vi) from Part Eight to Part Five with rewording as set out in Attachment 2
27. Insert deemed provisions 62-65 into Part Eight

*Amendment to Part Nine – currently titled Application for Planning Approval*

28. Rename this Part “Procedure for dealing with applications for development approval”
29. Delete current clauses 9.1-9.4 from Part Nine
30. Insert deemed provisions 66-77 into Part Nine

*Amendment to Part Ten – currently titled Procedure for dealing with applications*

31. Rename this Part “Enforcement and Administration”
32. Delete current clauses 10.1-10.10 from Part Ten
33. Insert deemed provisions 78-85 into Part Ten
34. Move clauses 11.8-11.10 from Part Eleven into Part Ten as supplemental provisions

*Amendment to Part Eleven – currently titled Enforcement and Administration*

35. Rename this Part “Forms referred to in this Scheme”
36. Delete current clauses 11.1-11.7.2, 11.11-11.12 from Part Eleven
37. Move current Schedules 1-4 from Part Twelve to Part Eleven
38. Insert deemed provision 86 into Part Eleven
39. Move current Schedule 10 from Part Twelve to Part Eleven
40. Move current Schedule 11-13 from Part Twelve to Part Eleven as supplemental provisions

*Amendment to Part Twelve – currently titled Schedules*

41. Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*  
Schedule 2:

Advertisement  
Amenity  
Local government  
Local planning strategy  
Owner  
Premises  
R-Codes  
Substantially commenced  
Works  
Zone

42. Delete current Schedule 6-9 from Part Twelve

*General amendments*

43. Renumber the scheme provisions and schedules sequentially  
44. Update any cross referenced clauses to the updated clause numbering  
45. Update any references to the Town Planning Act to the Planning and Development Act 2005  
46. Update any provisions (including model provisions), schedules and notes to reflect structure plan are to be given 'due regard' rather than the 'full force and effect of the Scheme'  
47. Any other rearrangements, deletions, renaming of instruments and carrying over of existing clauses as supplemental clauses as necessary to implement the new Regulations.

Dated this .8th.. day of .October... 2015



A/ CHIEF EXECUTIVE OFFICER

## REPORT

1. LOCAL AUTHORITY City of Cockburn
2. DESCRIPTION OF TOWN PLANNING SCHEME: Town Planning Scheme No. 3
3. TYPE OF SCHEME: District Zoning Scheme
4. SERIAL NO. OF AMENDMENT: Amendment No. 111
5. PROPOSAL:

To implement changes resulting from the gazettal of the Planning and Development (Local Planning Schemes) Regulations 2015, including:

  - scheme restructure of Parts;
  - deletion of provisions replaced by deemed provisions;
  - embedding of deemed provisions; and
  - proposal of supplemental provisions).

# AMENDMENT REPORT

## 1.0 Introduction

*The Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) were gazetted on 25 August and take effect on 19 October 2015, replacing the *Town Planning Regulations 1967*.

The Regulations are a major part of Western Australia's planning reform agenda, affecting arrangements for local planning strategies, schemes and amendments. In addition to a Model Scheme Text ("MST"), the Regulations introduce a set of 'deemed provisions' that will form part of every local planning scheme in the State once the Regulations take effect.

## 2.0 Proposal

To ease implementation of the new Regulations, this Scheme amendment proposes to reorganise Town Planning Scheme No. 3 ("TPS3") to the new MST layout, show where the new 'deemed provisions' will sit and delete the sections they replace. Importantly, it will also identify which existing provisions proposed to complement the deemed provisions.

Attachment One to this amendment details the comparison of the new MST layout against the current TPS3 layout. It identifies how the Parts of TPS3 will need rearrangement to meet the new MST layout. It acknowledges where existing provisions remain (but may shift location) and where any deemed provisions will be located as well as any supplemental provisions are proposed.

Attachment Two elaborates on the proposed supplemental provisions. It details their current location within TPS3 (current clause numbers used for ease of reference) and indicates what Part of scheme the clause would move to. Justification/rationale for its inclusion as a supplemental provision is also included as well whether the provision is consistent with, or not already covered by the Regulations.

Attachment Three is a copy of TPS3 shown as this amendment would propose. That is, rearranged into the new MST layout, with deletions carried out, insertion of deemed provisions and retention of several supplemental provisions.

## 3.0 Amendment Type

As per Part 5 of the Regulations, there several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.



Regulation 35(2) requires the local government to specify in their resolutions to prepare or adopt an amendment what type of amendment it is, as well as the explanation for forming that opinion.

This proposed amendment is considered to be a basic amendment, which Regulation 34 describes as:

*basic amendment means any of the following amendments to a local planning scheme —*

- a) an amendment to correct an administrative error;*
- b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;*
- c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;*
- d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;*
- e) an amendment to the scheme so that it is consistent with a State planning policy;*
- f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;*
- g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;*
- h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;*
- i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area.*

This proposed amendment satisfies two of the above criteria. In particular, it is:

*an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;*

*an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;*

## **4.0 Conclusion**

It is requested the proposed amendment to implement changes resulting from the gazettal of the Planning and Development (Local Planning Schemes) Regulations 2015, including:

- scheme restructure of Parts;
- deletion of provisions replaced by deemed provisions;

- embedding of deemed provisions; and
- proposal of supplemental provisions)

be supported.

## **POSTSCRIPT: Inclusion of Minister's modifications**

Modifications required by the Minister for Planning were outlined in correspondence dated 28 June 2016 sent to the City of Cockburn and are set out further below.

In carrying out these modifications, the Council resolution dates are not modified, although in this case there are changes to the proposed scheme text from what was set out originally in those Council decisions and this scheme amendment report.

In the interests of posterity and to provide some clarity to persons who may compare the original recommendation and/or Council minutes to these documents and/or the amended version of Town Planning Scheme No. 3, below are the Minister modifications:

1. *Renumber the amendment items 1 - 47 instead of 48 - 94.*
2. *Delete amendment items 1, 5, 8, 12, 16, 17, 19, 20, 22, 24, 27, 28, 30, 31, 33, 35, 38, 39 and 47.*  
*Reason: The Regulations' Deemed Provisions are not to be formally incorporated into the Scheme text.*
3. *Delete amendment items 9, 37 and 40 and replace them with the following new amendment clauses:*
  - *Move Cl. 7.6 (tree protection); Schedules 2 Additional Uses; Schedule 3 Restricted Uses; and Schedule 4 Special Use Zones into Part 4 General Development Requirements;*
  - *Move Schedule 11 Development Areas; Schedule 12 Development Control Areas; and Schedule 13 Statutory Static Feasibility Assessment Model into Part 5 Special Control Areas;*
  - *Move Schedule 1 Dictionary of Defined Words and Expressions into Part 6 Terms Referred to in Scheme; and,*
  - *Move Schedule 5 Exempted Advertisements into Schedule A – Supplemental Provisions.*  
*Reason: Compliance with the format for local planning schemes under the new Regulations.*
4. *Insert new amendment clause as follows:*
  - *Amend Schedule 11 - Development Areas to remove or amend clauses that conflict with the Deemed Provisions, as per Attachment 1 to the Schedule of Modifications.*  
*Reason: To avoid inconsistencies between TPS 3 and the Regulations (Deemed Provisions) with respect to the effect of structure plans.*

5. *Modify amendment items 13, 23 and 34 (relating to concurrent advertising of amendments and structure plans; permitted development; and committees) by relocating the referred-to supplemental provisions to "Schedule A – Supplemental Provisions to the Deemed Provisions".*

*Reason: Compliance with the format for local planning schemes under the new Regulations.*

6. *Modify amendment items 2, 6, 10 and 14 (renaming Parts 2, 3, 4 and 5) to delete references to the Local Planning Framework, Heritage protection, Structure Plans and Activity Centre Plans.*

*Reason: The deemed provisions cannot be varied or re-numbered, so formal insertion of DP headings and clauses (to the local government scheme) is both unnecessary and potentially misleading.*

7. *Modify amendment item 43 ('Renumber the scheme provisions and schedules sequentially') by adding the words '...omitting from the local planning scheme any deemed provisions and/or supplemental provisions'.*

*Reason: as per item 2 above.*

8. *Retain unchanged amendment items 3,4, 7, 11, 15, 18,21, 25, 26,29,32, 36, 41, 42, 44, 45 and 46.*

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION TO ADOPT AMENDMENT TO THE LOCAL PLANNING  
SCHEME**

**CITY OF COCKBURN**  
**TOWN PLANNING SCHEME NO 3**  
**AMENDMENT NO. 111**

The City of Cockburn under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amend the above Town Planning Scheme by:

*Amendment to Part Two – currently titled Local Planning Policy Framework*

1. Rename this Part "Reserves"
2. Delete current clauses 2.1-2.6 from Part Two
3. Move all current provisions for Reserves (clauses 3.1-3.4) from Part Three into Part Two

*Amendment to Part Three – currently titled Reserves*

4. Rename this Part "Zones and Use of land"
5. Move all current provisions for Zones and Use of land (clauses 4.1-4.12 and Table 1) from Part Four into Part Three

*Amendment to Part Four – currently titled Zones and Use of Land*

6. Move clause 7.6 (tree protection) ; Schedule 2 Additional Uses; Schedule 3 Restricted Uses; and Schedule 4 Special Use Zones into Part 4 General Development Requirements
7. Rename this Part "General development requirements"
8. Move all current provisions for General development requirements (clauses 5.1-5.17, Tables 2-5) from Part Five to Part Four

*Amendment to Part Five – currently titled General Development Requirements*

9. Rename this Part “Special Control Areas”<sup>4</sup>
10. Move current provisions for Special Control Areas (clauses 6.1, 6.2.2.2, 6.2.3, 6.3-6.6 only) from Part Six to Part Five

*Amendment to Part Six – currently titled Special Control Areas*

11. Delete current clauses 6.2.1-6.2.2.1, 6.2.4-6.2.8.2, 6.2.9-6.2.16.2 from Part Six

*Amendment to Part Seven – currently titled Heritage Protection*

12. Delete current clauses 7.1-7.5 from Part Seven

*Amendment to Part Eight – currently titled Development of Land*

13. Delete current clauses 8.1-8.2.1(b)(v), 8.2.1(d)-8.2.1(e), 8.3-8.4 from Part Eight
14. Move current clause 8.2.1(b)(vi) from Part Eight to Part Five with rewording as set out in Attachment 2

*Amendment to Part Nine – currently titled Application for Planning Approval*

15. Delete current clauses 9.1-9.4 from Part Nine

*Amendment to Part Ten – currently titled Procedure for dealing with applications*

16. Delete current clauses 10.1-10.10 from Part Ten

*Amendment to Part Eleven – currently titled Enforcement and Administration*

17. Delete current clauses 11.1-11.7.2, 11.11-11.12 from Part Eleven

*Amendment to Part Twelve – currently titled Schedules*

18. Move clause 6.2.8.3 from Part Six into Schedule A – Supplemental Provisions to the Deemed Provisions
19. Move current clauses 8.2.1(c), 8.2.1(f)-(l) from Part Eight to Schedule A – Supplemental Provisions to the Deemed Provisions
20. Move clauses 11.8-11.10 from Part Eleven into Schedule A – Supplemental Provisions to the Deemed Provisions
21. Move Schedule 5 Exempted Advertisements into Schedule A – Supplemental Provisions to the Deemed Provisions
22. Move Schedule 1 Dictionary of Defined Words and Expressions into Part 6 Terms Referred to in Scheme
23. Amend Schedule 11 – Development Areas to remove or amend clauses that conflict with the Deemed Provisions, as per Attachment 1 to the Schedule of Modifications

24. Move Schedule 11 Development Areas; Schedule 12 Development Contribution Areas; and Schedule 13 Statutory Static Feasibility Assessment Model into Part 5 Special Control Areas

25. Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2:

- Advertisement
- Amenity
- Local government
- Local planning strategy
- Owner
- Premises
- R-Codes
- Substantially commenced
- Works
- Zone

26. Delete current Schedule 6-9 from Part Twelve

*General amendments*

27. Renumber the scheme provisions and schedules sequentially omitting from the local planning scheme any deemed provisions and or/supplemental provisions

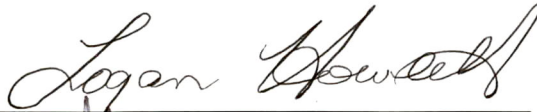
28. Update any cross referenced clauses to the updated clause numbering

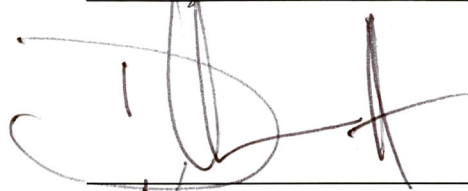
29. Update any references to the Town Planning Act to the Planning and Development Act 2005

30. Update any provisions (including model provisions), schedules and notes to reflect structure plan are to be given 'due regard' rather than the 'full force and effect of the Scheme'

## ADOPTION

Adopted by resolution of the Council of the City of Cockburn at the ordinary meeting of the Council held on ..8th.. day of ..October.. 2015.


  
MAYOR

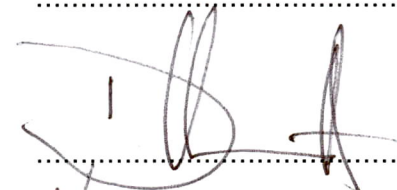
  
CHIEF EXECUTIVE OFFICER

## FINAL APPROVAL

Adopted for final approval by resolution of the City of Cockburn at the Meeting of the Council held on the ..8<sup>th</sup>... day of ..October.. 2015, and the Common Seal of the City of Cockburn was hereunto affixed by the authority of a resolution of the Council in the presence of:



  
MAYOR

  
CHIEF EXECUTIVE OFFICER

## Recommended/Submitted for Final Approval

It is hereby certified that this is a true copy of the ~~Scheme~~/Amendment, final approval to which was endorsed by the Minister for Planning on 5/8/16.

Certified by  .....

Officer of the Commission Duty authorised pursuant to Section 24 of the Planning and Development Act 2005 and Regulation 32(3) Scheme and Regulation 63(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015.

Final Approval Granted

.....  
DELEGATED UNDER S.16 PLANNING  
AND DEVELOPMENT ACT 2005

DATE.....

.....  
MINISTER FOR PLANNING

DATE.....

# Attachment One

## Comparison of current TPS 3 to MST layout – with scheme rearrangement notes

How to read this table....

This table is separated into columns with the left indicating current Cockburn TPS3 headings and the right the MST heading/arrangement. To distinguish the MST deemed provisions, they are in bold text.

The division of Parts used reflects the layout in the MST

The centre column provides commentary and rearrangement direction needed to the Cockburn TPS3 to reflect the new MST layout and inclusion of deemed provisions and identifies any supplementary provisions. These notes will inform the proposed TPS3 Scheme Amendment 111.

Current TPS3	What happens to this Part? (Scheme rearrangement notes)	MST arrangement – deemed provisions sections shown in bold text
<b>Part 1 – Preliminary</b>		
<b>PART 1 PRELIMINARY</b>		
1.1 CITATION	o Stays in same location in TPS/MST layout	Citation
1.2 RESPONSIBLE AUTHORITY	o Existing TPS3 Part 1 provisions are unchanged (they are 'model provisions')	Commencement
1.3 SCHEME AREA	o Insert deemed provision 1 'Terms Used'	Scheme revoked
1.4 CONTENTS OF SCHEME		Notes do not form part of Scheme
1.5 PURPOSES OF THE SCHEME		Responsibility for Scheme
1.6 THE AIMS OF THE SCHEME		Scheme area
1.7 DEFINITIONS		Contents of Scheme
1.8 RELATIONSHIP WITH LOCAL LAWS		Purposes of Scheme
1.9 RELATIONSHIP WITH OTHER SCHEMES		Aims of Scheme
1.10 RELATIONSHIP WITH THE METROPOLITAN REGION SCHEME		Relationship with local laws
		Relationship with other local planning schemes
		Relationship with region planning scheme
		<b>Terms used</b>
<b>Part 2 – Reserves and Local Planning Framework</b>		
<b>PART 2 LOCAL PLANNING POLICY FRAMEWORK</b>		
2.1 SCHEME DETERMINATION TO CONFORM WITH LOCAL PLANNING STRATEGY	o Rename this Part "Reserves and Local Planning Framework"	Regional Reserves
2.2 LOCAL PLANNING STRATEGY	o Delete current clauses 2.1-2.6 from Part Two	Local reserves
2.3 LOCAL PLANNING POLICIES	o Move all current provisions for Reserves (clauses 3.1-3.4) from Part Three into Part Two	Additional uses for local reserves
2.4 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME	o Insert the deemed provisions 2-6 into Part Two	
2.5 PROCEDURES FOR MAKING OR AMENDING A LOCAL PLANNING POLICY		
2.6 REVOCATION OF LOCAL PLANNING POLICY		
<b>Division 1 – Local planning strategy</b>		
		<b>Local planning strategy</b>
<b>Division 2 – Local planning policies</b>		
		<b>Local planning policies</b>
		<b>Procedure for making local planning policy</b>
		<b>Procedure for amending local planning policy</b>
		<b>Revocation of local planning policy</b>
<b>Part 3 – Zones and use of land and Heritage protection</b>		
<b>PART 3 RESERVES</b>		
3.1 RESERVES	o Rename this Part "Zones and Use of land and Heritage protection"	Zones
3.2 REGIONAL RESERVES	o Move all current provisions for Zones and Use of land (clauses 4.1-4.12 and Table 1) from Part Four into Part Three	Zoning table
3.3 LOCAL RESERVES	o Insert the deemed provisions 7-13 into Part Three	Interpreting zoning table
3.4 USE AND DEVELOPMENT OF LOCAL RESERVES	o Move clause 7.6 from Part Seven into Part Three as a supplemental provision	Additional uses
		Restricted uses
		Special use zones
		Non-conforming uses
		Changes to non-conforming use

Some content superseded by Minister's Official



Current TPS3	What happens to this Part? (Scheme rearrangement notes)	MST arrangement – deemed provisions sections shown in bold text
		Register of non-conforming uses <b>Terms used</b> Heritage list Designation of heritage areas Heritage agreements Heritage assessments Variations to local planning scheme provisions for heritage purposes Heritage conservation notice
<b>Part 4 – General development requirements and Structure plans</b>		
<b>PART 4 ZONES AND THE USE OF LAND</b> 4.1 ZONES 4.2 OBJECTIVES OF THE ZONES 4.3 ZONING TABLE 4.4 INTERPRETATION OF THE ZONING TABLE 4.6 RESTRICTED USES 4.7 SPECIAL USE ZONES 4.8 NON-CONFORMING USES 4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE 4.10 DISCONTINUANCE OF NON-CONFORMING USE 4.11 TERMINATION OF A NON-CONFORMING USE 4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS TABLE 1 - ZONING TABLE	<ul style="list-style-type: none"> <li>o Rename this Part "General development requirements and Structure Plans"</li> <li>o Move all current provisions for General development requirements (clauses 5.1-5.17, Tables 2-5) from Part Five to Part Four</li> <li>o Insert the deemed provisions 14-29 into Part Four</li> <li>o Move clause 6.2.8.3 from Part Six into Part Four as a supplemental provision</li> </ul>	R-Codes Modification of R-Codes State Planning Policy 3.6 to be read as part of Scheme Modification of State Planning Policy 3.6 Other State planning policies to be read as part of Scheme Modification of State planning policies Environmental conditions Additional site and development requirements Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan Variations to site and development requirements Restrictive covenants <b>Term used: structure plan</b> <b>When structure plan may be prepared</b> <b>Preparation of structure plan</b> <b>Action by local government on receipt of application</b> <b>Advertising structure plan</b> <b>Consideration of submissions</b> <b>Local government report to Commission</b> <b>Cost and expenses incurred by local government</b> <b>Decision of Commission</b> <b>Further services or information from local government</b> <b>Structure plan may provide for later approval of details of subdivision</b> <b>Review</b> <b>Publication of structure plan approved by Commission</b> <b>Effect of structure plan</b> <b>Duration of approval</b> <b>Amendment of structure plan</b>
<b>Part 5 – Special Control areas and Activity Centre Plans</b>		
<b>PART 5 GENERAL DEVELOPMENT REQUIREMENTS</b> 5.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS 5.2 RESIDENTIAL DESIGN CODES 5.3 SEWERAGE CONNECTION 5.4 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES 5.5 RESTRICTIVE COVENANTS 5.6 VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS 5.7 ENVIRONMENTAL CONDITIONS 5.8 RESIDENTIAL USES Table 2 - Residential Use Classes - Vehicle Parking 5.9 COMMERCIAL AND INDUSTRIAL USES Table 3 - Commercial Use Classes - Vehicle Parking Table 4 - Industrial Use Classes - Vehicle Parking 44 5.10 RURAL USES Table 5 - Rural Use Classes - Vehicle Parking	<ul style="list-style-type: none"> <li>o Rename this Part "Special Control Areas and Activity Centre Plans"</li> <li>o Move current provisions for Special Control Areas (clauses 6.1, 6.2.2.2, 6.2.3, 6.3-6.6 only) from Part Six to Part Five</li> <li>o Insert the deemed provisions 30-45 into Part Five</li> </ul>	Special control areas <b>Terms used</b> <b>When activity centre plan may be prepared</b> <b>Preparation of activity centre plan</b> <b>Action by local government on receipt of application</b> <b>Advertising activity centre plan</b> <b>Consideration of submissions</b> <b>Local government report to Commission</b> <b>Cost and expenses incurred by local government</b> <b>Decision of Commission</b> <b>Further services or information from local government</b> <b>Activity centre plan may provide for later approval of details of subdivision or development</b> <b>Review</b> <b>Publication of activity centre plan approved by Commission</b> <b>Effect of activity centre plan</b> <b>Duration of approval</b>

Current TPS3	What happens to this Part? (Scheme rearrangement notes)	MST arrangement – deemed provisions sections shown in bold text
5.11 SPECIAL USE ZONE 5.12 EXTRACTIVE INDUSTRY USES 5.13 DEVELOPMENT ZONE 5.14 PROTECTION OF NATIVE FAUNA 5.15 PROTECTION OF NATIVE FLORA 5.16 PROTECTION OF WETLANDS 5.17 CONSERVATION ZONE		Amendment of activity centre plan
<b>Part 6- Local Development Plans</b>		
<b>PART 6 SPECIAL CONTROL AREAS</b> 6.1 OPERATION OF SPECIAL CONTROL AREAS 6.2 DEVELOPMENT AREAS 6.3 DEVELOPMENT CONTRIBUTION AREAS (DCA) 6.4 THE PEEL-HARVEY COASTAL PLAIN CATCHMENT (PHC) 6.5 JANDAKOT AIRPORT (JA) 6.6 BUSHFIRE VULNERABILITY AREA	<ul style="list-style-type: none"> <li>o Rename this Part "Local Development Plans"</li> <li>o Delete current clauses 6.2.1-6.2.2.1, 6.2.4-6.2.8.2, 6.2.9-6.2.16.2 from Part Six</li> <li>o Insert deemed provisions 46-59</li> </ul>	Term used: local development plan When local development plan may be prepared Preparation of local development plan Action by local government on receipt of application Advertising of local development plan Consideration of submissions Decision of local government Local development plan may provide for later approval of details of development Review Publication of local development plan approved by local government Effect of local development plan Duration of approval Revocation of local development plan Amendment of local development plan
<b>Part 7 – Requirement for development approval</b>		
<b>PART 7 HERITAGE PROTECTION</b> 7.1 HERITAGE LIST 7.2 DESIGNATION OF A HERITAGE AREA 7.3 HERITAGE AGREEMENTS 7.4 HERITAGE ASSESSMENT 7.5 VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA	<ul style="list-style-type: none"> <li>o Rename this Part "Requirement for development approval"</li> <li>o Delete current clauses 7.1-7.5 from Part Seven</li> <li>o Insert deemed provisions 60-61 into Part Seven</li> <li>o Move current clauses 8.2.1(d), 8.2.1(f)-(l) from Part Eight to Part Seven as supplemental provisions</li> </ul>	Requirement for development approval Development for which development approval not required
<b>Part 8 – Applications for development approval</b>		
<b>PART 8 DEVELOPMENT OF LAND</b> 8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT 8.2 PERMITTED DEVELOPMENT 8.3 AMENDING, REVOKING OR REFUSING A PLANNING APPROVAL 8.4 UNAUTHORISED EXISTING DEVELOPMENTS	<ul style="list-style-type: none"> <li>o Rename this Part "Applications for development approval"</li> <li>o Delete current clauses 8.1-8.2.1(b)(v), 8.2.1(d)-8.2.1(e), 8.3-8.4 from Part Eight</li> <li>o Move current clause 8.2.1(b)(vi) from Part Eight to Part Five with rewording as set out in Attachment 2</li> <li>o Insert deemed provisions 62-65 into Part Eight</li> </ul>	Form of application Accompanying material Advertising applications Subsequent approval of development
<b>Part 9 – Procedure for dealing with applications for development approval</b>		
<b>PART 9 APPLICATION FOR PLANNING APPROVAL</b> 9.1 FORM OF APPLICATION 9.2 ACCOMPANYING MATERIAL 9.3 ADDITIONAL MATERIAL FOR HERITAGE MATTERS 9.4 ADVERTISING OF APPLICATIONS	<ul style="list-style-type: none"> <li>o Rename this Part "Procedure for dealing with applications for development approval"</li> <li>o Delete current clauses 9.1-9.4 from Part Nine</li> <li>o Insert deemed provisions 66-77 into Part Nine</li> </ul>	Consultation with other authorities Matters to be considered by local government Determination of applications Application not to be refused if development contribution plan not in place Form and date of determination Commencement of development under development approval Temporary development approval Scope of development approval Approval subject to later approval of details Time for deciding application for development approval Review of decisions Amending or cancelling development approval

Current TPS3	What happens to this Part? (Scheme rearrangement notes)	MST arrangement – deemed provisions sections shown in bold text
<b>Part 10 – Enforcement and Administration</b>		
<b>Division 1 – Powers of local government</b>		
<b>PART 10</b> <b>PROCEDURE FOR DEALING WITH APPLICATIONS</b> 10.1    CONSULTATIONS WITH OTHER AUTHORITIES 10.2    MATTERS TO BE CONSIDERED BY COUNCIL 10.3    DETERMINATION OF APPLICATIONS 10.4    FORM AND DATE OF DETERMINATION 10.5    TERM OF PLANNING APPROVAL 10.6    TEMPORARY PLANNING APPROVAL 10.7    SCOPE OF PLANNING APPROVAL 10.8    APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS 10.9    DEEMED REFUSAL 10.10   APPEALS	<ul style="list-style-type: none"> <li>o Rename this Part "Enforcement and Administration"</li> <li>o Delete current clauses 10.1-10.10 from Part Ten</li> <li>o Insert deemed provisions 78-85 into Part Ten</li> <li>o Move clauses 11.8-11.10 from Part Eleven into Part Ten as supplemental provisions</li> </ul>	<b>Powers of local government</b> <b>Entry and inspection powers</b> <b>Repair of existing advertisements</b>
<b>Division 2 - Delegations</b>		
		<b>Terms used</b> <b>Delegations by local government</b> <b>Local government CEO may delegate powers</b> <b>Other matters relevant to delegations under this Division</b>
<b>Division 3 – Miscellaneous</b>		
		<b>Agreement to use of material provided for Scheme purposes</b>
<b>Part 11 – Forms referred to in this Scheme</b>		
<b>PART 11</b> <b>ENFORCEMENT AND ADMINISTRATION</b> 11.1    POWERS OF THE LOCAL GOVERNMENT 11.2    REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS 11.3    DELEGATION OF FUNCTIONS 11.4    PERSON MUST COMPLY WITH PROVISIONS OF SCHEME 11.5    COMPENSATION 11.6    PURCHASE OR TAKING OF LAND 11.7    NOTICE FOR REMOVAL OF CERTAIN BUILDINGS 11.8    HERITAGE ADVISORY COMMITTEE 11.9    ADVISORY COMMITTEES 11.10   REFERENCE COMMITTEES 11.11   SITE NOTIFICATION 11.12   ARBITRATION ON VALUE	<ul style="list-style-type: none"> <li>o Rename this Part "Forms referred to in this Scheme"</li> <li>o Delete current clauses 11.1-11.7.2, 11.11-11.12 from Part Eleven</li> <li>o Move current Schedules 1-4 from Part Twelve to Part Eleven</li> <li>o Insert deemed provision 86 into Part Eleven</li> <li>o Move current Schedule 10 from Part Twelve to Part Eleven</li> <li>o Move current Schedule 11-13 from Part Twelve to Part Eleven as supplemental provisions</li> </ul>	<b>Forms referred to in this Scheme</b>
<b>(to be deleted/rearranged current Part 12)</b>		
<b>PART 12</b> <b>SCHEDULES</b> <b>SCHEDULE 1</b> <b>DICTIONARY OF DEFINED WORDS AND EXPRESSIONS</b> 1.    GENERAL DEFINITIONS 2.    LAND USE DEFINITIONS <b>SCHEDULE 2</b> <b>ADDITIONAL USES</b> <b>SCHEDULE 3</b> <b>RESTRICTED USES</b> <b>SCHEDULE 4</b> <b>SPECIAL USE ZONES</b> <b>SCHEDULE 5</b> <b>EXEMPTED ADVERTISEMENTS</b> <b>SCHEDULE 6</b> <b>FORM OF APPLICATION FOR PLANNING APPROVAL - MRS FORM 1</b> <b>SCHEDULE 7</b> <b>ADDITIONAL INFORMATION FOR ADVERTISING</b> <b>SCHEDULE 8</b> <b>NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING APPROVAL</b> <b>SCHEDULE 9</b> <b>NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL – MRS FORM 2</b> <b>SCHEDULE 10</b> <b>ENVIRONMENTAL CONDITIONS</b> <b>SCHEDULE 11</b> <b>DEVELOPMENT AREAS</b> <b>SCHEDULE 12</b> <b>DEVELOPMENT CONTRIBUTION PLAN</b> <b>SCHEDULE 13</b> <b>STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL</b>	<ul style="list-style-type: none"> <li>o Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2:  <ul style="list-style-type: none"> <li>o Advertisement</li> <li>o Amenity</li> <li>o Local government</li> <li>o Local planning strategy</li> <li>o Owner</li> <li>o Premises</li> <li>o R-Codes</li> <li>o Substantially commenced</li> <li>o Works</li> <li>o Zone</li> </ul> </li> <li>o Delete current Schedule 6-9 from Part Twelve</li> </ul>	<b>(not referred to in MST)</b>

Current TPS3	What happens to this Part? (Scheme rearrangement notes)	MST arrangement – deemed provisions sections shown in bold text
Schedule 3 provisions		
N/A currently – will add with new Scheme as an additional schedule – these are not deemed provisions		Reserve legends used in local planning scheme maps Zone legends used in local planning scheme maps Additional information used in scheme maps
General changes		
<ul style="list-style-type: none"> <li>o Renumber the scheme provisions and schedules sequentially</li> <li>o Update any cross referenced clauses to the updated clause numbering</li> <li>o Update any references to the Town Planning Act to the Planning and Development Act 2005</li> <li>o Update any provisions (including model provisions), schedules and notes to reflect structure plan are to be given 'due regard' rather than the 'full force and effect of the Scheme'</li> <li>o Any other rearrangements, deletions, renaming of instruments and carrying over of existing clauses as supplemental clauses as necessary to implement the new Regulations.</li> </ul>		

Some content superseded by Minister notification

# Attachment Two

## Analysis of proposed supplemental provisions: Cockburn TPS3

Current provision location and text	Proposed location as supplemental provision	Consistent with Regs (tick)	Not already covered by Regs (tick)	Justification/rationale
<b>Part 3 – Zones &amp; Use of Land and Heritage Protection</b>				
<b>Part 7 – Heritage Provisions</b> <b>Clause 7.6</b> <i>Planning approval is required prior to the removal, destruction of and/or interference with any tree included on the Local Government Inventory Significant Tree list.</i>	<b>Part 3 – Heritage provisions</b>	✓	✓	<p>Without this clause there is no mechanism to implement or enforce the management recommendations that are outlined in the place records contained in the City's Local Government Inventory, which includes significant trees.</p> <p>In order to provide some level of protection to the significant trees, and to clarify the requirements relating to significant trees it is recommended that an additional clause be included in the Scheme to require planning approval prior to the removal of any significant tree identified on the LGI.</p>
<b>Part 4 General development requirements and Structure Plans</b>				
<b>Part 6 Special Control Areas</b> <b>6.2.8.3</b> <i>The local government may advertise a proposed structure plan associated with any proposal to amend the scheme concurrently.</i>	<b>Part 4 General development requirements and Structure Plans</b>	✓	✓	<p>Without this clause, there is no clarity a LG can advertise a structure plan with a concurrent amendment request</p> <p>Note minor rewording to reflect deemed provisions as follows:</p> <p><i>"The local government may advertise a proposed structure plan associated with any proposal to amend the scheme concurrently, subject to the provisions of Clause 15(c) of the deemed provisions".</i></p>
<b>Part 5 Special Control Areas and Activity Centre Plans</b>				
<b>Part 8 – Requirements for Development Approval</b>	<b>Part 5 - Special</b>	✓	✓	This clause needs to move to the Special

Current provision location and text	Proposed location as supplemental provision	Consistent with Regs (tick)	Not already covered by Regs (tick)	Justification/rationale
<p>8.2 Permitted Development</p> <p>8.2.1 (vi) the development is included in a Bushfire Prone Area, as defined by clause 6.6.2 of the Scheme;</p>	Control Areas and Activity Centre Plans			<p>Control Area part of the scheme to give clarity as to when development approval is required in the Special Control Area – Bush Fire Vulnerability Area. It will need minor rewording to ensure it fits within Part 5 appropriately. The proposed supplemental provision could sit between the existing clauses 6.1.1 and 6.1.2.</p> <p>Proposed rewording is (note: crossed referenced clause will need to change as required):</p> <p>Notwithstanding the exemptions to the need for development approval set out in Part 7 of the deemed provisions and this scheme, development approval is required where the following development is included in a Bush Fire Prone Area, as defined by clause 6.6.2 of the Scheme:</p> <ul style="list-style-type: none"> <li>a) The erection or extension of a single house;</li> <li>b) The erection or extension of an ancillary dwelling;</li> <li>c) The erection or extension of a grouped dwelling</li> </ul>
Part 7 – Requirement for development approval				
<p>Part 8 – Requirements for Development Approval</p> <p>8.2 Permitted Development</p> <p>8.2.1 (c) the demolition of any building or structure except where the building or structure is -</p>	Part 7 – Requirements for Development Approval	✓	✓	<p>This would carry across an existing exemption under the City's TPS3 which is in addition to the deemed provisions. In particular this ensures an exemption applies to any building or structure not simply buildings of a residential nature which are covered by the regulations.</p>

Current provision location and text	Proposed location as supplemental provision	Consistent with Regs (tick)	Not already covered by Regs (tick)	Justification/rationale
<ul style="list-style-type: none"> <li>(i) located in a place that has been entered in the Register of Places under the Heritage of Western Australia Act 1990;</li> <li>(ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;</li> <li>(iii) included on the Heritage List under the Scheme;</li> <li>(iv) located within a Heritage Area designated under the Scheme;</li> <li>(v) included on the Local Government Inventory.</li> </ul>				
<p>Part 8 – Requirements for Development Approval 8.2 Permitted Development 8.2.1</p> <p>(f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area</p>	Part 7 – Requirements for Development Approval		✓	<p>This would carry across an existing exemption under the City's TPS3 which is in addition to the deemed provisions.</p> <p>Note: Clause rearrangement changes in this instance would change the reference to current Schedule 5 to the new clause number within the body of the Scheme text where the contents of this schedule will be moved.</p>
<p>Part 8 – Requirements for Development Approval 8.2 Permitted Development 8.2.1</p> <p>(g) the erection of a fence;</p>	Part 7 – Requirements for Development Approval	✓	✓	<p>This would carry across an existing exemption under the City's TPS3 which is in addition to the deemed provisions.</p>
<p>Part 8 – Requirements for Development Approval 8.2 Permitted Development 8.2.1</p> <p>(h) the erection on a single lot of two grouped dwellings (included extensions and ancillary outbuildings) where a grouped dwelling is designated with the symbol 'P' in the cross-reference to that Use Class and a Zone in the Zoning Table, and where the development is consistent with Local Planning Policy No. APD58</p>	Part 7 – Requirements for Development Approval	✓	✓	<p>This would carry across an existing exemption under the City's TPS3 which is in addition to the deemed provisions.</p> <p>Note: policy reference number would be updated to new renumbered format.</p>

Sample content superseded by Minister modifications

Current provision location and text	Proposed location as supplemental provision	Consistent with Regs (tick)	Not already covered by Regs (tick)	Justification/rationale
<i>(Residential Design Guidelines) and the Residential Design Codes.</i>				
Part 8 – Requirements for Development Approval 8.2 Permitted Development 8.2.1  (j) the erection of a single house and two grouped dwellings including any ancillary outbuildings and swimming pools which comply with the provisions of a Detailed Area Plan;	Part 7 – Requirements for Development Approval	✓	✓	This would carry across an existing exemption under the City's TPS3 which is in addition to the deemed provisions.  Note: reference to Detailed Area Plan would be changed to Local Development Plan for consistency with Regulations
Part 8 – Requirements for Development Approval 8.2 Permitted Development 8.2.1  (k) Family Day Care Centre.	Part 7 – Requirements for Development Approval	✓	✓	This would carry across an existing exemption under the City's TPS3 which is in addition to the deemed provisions.
Part 8 – Requirements for Development Approval 8.2 Permitted Development 8.2.1  (l) The parking of commercial vehicles in accordance with clause 5.10.8(a), 5.10.8(b) and clause 5.10.8(c).	Part 7 – Requirements for Development Approval	✓	✓	This would carry across an existing exemption under the City's TPS3 which is in addition to the deemed provisions.
<b>Part 10 – Enforcement and Administration</b>				
Part 11 – Enforcement and Administration 11.8 Heritage Advisory Committee  11.8.1 The local government may establish a Heritage Advisory Committee to advise it on any matter arising under this clause.  11.8.2 The membership of the Committee may include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the	Part 10 – Enforcement and Administration	✓	✓	Provides criteria for the basis of creating committees and how they should be administered.



Current provision location and text	Proposed location as supplemental provision	Consistent with Regs (tick)	Not already covered by Regs (tick)	Justification/rationale
conservation or adaptation of places of cultural heritage significance, and a person representing the community with an interest in heritage conservation.				
<p>Part 11 – Enforcement and Administration</p> <p>11.9 Advisory Committees</p> <p>11.9.1 The local government may from time to time establish Advisory Committees to advise it on any matters in the Scheme, subject to such terms of reference, procedures and conditions of office as the local government thinks fit.</p> <p>11.9.2 The membership of an Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the local government have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.</p> <p>11.9.3 The Advisory Committee shall comprise no more than 5 members appointed by the local government and shall be chaired by a person elected by the Committee.</p> <p>11.9.4 A member of an Advisory Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.</p> <p>11.9.5 When dealing with any matter involving an application for planning approval or Structure Plans or when dealing with any other matter involving a development or land use proposal, the local government shall have due regard to any relevant recommendation of any Advisory Committee.</p>	Part 10 – Enforcement and Administration	✓	✓	Provides criteria for the basis of creating committees and how they should be administered.

Some content superseded by Minister modifications

Current provision location and text	Proposed location as supplemental provision	Consistent with Regs (tick)	Not already covered by Regs (tick)	Justification/rationale
<p><i>Part 11 – Enforcement and Administration</i>  <b>11.10 Reference Committees</b></p> <p><i>11.10.1 The local government may from time to time establish Reference Committees to advise it on any matters of community interest subject to such terms, procedures and conditions of office as the local government thinks fit.</i></p> <p><i>11.10.2 The local government shall determine which if any matters are referred to the Reference Committee for consideration and advice.</i></p> <p><i>11.10.3 Reference Committees shall represent the community of a specified locality within the district and comprise residents and ratepayers from that locality.</i></p> <p><i>11.10.4 A Reference Committee shall comprise no more than 7 residents and/or ratepayers appointed by the Local government and shall be chaired by a person elected by the Committee.</i></p> <p><i>11.10.5 A member of the Reference Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.</i></p> <p><i>11.10.6 When dealing with any matter of community interest including Applications for planning approval, Structure Plans or when dealing with any matter involving a development or land use proposal referred to it by the local government, the local government shall have due regard to any relevant recommendation of any Reference Committee.</i></p>	<p><b>Part 10 – Enforcement and Administration</b></p>	<p>✓</p>	<p>✓</p>	<p>Provides criteria for the basis of creating committees and how they should be administered.</p>

Some content superseded by Minister modifications

Current provision location and text	Proposed location as supplemental provision	Consistent with Regs (tick)	Not already covered by Regs (tick)	Justification/rationale
<b>Part 11 – Forms referred to in this Scheme</b>				
Part 12 – Schedules Schedule 11 – Development Areas	Part 11 – Forms referred to in this Scheme	✓	✓	<p>Provided detailed provisions for individual Development Areas (relate to existing structure planned areas)</p> <p>Note: minor renumbering for clauses cross referenced</p> <p>Any references to status of structure plan to be modified to reflect 'due regard' only</p>
Part 12 – Schedules Schedule 12 – Development Contribution Areas	Part 11 – Forms referred to in this Scheme	✓	✓	<p>Provided detailed provisions for individual Development Contribution Areas (relate to existing development contribution plans)</p> <p>Note: minor renumbering for clauses cross referenced</p>
Part 12 – Schedules Schedule 13 – Statutory Static Feasibility Model	Part 11 – Forms referred to in this Scheme	✓	✓	Required to interpret DCPs

Some content superseded by Minister modifications

## Attachment Three

TPS 3 as at 6 May 2016 - including mark up of changes to implement A.111 (inc Minister modifications)

**GO TO CONTENTS PAGE**

# **CITY OF COCKBURN**

## **TOWN PLANNING SCHEME NO. 3**

*Updated to include AMD 103 GG 6 May 2016*

### **DISCLAIMER**

This is a copy of the Town Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department for Planning and Infrastructure. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

**Prepared by the Department of Planning**

**Original Town Planning Scheme Gazettal Date: 20 December 2002**

## CITY OF COCKBURN TPS 3 - TEXT AMENDMENTS

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
10	6/4/04	5/4/04	DH	Schedule 11 – adding Development Area "DA7" being Lots, 1, 2 and 3 on Diagram 34240 and Lot 101 on Diagram 83601 Coolbellup Avenue, Reserve 30189 and Reserve 30190 Cordelia Avenue Coolbellup and that portion of Cordelia Avenue between Coolbellup Avenue and Rosalind Way together with relevant provisions.
7	10/9/04	15/9/04	DH	Schedule 3 – amending Restricted Uses RU6 to include Showroom. Schedule 3 – modify RU6 land description to read "Lots 100 on Plan 34223, 196 on Plan 23231 and 197 on Diagram 96391 Berrigan Drive, Jandakot and Reserve 45747".
17	15/2/05	23/2/05	DH	Schedule 12 – adding Development Contribution Area No. DCA7 – Aubin Grove.
3	28/6/05	5/7/05	DH	Schedule 11 – adding Development Area (DA22) Port Coogee together with relevant provisions.
22	11/11/05	11/11/05	DH	Schedule 11 – adding to Development Area DA9 new provision 7.
11	2/12/05	2/12/05	DH	Schedule 3 – adding restricted use area (RU11) "The land included within the District Centre Zone on the corner of Phoenix Road and Rockingham Road, Spearwood" together with relevant Restricted uses and conditions. Schedule 11 – modifying paragraph 6 in DA10 – Atwell South by replacing "2,700m <sup>2</sup> " with "5,000m <sup>2</sup> ".
24	6/1/06	12/1/06	DH	Schedule 2 – amending schedule by adding additional use area "U 18 for "Part Lot 5 on Diagram 26809, Lyon Road, Aubin Grove" together with relevant additional uses and conditions.
26	10/1/06	19/1/06	DH	Amending list of special uses permitted as part of Special Use 18 for Lot 401 (No. 326) Yangebup Road, Yangebup.
12	31/1/06	7/2/06	DH	Schedule 11 – adding Development Area "DA 25 Imlah Court and Prinsep Road, Jandakot" together with relevant provisions.
6	13/6/06	19/6/06	DH	Part 4 – rewording clause 4.4.2(b) by deleting reference to Statement of Planning Policy No. 6 and replacing with "Statement of Planning Policy No. 2.3". Table 1 (Zoning Table) – In Note 1:(i) reword to delete reference to Statement of Planning Policy No. 2 and replace with "Statement of Planning Policy No. 2.1". Table 1 (Zoning Table) – In Note 1 (ii) reword to delete reference to Statement of Planning Policy No. 6 and replace with "Statement of Planning Policy No. 2.3". Table 1 (Zoning Table) – In Note 2: renumber clause 5.10 to "5.11". Table 1 (Zoning Table) – in Note 3: renumber clause 6.2.5 to "6.2.9". Part 4 – delete last word "and" in Clause 5.4.3(a) and insert last word "and" in Clause 5.4.3(b). Part 5 – insert new clause (a). Part 5 – adding new clause 5.12.1(c). Part 5 – In Clause 5.10.2(e(ii)) delete 100 metres and replace with "30 metres". Part 5 (Clause 5.10.11 Resource Zone – in clause (i) changing Statement of Planning Policy 2 to "Statement of Planning Policy No. 2.3"; in (ii) changing Statement of Planning Policy No. 6 to "Statement of Planning Policy No. 2.3" and insert new clause (iii). Part 5 , Clause 5.10.11 Resource Zone – insert revised clause (b) and reorder to include (c) to (g). <i>Note: No reordering necessary as no additional clause inserted.</i>

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
6 (Cont'd)	13/6/06	19/6/06		<p>Part 5 – reword clause 5.10.11(d) to delete reference to Statement of Planning Policy No. 6 and replace with "Statement of Planning Policy No. 2.3".</p> <p>Part 5 – reword clause 5.10.11(e) to delete reference to Statement of Planning Policy No. 2 and replace with "Statement of Planning Policy No. 2.1" and change Statement of Planning Policy No. 6 with 2.3.</p> <p>Part 5 – in clause 5.10.11(f) reword to delete reference to Statement of Planning Policy No. 6 and replace with "Statement of Planning Policy 2.3".</p> <p>Part 5 – in clause 5.12.1(b) reword to read "The information provided under clause 9.2.1 and the requirements of clauses 5.12.1, 5.12.2 and 5.12.3 form the basis of local government's determination of the application for planning approval."</p> <p>Part 6 – modify clause 6.3.3(c).</p> <p>Part 6 – modify Clause 6.3.4(c).</p> <p>Part 6 – modify clause 6.4.1 by changing Statement of Planning Policy Reference from 2 to 2.1.</p> <p>Part 7 – modify Clause 7.5 by changing reference to clause 5.5.2 to "5.6".</p> <p>Part 8 – in Clause 8.2.1(l) adding reference to Clause "5.10.8(c)".</p> <p>Part 8 – in Point 2 of the notes section correcting word "dos" to "does".</p> <p>Part 9 In Clause 9.1.1(h) - substituting Clause 5.5 with "Clause 5.6".</p> <p>Part 9 – In Clause 9.1.1 (l) adding text "<b>having regard to clause 8.2.1(f).</b>"</p> <p>Part 10 – In Clause 10.2.1(g) – add final words "...or included on a Heritage List under clause 7.1 of this Scheme."</p> <p>Part 9 – In Clause 9.1.1(h) change reference to clause 5.5 to "clause 5.6".</p> <p>Part 9 – In clause 9.1.1(l) add text "having regard to clause 8.2.1(f)."</p> <p>Part 10 – in Clause 10.2.1(h) add words "...or included on a Heritage List under clause 7.1 of this Scheme."</p> <p>Part 11 – in Clause 11.2.2 correct spelling error by changing "deteriorate" to "deteriorated".</p> <p>Part 11 – In clause 11.2.3(a) changing format indentation.</p> <p>Part 11 – Modify note in Clause 11.2.</p> <p>Part 11 – In clause 11.7.1 reword to read:  <b>"Under section 10(3) of the Act, the local government may give written notice to the owner of the land or person who undertook the development to remove a building or other work referred to in that section."</b></p> <p>Part 11 – in Clause 11.7.2 amend to read:  <b>"The local government may recover expenses under section 10(8) of the Town Planning Act in a court of competent jurisdiction."</b></p> <p>Schedule 1 – In Notes: change "Statement of Planning Policy No. 6" to "Statement of Planning Policy No. 2.3." and change "Statement of Planning Policy No. 2" to "Statement of Planning Policy No. 2.1".</p> <p>Schedule 4 – in SU2 reword to read "Marine Engineering, shipbuilding and the manufacture, fabrication and assembly of components for use by the off shore petroleum industry and marine engineering".</p> <p>Schedule 4 – in SU2 delete reference to the southern section of the industrial area delineated on a structure plan for paragraph to read: "Land within DA15 may also be used for .....".</p> <p>Schedule 5 – amend clause 8.2.1(k) to read "8.2.1(f)".</p> <p>Schedule 11 – In DA1, point 4 correct clause 6.2.13 by replacing with clause 6.2.6.3.</p> <p>Schedule 11 – in DA3 add point 3.</p> <p>Schedule 11 – in DA4 add point 2.</p>

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
6 (Cont'd)	13/6/06	19/6/06	DH	<p>Schedule 11 – in DA6 reword clause 3 to read "Land uses classified on the Structure Plan apply in accordance with clause 6.2.6.3".</p> <p>Schedule 11 – in DA6 delete points 4,5,6,7,8 &amp; 11.</p> <p>Schedule 11 – in DA6 rewording point 10 by deleting "Clause 6.2.15" and replace with "clause 6.2.14.1".</p> <p>Schedule 11 – in DA8 point 3, delete clause 6.2.13 and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA9 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA10 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA 11 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA13 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA14 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA15 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA16 point 1 delete "(SU4".</p> <p>Schedule 11 – in DA16 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA17 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA18 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA19 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA20 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 11 – in DA21 point 3, delete "clause 6.2.13" and replace with "clause 6.2.6.3".</p> <p>Schedule 2 – in AU8 delete reference to building form.</p> <p>Table 1 – modifying table 1.</p> <p>Part 5 – Adding New Clause 5.8.3(b).</p> <p>Part 5 – inserting new clause 5.12.3(e).</p> <p>Part 5 – Inserting new clause 5.15.</p> <p>Part 5 – inserting new clause 5.16.</p> <p>Part 6 – amending clause 6.2.4.2.</p> <p>Part 6 – modifying clause 6.2.6.3.</p> <p>Part 6 – modifying clause 6.2.8.3.</p> <p>Part 8 – modify clause 8.2.1(b).</p> <p>Part 8 – modify clause 8.2.(i).</p> <p>Part 9 – inserting new Clause 9.1.3.</p> <p>Part 11 – adding new clause 11.1.3.</p> <p>Part 6 – modifying clause 6.2.15.3.</p> <p>Schedule 3 – amending RU7 t to read "1. Restricted Use - Those uses which may be permitted within the Local Centre Zone as set out in Table 1 – Zoning Table, to be developed in accordance with the following:-...".</p> <p>Schedule 11 – amending DA16 by inserting a new point 4.</p> <p>Table 4 – adding under Industrial Use Classes – Vehicle Parking new use "Marine Engineering".</p> <p>Schedule 6 – modify Form of Application for Planning Approval to refer to an MRS Form 1.</p> <p>Schedule 9 – modify Notice of Determination on Application for Planning Approval to refer to an MRS Form 2.</p>
36	4/8/06	9/8/06	DH	<p>Schedule 4 – amending Special Use Zone No. 9 Special Use and Conditions.</p> <p>Schedule 11 – amending the special provisions of Development Area (DA6).</p>
37	5/12/06	7/12/06	DH	<p>Schedule 4 - adding Special use Area "SU 21 Lot 33 (SN 30) Mell Road, Spearwood" together with special uses and conditions.</p>

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	5/1/07	11/1/07	DH	Schedule 11 - inserting Development Area (DA23) "Cockburn Central (Town Centre Precinct)" Schedule 11 - inserting Development area (DA24) "Cockburn Central (Gateways Precinct)". Zoning Table - in the heading to zoning Table adjacent to the "Regional Centre" zone insert the note "See Note 4". Zoning Table - at the foot of the Zoning Table add "Note 4" and related text. Part 6 - amending clause 6.2.6.3.
45	9/2/07	19/2/07	DH	Schedule 3 - amending by adding Restricted Use Area RU12 being "Lot 20 Cockburn Road, Hamilton Hill" together with relevant restricted uses and conditions.
13	22/6/07	3/7/07	DH	Schedule 3 - deleting Restricted use 8. Schedule 4 - inserting Special Use No. 3 being "Lot 4065 on Plan 191259 and Lot 4066 on Plan 191260 and Lot 4557 on Plan 191259" with relevant Special Uses and Conditions. Schedule 11 - adding Development Area 30 being "Lot 5 on Diagram 66412 and Lot 1 on Diagram 63519 and Pt Lot 50 on Diagram 78591 (Loc 630) Farrington Road" together with relevant Provisions.
49	10/8/07	20/8/07	DH	Schedule 3 - adding Restricted Use area (RU13) being area "Part Lot 855 Wentworth Parade DP29050" together with restricted uses and conditions.
52	7/12/07	17/12/07	DH	Schedule 2 - amending schedule by removing Additional use No. 18 for part Lot 5 Lyon Road and deleting associated special provisions.
50	20/6/08	8/7/08	DH	Schedule 4 - amending by adding Special use zone "SU22 Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson" together with special uses and conditions. Schedule 11 - amending by adding Development Area DA29 "Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson" together with relevant provisions.
44	11/7/08	22/7/08	DH	Schedule 2 - amending environmental and design requirements to Additional Use No AU1 - Masonry Production.
25	8/8/08	13/8/08	DH	Schedule 3 - amending Restricted Use Area 4 by increasing maximum permissible retail floor space at the centre to 5,500sqm and other commercial non-retail floor space from 4,000sqm to 3,000sqm.
62	26/9/08	15/10/08	DH	Schedule 11 - modifying Development Area 19 by amending existing point 2 and adding new points 4 - 7.
65	6/1/09	14/1/09	DH	Schedule 11 - modifying development area (DA 9).
66	3/4/09	22/4/09	DH	Schedule 3 - adding Restricted Use Area "RU 12 Lot 20 Cockburn Road, North Coogee".
68	28/4/09	13/5/09	DH	Schedule 3 - adding Restricted use Area "RU14 Portion of Lot 9006 Discovery Drive (Corner North Lake Road and Phoenix Road), Bibra Lake"
58	1/5/09	25/5/09	DH	Part 4 - amending clause 4.2.1 by inserting paragraph (n) Conservation Zone". Zoning Table - inserting new column entitled "Conservation" with relevant specified use symbols. Part 5 - adding new Clause "5.17 Conservation Zone".
63	5/5/09	3/6/09	DH	Schedule 4 - removing Special use 12 - Paper Mill and associated provisions on Lot 503 Phoenix Road, Bibra Lake.
18	19/2/10	5/3/10	NM	Schedule 11 - inserting DA 28, Success - Bartram / Hammond Roads
67	7/5/10	18/5/10	NM	Inserted the words "Unless otherwise specified in the Development Contribution Plan contained in Schedule 12." To the end of Clause 6.3.4(b)(iv).



AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Inserted "Ref. No: DCA 11, Area: Muriel Court" into Schedule 12 – Development Contribution Plan. Amended "Schedule 11 – DA 19 Muriel Court" to include "8. All development within the Muriel Court Development Area shall be in accordance with Design Guidelines adopted by the local government." And "9. Each subdivision and development application in the DA area shall achieve at least 75% of the potential number of dwellings achievable under the R-Code designated for the application area on the adopted Structure Plan.
76	31/08/10	13/09/10	NM	Inserted RU15 (Lot 431, No.1, Rood Place Hamilton Hill) into Schedule 3 – Restricted Uses. Modified Clause 8.2.1(h). Added Clause 5.4.4 – Medium Density Residential Development.
72	07/09/10	21/09/10	NM	Modified clause 9.4.2 to include the words (in bold and italic) "other than a purpose". Added the Definition "Disused Vehicle". Amended Table 2 – Residential Use Classes – Vehicle Parking, to include "Caretaker's Residence". Deleted clause 5.10.12(d) as it conflicts with 5.10.2(b).
42	21/09/10	30/09/10	NM	Inserted Special Use Zone No. 23 "All land within transmission line corridors designated as SU23 on the Scheme Map" into Schedule 4.
27	12/10/10	02/11/10	NM	Inserted numbers 3-6 into Schedule 11 – DA 25.
79	05/11/10	11/11/10	NM	Replaced Restricted use No. 13 within Schedule 3.
70	05/11/10	16/11/10	NM	Deleted SU5 from Schedule 4 – Special Use Zones. Inserted DA 31 – Packham North, into Schedule 11 – Development Areas.
74	04/02/11	07/02/11	NM	Inserted "DA32 – Cockburn Road, Coogee" into Schedule 11 – Development Areas.
20	19/08/11	23/08/11	NM	Inserted DCA 8 into Schedule 12 – Development Contribution Plan. Modified Schedule 11 – Development Area 20.
81	30/08/11	20/09/11	NM	Amended clause 1.4.1(b) by deleting the number 25 and replacing it with 26. Included DCA 13 Community Infrastructure into Schedule 12. Inserted new schedule: Schedule 13 – Statutory Static Feasibility Assessment Model. Replaced clause 6.3.
55	23/09/11	04/10/11	NM	Inserted Development Area 34 into Schedule 11 – Development Areas.
84	13/12/11	19/12/11	NM	Modified (Development Area No. 14) within Schedule 11 by inserting provision 4.
83	24/01/12	01/05/12	NM	Inserted Additional Use No. 18 into Schedule 2 – Additional Uses.
88	27/03/12	10/04/12	NM	Inserted Special Use No. 27 into Schedule 4.
87	24/7/12	6/8/12	NM	Inserted DCA12 – Packham North into Schedule 12 – Development Contribution Plan.
82	28/8/12	4/9/12	NM	Inserted Special Uses 23-26 into Schedule 4 – Special Use Zones. Deleted Restricted use No. 9 and Additional Use No. 16 from Schedules 3 and 2 respectively.
86	14/9/12	24/9/12	NM	Modified clause 10.2.1(h). Replaced the words 'Municipal Inventory' in clauses 7.1.2(a) and 7.1.2(b) with 'Local Government Inventory'. Replaced 'Municipal Inventory' with 'Local Government Inventory' within Schedule 1 (General Definitions).

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Included additional subclauses within clauses 8.2.1(b) and 8.2.1(c). Included clause 7.6.
97	12/2/13	11/3/13	NM	Inserted text into 'method for calculating contributions' within Schedule 12.
89	23/4/13	30/4/13	NM	Inserted Development Area 33 into Schedule 11 – Development Areas.
91	21/6/13	25/6/13	NM	Replaced AU1 within Schedule 2 – Additional Uses.
73	16/8/13	20/8/13	NM	Inserted special use no. 28 into Schedule 4.
95	11/10/13	29/10/13	NM	Inserted 'DA37 – Banjup Quarry Redevelopment' into Schedule 11.
93	06/05/14	27/05/14	ML	Schedule 11 – Development Areas – modified to include DA 36 Bartram Road.
101	20/05/14	18/06/14	ML	Zoning – amending details for Lots 1, 2 & 22 Poso Place and Lots 20 & 21 Brenchley Drive, Atwell – R20 to R40
100	9/9/14	16/2/15	MLD	Rezoning various properties within parts of Hamilton Hill to 'Residential R30', 'Residential R30/40', 'Residential R40', 'Residential R30/40/60' and 'Residential R80' in accordance with figure 3. Reclassifying Lot 33 Davilak Avenue, Hamilton Hill, from 'Local Reserve - Lakes and Drainage' and zone 'Residential R30/40/60'. Rezoning Lot 70 Rockingham Road, Hamilton Hill, from 'Residential' with a density code of R20 to 'Local Centre'. Rezoning Lots 9 and 10 Davilak Avenue, Hamilton Hill from 'Residential' with a density code of R20 to 'Local Centre'. Rezoning Lot 52 Rockingham Road, Lot 51 Healy Road, 22 Rockingham Road, 24 Rockingham Road, 26 Rockingham Road, 14 Hardey Street, and 19 Cardigan Street, Hamilton Hill from 'Residential' with a density code of R20 to 'Development'. New 'Development Area' (No. 39) over Lot 52 Rockingham Road, Lot 51 Healy Road, 22 Rockingham Road, 24 Rockingham Road, 26 Rockingham Road, 14 Hardey Street, and 19 Cardigan Street, Hamilton Hill and including provisions under Schedule 11 Development Areas of the Scheme. Rezoning Lot 1 Southwell Crescent, Hamilton Hill from 'Residential' with a density code of R20 to 'Development'. New 'Development Area' (No. 40) over Lot 1 Southwell Crescent, Hamilton Hill, and including provisions under Schedule 11 Development Areas of the Scheme. Amending Sections 5.4.4 (b) and (c) of the Scheme by removing reference to the 'R30/40 split coded areas', and replacing with reference to 'split coded areas'. Amending Section 5.4.4 (c) of the Scheme by removing reference to 'R40' and replacing with 'the split code'. Rezoning Lot 133 Arthur Street, Hamilton Hill, from 'Local Reserve - Lakes and Drainage' to 'Residential R30/40'. Reclassifying Reserve No. 37398 Tolley Court, Hamilton Hill, from 'Local Reserve - Parks and Recreation' to 'Residential R30/40/60'.
98	12/9/14	15/12/14	MLD	Amend Schedule 12 – Scheme Text – insert in Development Contribution Area 13 – Community Infrastructure. Amend wording under Infrastructure and Administrative Items to be funded.
102	12/9/14	15/12/14	MLD	Delete Restricted Use 12 (RU12) from Schedule 3 – amend scheme map accordingly. Delete Additional Use 15 (AU15) from Schedule 2 – amend scheme map accordingly. Delete Special Use 26 (SU26) from Schedule 4
90	17/10/14	11/03/15	MLD	Rezoning Lots 1 and 803 Yangebup Road; Portion of Lot 802 Yangebup Road; Lots 7, 99, 146 and 147 Hammond Road; Portion of Local Road Reserve and Lot 4308 Beeliar Drive, Hammond Road North from 'Light & Service Industry', 'Local Centre' to 'Development' zone with a 'Development Area 35'

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				designation as shown on the Scheme Amendment Map Amend the Scheme Map accordingly. Amend Schedule 11 - Development Areas, contained within the Scheme Text by inserting DA 35 - Hammond Road North.
99	17/10/14	25/03/15	MLD	<p>Modify the Scheme Text by deleting the Veterinary Consulting Rooms use from Schedule 1 - Land Use Definitions and Table 1 - Zoning Table.</p> <p>Modify the Scheme Text by deleting the Veterinary Hospital use from Table 1 - Zoning Table.</p> <p>Modify the Scheme Text by amending the use permissibility designation of Veterinary Centre from X to A for the Rural Living zone under Table 1 - Zoning Table.</p> <p>Amend Clause 5.8.5(a)(ii).</p> <p>Amend Clause 8.2.1(i)(i).</p> <p>Amend Clause 8.3.2.</p> <p>Amend Clause 10.10.1.</p> <p>Amend the Town Planning Act definition under Schedule 1 - General Definitions.</p> <p>Insert a new Small Bar definition under Schedule 1 - Land Use Definitions.</p> <p>Insert a new Holiday Home (standard) definition under Schedule 1 - Land Use Definitions.</p> <p>Modify the Scheme Text to add Holiday Home (standard) as a use class under the Residential Uses category, with the use permissibility designation of A within the Residential zone, and as an X use in all other zones.</p> <p>Insert a new Holiday Home (large) definition under Schedule 1 - Land Use Definitions.</p> <p>Modify the Scheme Text to add Holiday Home (large) as a use class under the Residential Uses category, with the use permissibility designation of an X use in all zones.</p> <p>Amend the Hotel definition in Schedule 1 - Land Use Definitions.</p> <p>Amend the Tavern definition in Schedule 1 - Land Use Definitions.</p> <p>Amending Schedule 11, under DA29 Provision 3 (b) (i).</p> <p>Delete Additional Use 14 (AU14) from the Scheme Text and Map.</p>
28	16/12/14	23/03/15	MLD	<p>Amend Schedule 12 – Development Contribution Plan contained in the scheme text by including DCA 9 – Hammond Park and DCA 10 – Wattleup.</p> <p>Amend the Scheme Map to include Development Contribution Area No. 9 and Development Contribution Area No. 10 accordingly.</p> <p>Update Schedule 11 – Development Areas of the Scheme.</p> <p>Modify the Scheme Map to replace the existing Development Area No. 9 – DA9, south of Gaebler Road, with Development Area No. 26 – DA26.</p> <p>Modify the Scheme Map to replace the existing Development Area (unnumbered), west of the Hammond Road extension, with Development Area No. 27 – DA 27.</p> <p>Modify Clause 6.3.20 of the Scheme to also include reference to Development Contribution Areas 9 and 10.</p>
92	13/3/15	21/4/15	MLD	<p>Modify Clause 8.2.1(b) by including additional sub-clause (vi).</p> <p>Modify Clause 6.1.1 by including additional sub-clause (c).</p> <p>Including a new Clause 6.6.</p>
94	17/3/15	30/04/15	MLD	<p>Amended Schedule 12 of the Scheme text by including DCA 14 – Cockburn Coast.</p> <p>Amended the Scheme Map to include the boundaries of the proposed Development Contribution Area No. 14 – Cockburn Coast: Robb Jetty and Emplacement Precincts.</p>
96	23/06/15	25/06/15	MLD	<p>Delete the objective of the 'Business' zone, clause 4.2.1 (f), and replace it with a new 'Mixed Use' zone.</p> <p>Rename the 'Business' zone 'Mixed Use' in Table 1 (Zoning Table) of the Scheme, and modify the use class permissibilities.</p> <p>Replace all references to the 'Business' zone with 'Mixed Use' zone throughout the Scheme.</p> <p>Delete 'Restricted Use No. 11' from the Scheme Map and Schedule 3 of the Scheme.</p>

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
105	04/09/15	10/09/15	MLD	<p>Recode various properties within parts of Coolbellup to R30, R40, R60 and R80 in accordance with the adopted Coolbellup Revitalisation Strategy as shown on Attachment 1.</p> <p>Recode lots fronting Romeo Road between Cordella Avenue and Paris Place and Lots 121, 123, 125, 127, 129 Cordella Avenue, Coolbellup from R20 to R40.</p> <p>Recode portion of Lot 4613 (No. 219) Winterfold Road (Reserve 32581), and portion of Lot 4612 (No. 30) Mopsa Way (Reserve 35431) from R25 to R30.</p> <p>Recode eastern portion of PAW between Benedict Road/Rosalind Way from R20 to R60.</p> <p>Reclassify portion of Lot 8 (No. 37) Waverley Road former PAW on north-east corner of lot from 'Local Road' local reserve to 'Residential' zone with designated R80 density code.</p> <p>Amend the Scheme map accordingly.</p>
107	27/01/16	02/02/16	RO	<p>Rezoning the northern portion of Lot 14(No. 75) Frederick Road, Hamilton Hill from 'Local Reserves - Lakes &amp; Drainage' to 'Residential R40';</p> <p>Rezoning the front portion of Lot 34 (No. 27) Clara Road, Hamilton Hill from 'Local Reserves - Lakes and Drainage' to 'Residential R30';</p> <p>Rezoning Lot 110 (No. 29) March Street, Spearwood from 'Public Purpose - Pre School' to 'Residential R40';</p> <p>Amending the Scheme Map accordingly.</p>
106	19/02/16	24/02/16	RO	<p>Rezoning parts of Lot 545 Bartram Road, Success from 'Residential R20' to comprise the zones of 'Residential R30', 'Residential R40' and 'Residential R60' as depicted on the Scheme Amendment Map.</p> <p>Reserving parts of Lot 545 Bartram Road, Success as 'Local Road' and 'Parks &amp; Recreation' as depicted on the Scheme Amendment Map.</p> <p>Remove Lot 545 Bartram Road from Development Area 14.</p> <p>Amend the Scheme Map accordingly.</p>
109	19/02/16	24/02/16	RO	Amending the current land use permissibility contained within Table 1 Zoning Table for the land use 'Club Premises'.
108	24/03/16	06/04/16	RO	<p>Including Lot 2 and a portion of Lot 3 Robb Road, North Coogee, as shown on the 'proposed zoning' plan within the boundaries of Development Area No. 33; and</p> <p>Amending the scheme map accordingly.</p>
103	06/05/16	10/05/16	RO	Amending Schedule 12 of the Scheme text by inserting items in Development Contribution Area 13 – Community Infrastructure, under 'Infrastructure and Administrative Items to be Funded' and clarifies the year of the planning instruments which relate.

## **City of Cockburn**

### **Town Planning Scheme No. 3**

The City of Cockburn, under the powers conferred by  
the Town Planning and Development Act 1928  
makes the following Town Planning Scheme.

#### **Disclaimer:**

This Scheme was prepared in accordance with the written laws administered by the Western Australian Planning Commission ("Commission"), and the policies and requirements of the Commission. The form of the Scheme was required to conform with the Model Scheme Text, and other requirements of the Commission and the Hon. Minister for Planning and Infrastructure. The Scheme having been compiled in accordance with those requirements, the role of the City therefore is effectively confined to being responsible for the Scheme's implementation.

## TABLE OF CONTENTS

<b>Part 1</b>	<b>Preliminary</b> - sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme Area, contents, purpose, aims and relationship to other Schemes and laws.	
<del><b>Part 2</b></del>	<del><b>Local Planning Policy Framework</b> - sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.</del>	
<b>Part 3</b> 2	<b>Reserves</b> - sets out the reserves which apply in the Scheme Area and related provisions.	
<b>Part 4</b> 3	<b>Zones and the Use of Land</b> - sets out the zones which apply in the Scheme Area and the uses which may require approval or may be prohibited.	
<b>Part 5</b> 4	<b>General Development Requirements</b> - sets out the planning requirements which may apply to a particular use or development in a zone.	(plus Table setting out Additional Uses, Restricted Uses, Special Uses)
<b>Part 6</b> 5	<b>Special Control Areas</b> - sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues, development areas, structure plans and development contribution areas.	(plus Tables setting out Development Areas, Development Contribution Areas and the Statutory Static Feasibility Model)
(NEW) PART 6	TERMS REFERRED TO IN SCHEME	
<del><b>Part 7</b></del>	<del><b>Heritage Protection</b> - sets out special provisions which apply for heritage places and areas.</del>	
<del><b>Part 8</b></del>	<del><b>Development of Land</b> - sets out the circumstances under which approval is required for the development of land as distinct from the use of land.</del>	
<del><b>Part 9</b></del>	<del><b>Application for Planning Approval</b> - sets out the procedure for applying for planning approval including both the use and development of land.</del>	
<del><b>Part 10</b></del>	<del><b>Procedure for Dealing with Applications</b> - sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.</del>	
<del><b>Part 11</b></del>	<del><b>Enforcement and Administration</b> - sets out the general provisions for the administration and enforcement of the Scheme.</del>	
<b>Part 12</b>	<b>Schedules</b> - contains <sup>Supplemental Provisions to the Deemed Provisions,</sup> <del>a dictionary of defined words and expressions, additional uses, restricted uses, special use zones, exempted advertisements, forms of application and decision notice, additional information for advertisements, notice of advertising for planning proposal, environmental conditions, restrictive covenants, development areas and development contribution areas.</del>	



## TABLE OF CONTENTS

	<b>PART 1</b>	<b>PRELIMINARY .....</b>	<b>15</b>
	1.1	CITATION .....	15
	1.2	RESPONSIBLE AUTHORITY .....	15
	1.3	SCHEME AREA .....	15
	1.4	CONTENTS OF SCHEME .....	15
	1.5	PURPOSES OF THE SCHEME .....	15
	1.6	THE AIMS OF THE SCHEME .....	16
	1.7	DEFINITIONS .....	16
	1.8	RELATIONSHIP WITH LOCAL LAWS .....	17
	1.9	RELATIONSHIP WITH OTHER SCHEMES .....	17
	1.10	RELATIONSHIP WITH THE METROPOLITAN REGION SCHEME .....	17
	<b>PART 2</b>	<del><b>LOCAL PLANNING POLICY FRAMEWORK .....</b></del>	<del><b>18</b></del>
	<del>2.1</del>	<del>SCHEME DETERMINATION TO CONFORM WITH LOCAL PLANNING STRATEGY .....</del>	<del>18</del>
	<del>2.2</del>	<del>LOCAL PLANNING STRATEGY .....</del>	<del>18</del>
	<del>2.3</del>	<del>LOCAL PLANNING POLICIES .....</del>	<del>18</del>
	<del>2.4</del>	<del>RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME .....</del>	<del>18</del>
	<del>2.5</del>	<del>PROCEDURES FOR MAKING OR AMENDING A LOCAL PLANNING POLICY .....</del>	<del>18</del>
	<del>2.6</del>	<del>REVOCATION OF LOCAL PLANNING POLICY .....</del>	<del>19</del>
(now Part 2)	<b>PART 3</b>	<b>RESERVES .....</b>	<b>20</b>
	3.1	RESERVES .....	20
(renumbered clauses change 3 to 2)	3.2	REGIONAL RESERVES .....	20
	3.3	LOCAL RESERVES .....	20
	3.4	USE AND DEVELOPMENT OF LOCAL RESERVES .....	20
(Now Part 3)	<b>PART 4</b>	<b>ZONES AND THE USE OF LAND .....</b>	<b>21</b>
	4.1	ZONES .....	21
(renumbered clauses change 4 to 3)	4.2	OBJECTIVES OF THE ZONES .....	21
	4.3	ZONING TABLE .....	22
	4.4	INTERPRETATION OF THE ZONING TABLE .....	23
	4.5	ADDITIONAL USES .....	24
	4.6	RESTRICTED USES .....	24
	4.7	SPECIAL USE ZONES .....	24
	4.8	NON-CONFORMING USES .....	24
	4.9	EXTENSIONS AND CHANGES TO A NON-CONFORMING USE .....	25
	4.10	DISCONTINUANCE OF NON-CONFORMING USE .....	25
	4.11	TERMINATION OF A NON-CONFORMING USE .....	25
	4.12	DESTRUCTION OF NON-CONFORMING USE BUILDINGS .....	25
		TABLE 1 - ZONING TABLE .....	26
(now Part 4)	<b>PART 5</b>	<b>GENERAL DEVELOPMENT REQUIREMENTS .....</b>	<b>30</b>
	5.1	COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS .....	30
(renumbered clauses change 5 to 4)	5.2	RESIDENTIAL DESIGN CODES .....	30
	5.3	SEWERAGE CONNECTION .....	30
	5.4	SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES .....	31
	5.5	RESTRICTIVE COVENANTS .....	32
	5.6	VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS .....	32
	5.7	ENVIRONMENTAL CONDITIONS .....	33
	5.8	RESIDENTIAL USES .....	33
		Table 2 - Residential Use Classes - Vehicle Parking .....	36
	5.9	COMMERCIAL AND INDUSTRIAL USES .....	37
		Table 3 - Commercial Use Classes - Vehicle Parking .....	41
		Table 4 - Industrial Use Classes - Vehicle Parking .....	43
	5.10	RURAL USES .....	44
		Table 5 - Rural Use Classes - Vehicle Parking .....	48
	5.11	SPECIAL USE ZONE .....	50

	5.12	EXTRACTIVE INDUSTRY USES .....	51
(renumbered	5.13	DEVELOPMENT ZONE .....	52
clauses	5.14	PROTECTION OF NATIVE FAUNA .....	53
change 5 to 4	5.15	PROTECTION OF NATIVE FLORA .....	53
plus additional	5.16	PROTECTION OF WETLANDS .....	54
clause 4.18 Sig	5.17	CONSERVATION ZONE .....	54
Tree Planning Approval)			
(Now Part 5)	<b>PART 6</b>	<b>SPECIAL CONTROL AREAS .....</b>	<b>57</b>
(clause change	6.1	OPERATION OF SPECIAL CONTROL AREAS .....	57
6 to 5)	6.2	DEVELOPMENT AREAS .....	57
plus Table 9	6.3	DEVELOPMENT CONTRIBUTION AREAS (DCA) .....	67
Devt Area, Table	6.4	THE PEEL-HARVEY COASTAL PLAIN CATCHMENT (PHC) .....	75
10 DCAs, Table	6.5	JANDAKOT AIRPORT (JA) .....	76
11 Stat Feas	6.6	BUSHFIRE VULNERABILITY AREA .....	77
Model)		AN APPLICATION FOR DEVELOPMENT APPROVAL MUST BE ACCOMPANIED BY: .....	79
	<b>PART 7</b>	<b>HERITAGE PROTECTION .....</b>	<b>80</b>
NEW	7.1	HERITAGE LIST .....	80
PART 6	7.2	DESIGNATION OF A HERITAGE AREA .....	80
Terms Referred	7.3	HERITAGE AGREEMENTS .....	82
to in Scheme	7.4	HERITAGE ASSESSMENT .....	82
	7.5	VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA .....	82
	<b>PART 8</b>	<b>DEVELOPMENT OF LAND .....</b>	<b>83</b>
	8.1	REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT .....	83
	8.2	PERMITTED DEVELOPMENT .....	83
	8.3	AMENDING, REVOKING OR REFUSING A PLANNING APPROVAL .....	85
	8.4	UNAUTHORISED EXISTING DEVELOPMENTS .....	85
	<b>PART 9</b>	<b>APPLICATION FOR PLANNING APPROVAL .....</b>	<b>86</b>
	9.1	FORM OF APPLICATION .....	86
	9.2	ACCOMPANYING MATERIAL .....	87
	9.3	ADDITIONAL MATERIAL FOR HERITAGE MATTERS .....	88
	9.4	ADVERTISING OF APPLICATIONS .....	88
	<b>PART 10</b>	<b>PROCEDURE FOR DEALING WITH APPLICATIONS .....</b>	<b>90</b>
	10.1	CONSULTATIONS WITH OTHER AUTHORITIES .....	90
	10.2	MATTERS TO BE CONSIDERED BY COUNCIL .....	90
	10.3	DETERMINATION OF APPLICATIONS .....	92
	10.4	FORM AND DATE OF DETERMINATION .....	92
	10.5	TERM OF PLANNING APPROVAL .....	92
	10.6	TEMPORARY PLANNING APPROVAL .....	92
	10.7	SCOPE OF PLANNING APPROVAL .....	92
	10.8	APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS .....	92
	10.9	DEEMED REFUSAL .....	93
	10.10	APPEALS .....	93
	<b>PART 11</b>	<b>ENFORCEMENT AND ADMINISTRATION .....</b>	<b>94</b>
	11.1	POWERS OF THE LOCAL GOVERNMENT .....	94
	11.2	REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS .....	94
	11.3	DELEGATION OF FUNCTIONS .....	95
	11.4	PERSON MUST COMPLY WITH PROVISIONS OF SCHEME .....	95
	11.5	COMPENSATION .....	96
	11.6	PURCHASE OR TAKING OF LAND .....	96
	11.7	NOTICE FOR REMOVAL OF CERTAIN BUILDINGS .....	96
	11.8	HERITAGE ADVISORY COMMITTEE .....	97
	11.9	ADVISORY COMMITTEES .....	97
	11.10	REFERENCE COMMITTEES .....	97



<del>11.11</del>	<del>SITE NOTIFICATION</del>	<del>98</del>
<del>11.12</del>	<del>ARBITRATION ON VALUE</del>	<del>98</del>

(now Part 7)	<b>PART 12</b>	<b>SCHEDULES</b>	<b>99</b>
(NEW Sch A = Supplemental Provisions to the Deemed Provisions)			
(moved to new Part 6)	SCHEDULE 1	DICTIONARY OF DEFINED WORDS AND EXPRESSIONS	100
	1.	GENERAL DEFINITIONS	100
	2.	LAND USE DEFINITIONS	107
(moved to Part 4)	SCHEDULE 2	ADDITIONAL USES	117
(moved to Part 4)	SCHEDULE 3	RESTRICTED USES	123
(move to Part 4)	SCHEDULE 4	SPECIAL USE ZONES	128
(now inc in Sch A)	SCHEDULE 5	<del>EXEMPTED ADVERTISEMENTS</del>	141
	SCHEDULE 6	<del>FORM OF APPLICATION FOR PLANNING APPROVAL MRS FORM 1</del>	142
	SCHEDULE 7	<del>ADDITIONAL INFORMATION FOR ADVERTISING</del>	143
	SCHEDULE 8	<del>NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING APPROVAL</del>	144
	SCHEDULE 9	<del>NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL</del>	
		- MRS FORM 2	145
(now Sch B)	SCHEDULE 10	ENVIRONMENTAL CONDITIONS	146
(moved to Part 5)	SCHEDULE 11	DEVELOPMENT AREAS	147
(moved to Part 5)	SCHEDULE 12	DEVELOPMENT CONTRIBUTION PLAN	184
(moved to Part 5)	SCHEDULE 13	STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL	203

## PART 1 PRELIMINARY

### 1.1 Citation

1.1.1 The City of Cockburn Town Planning Scheme No. 3 ('the Scheme') comes **into operation** on its Gazettal date.

1.1.2 The following Scheme is **revoked** -

- (a) Town Planning Scheme - District Zoning Scheme No. 2 gazetted on 14 February 1992.

### 1.2 Responsible Authority

1.2.1 The **City of Cockburn** is the responsible authority for implementing the Scheme.

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

### 1.3 Scheme Area

1.3.1 The Scheme applies to the Scheme Area which covers all of the local government of the **district** of the City of Cockburn as shown on the Scheme Map, with the exception of -

- (a) the area referred to in Schedule 1 of the Hope Valley - Wattleup Redevelopment Act 2000;
- (b) Rottnest Island and Carnac Island;

which are excluded from the Scheme.

### 1.4 Contents of Scheme

1.4.1 The Scheme comprises –  
*AMD 81 GG 30/08/11*

- (a) The Scheme **Text**
- (b) The Scheme **Map** (Sheets 1 - 26)

Note: The Scheme Map comprises the whole of the district of the City of Cockburn which includes Carnac and Rottnest Islands.

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

### 1.5 Purposes of the Scheme

1.5.1 The purposes of the Scheme are to -

- (a) set out the local government's planning **aims** and intentions for the Scheme Area;
- (b) set aside land as **reserves** for public purposes.
- (c) **zone** land within the Scheme Area for the purposes defined in the Scheme;

- (d) **control and guide** land use and development;
- (e) set out **procedures** for the assessment and determination of planning applications;
- (f) make provision for the administration and **enforcement** of the Scheme; and
- (g) address **other matters** set out in the First Schedule to the ~~Town Planning Act~~ **Planning and Development Act 2005**

## 1.6 The Aims of the Scheme

### 1.6.1 The aims of the Scheme are to -

- (a) ensure that development and the use of land within the district **complies** with accepted standards and practices for public amenity and convenience;
- (b) ensure that the future development and use of land within the district occurs in an **orderly and proper** way so that the quality of life enjoyed by its inhabitants is not jeopardised by poor planning, unacceptable development and the incompatible use of land.

## 1.7 Definitions

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

- (a) in the ~~Town Planning Act~~ **Planning and Development Act 2005**;
- (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.

Note: Reference to the Residential Design Codes and their application in respect of the Scheme are contained in **clause 5.2**.

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

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

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

### 1.7.4 The **symbols for building envelopes and heritage places** are shown on the Scheme Map for information purposes only and are not part of the Scheme.

1.7.5 Notwithstanding anything else in the Scheme, where a use in the **Resource Zone** is defined in the Statement of Planning Policy No. 2 - Peel-Harvey Coastal Plan Catchment Policy or the Statement of Planning Policy No. 6 - Jandakot Groundwater Protection Policy, it shall have the meaning given to it in each respective Policy except that where there is conflict between the two Policies and the Scheme the Statement of Planning Policy No. 6 prevails over Statement of Planning Policy No. 2 and in the Resource Zone both Policies prevail over the use class definitions contained in **Schedule 1** to the Scheme.

1.8 Relationship with local laws

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

1.9 Relationship with other Schemes

1.9.1 There are **no other Schemes** of the City of Cockburn which apply to the Scheme Area.

1.10 Relationship with the Metropolitan Region Scheme

1.10.1 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 determination to conform with Local Planning Strategy~~

~~2.1.1 Except to the extent that the Local Planning Strategy is inconsistent with this Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.~~

### ~~2.2 Local Planning Strategy~~

~~The procedure for preparing, adopting and amending the Local Planning Strategy is set out under the Town Planning Regulations 1967.~~

### ~~2.3 Local Planning Policies~~

~~2.3.1 The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply~~

~~(a) generally or for a particular class or classes of matters; and~~

~~(b) throughout the Scheme Area or in one or more parts of the Scheme Area;~~

~~and may amend or add to or rescind the Policy.~~

### ~~2.4 Relationship of Local Planning Policies to Scheme~~

~~2.4.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.~~

~~2.4.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.~~

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In exercising powers under the Scheme, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

### ~~2.5 Procedures for making or amending a Local Planning Policy~~

~~2.5.1 If a local government resolves to prepare a Local Planning Policy, the local government~~

~~(a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of~~

~~(i) where the draft Policy may be inspected;~~

~~(ii) the subject and nature of the draft Policy; and~~

~~(iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;~~

~~(b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.~~



- 2.5.2 ~~After the expiry of the period within which submissions may be made, the local government is to~~
- ~~(a) review the proposed Policy in the light of any submissions made; and~~
  - ~~(b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.~~
- 2.5.3 ~~If the local government resolved to adopt the Policy, the local government is to~~
- ~~(a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and~~
  - ~~(b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.~~
- 2.5.4 ~~A Policy has effect on publication of a notice under clause 2.5.3(a).~~
- 2.5.5 ~~A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.~~
- 2.5.6 ~~Clauses 2.5.1 to 2.5.5 apply, with any necessary changes applying to the amendment of a Local Planning Policy.~~
- 2.6 ~~Revocation of Local Planning Policy~~
- 2.6.1 ~~A Local Planning Policy may be revoked by~~
- ~~(a) the adoption by a local government of a new Policy under clause 2.5 that is specifically expressed to supersede the existing Local Planning Policy; or~~
  - ~~(b) publication of a formal notice of rescission by the local government once a week for 2 consecutive weeks in a local newspaper circulating in the Scheme Area.~~

## PART 2

### ~~PART 3~~ RESERVES

(these clauses renumbered - replace 3 with 2 at commencement)

#### 3.1 Reserves

##### 3.1.1 Certain lands within the Scheme Area are classified as -

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

#### 3.2 Regional Reserves

##### 3.2.1 The land shown as "Regional Reserves" on the Scheme Map are lands reserved under the **Metropolitan Region Scheme** and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act.

##### 3.2.2 Regional Reserves are not reserved by this **Scheme**.

##### 3.2.3 The **approval** of the local government under the Scheme is **not required** for the commencement or carrying out of any use or development on a Regional Reserve.

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

#### 3.3 Local Reserves

##### 3.3.1 "Local Reserves" are delineated and depicted on the **Scheme Map** according to the legend on the Scheme Map.

#### 3.4 Use and Development of Local Reserves

##### 3.4.1 A person **must not** -

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

##### 3.4.2 In determining an **application** for planning approval the local government shall have due regard to -

- (a) the matters set out in <sup>Schedule 2, clause 67</sup>~~clause 10.2~~; and
- (b) the **ultimate purpose** intended for the Reserve.

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

## PART 3

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

(these clauses renumbered - replace 4 with 3 at commencement)

#### 4.1 Zones

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

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

#### 4.2 Objectives of the Zones

4.2.1 The objectives of the zones are –  
*AMD 96 GG 23/6/15*

(a) Residential Zone

To provide for **residential** development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

(b) Regional Centre Zone

To provide for a **full range** of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses.

(c) District Centre Zone

To provide for **weekly** shopping needs, local offices, health, welfare and community facilities, consistent with the district-serving role of the centre.

(d) Local Centre Zone

To provide for **convenience** retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local - serving role of the centre.

(e) Mixed Business Zone

To provide for a **wide range** of light and service industrial, wholesaling, showrooms, trade and professional services, which, by reason of their scale, character, operation or land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre or industry zones.

(f) Mixed Use Zone

To provide for a mixed use environment that includes residential development and a range of compatible smaller scale commercial uses such as office, retail and eating establishments. *AMD 96 GG 23/6/15*



(these clauses renumbered - replace 4 with 3 at commencement)

(g) Industry Zone

To provide for **manufacturing** industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.

(h) Light and Service Industry Zone

To provide for **light and service** industries and associated uses which are compatible with and acceptable with close proximity to, residential uses.

(i) Development Zone

To provide for **future residential, industrial or commercial** development in accordance with a comprehensive **Structure Plan** prepared under the Scheme.

(j) Rural Zone

To provide for a range of **rural pursuits** which are compatible with the capability of the land and retain the rural character and amenity of the locality.

(k) Rural Living Zone

To provide for **residential** use in a rural environment.

(l) Resource Zone

To provide for the protection of the Perth Metropolitan **underground water** resource in accordance with the requirements of Statement of Planning Policy No. 6 published by the Western Australian Planning Commission on 12 June 1998.

(m) Special Use Zone

To provide for uses which have **unique development** requirements that cannot be easily accommodated by the objectives of any of the other zones included in the Scheme.

(n) Conservation Zone      *AMD 58 GG 1/5/09*

To provide for a range of uses which are consistent and compatible with areas of conservation value including wetland, lake and or bushland areas, whilst providing for the ongoing protection and maintenance of those areas.

4.3 Zoning Table

Note:

4.3.1 The **Zoning Table** indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

1. The **planning approval** of the local government is required for the development of land in

(these clauses renumbered - replace 4 with 3 at commencement)

4.3.2 The **permissibility** of any uses is determined by cross reference between the list of use classes on the left hand side of the **Zoning Table** and the list of zones at the top of the **Zoning Table**.

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.

4.3.3 The symbols used in the cross reference in the **Zoning Table** have the following meanings -

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

**'D'** means that the use is **not permitted unless** the local government has exercised its discretion by granting planning approval.

**'A'** means that the use is **not permitted unless** the local government has exercised its discretion and has granted planning approval after giving **special notice** in accordance with ~~clause 9.4~~ Schedule 2, Clause 64(3)

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

2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

3. In considering a 'D' or 'A' use, the local government will **have regard** to the matters set out in ~~clause 10.2~~

Schedule 2, clause 67

4.3.4 A change in the use of land **from one use to another** is permitted if -

4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use may only proceed by way of an amendment to the Scheme.

(a) the local government has **exercised its discretion** by granting planning approval;

(b) the change is to a use which is designated with the **symbol 'P'** in the cross reference to that zone in the **Zoning Table** and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

(c) the change is an **extension of a use** within the boundary of the lot which does not change the predominant use of the lot providing that the use is not a non-conforming use in which case ~~clause 4.9~~ applies; or

Schedule 2, clause 3.9

(d) the change is to an **incidental** use that does not change the predominant use of the land.

4.4 Interpretation of the Zoning Table

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

4.4.2 If a person proposes to carry out any use that is **not specifically mentioned** in the:-

(a) **Zoning Table - Table 1** and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category in the table the local government may -

(these clauses renumbered - replace 4 with 3 at commencement)

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

Schedule 2, clause 64(3)

- (b) **Land Use Suitability - Table 1** contained in the **Statement of Planning Policy No. 2.3** - Jandakot Groundwater Protection Policy which applies to the permissibility of use and development of land in the **Resource Zone**, and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category in the Table, the use is not permitted. AMD 6 GG 13/6/06

#### 4.5 Additional Uses

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

Table 6

Table 6

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

#### 4.6 Restricted Uses

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

Table 7

Table 7

Note: A **Restricted Use** is the only use or uses that are 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

Table 8

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

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

Table 8

Table 8

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

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

- (a) the **continued use of any land** for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the **carrying out of any development** on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or

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

Planning and Development Act 2005



(these clauses renumbered - replace 4 with 3 at commencement)

Schedule 2, clause 80(1)

- (c) subject to ~~clause 11.2.1~~, the **continued display of advertisements** which were lawfully erected, placed or displayed prior to the Gazettal date.

4.9 Extensions and changes to a non-conforming use

4.9.1 **A person must not -**

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

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

4.9.2 An application for planning approval under this clause is to be **advertised** in accordance with ~~clause 9.4~~ Schedule 2, clause 64(3)

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

4.10 Discontinuance of Non-Conforming Use

4.10.1 Where a non-conforming use of any land or buildings has been **discontinued** for a period of **six months** such land or buildings shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.11 Termination of a Non-Conforming Use

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

Part 11

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

Planning and Development Act 2005

4.12 Destruction of Non-Conforming Use Buildings

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

**TABLE 1 - ZONING TABLE**

USE CLASS	RESIDENTIAL	REGIONAL CENTRE (See Note 4)	DISTRICT CENTRE	LOCAL CENTRE	MIXED BUSINESS	MIXED USE AMD 96 GG 23/6/15	LIGHT AND SERVICE INDUSTRY	INDUSTRY	RURAL LIVING	RURAL	RESOURCE	SPECIAL USE	DEVELOPMENT	CONSERVATION
RESIDENTIAL USES														
Ancillary Accommodation (R-Code)	P	X	X	X	X	D	X	X	D	D	NOTE 1	NOTE 2	NOTE 3	X
Bed and Breakfast AMD 6 GG 13/6/06	A	D	X	X	P	A	X	X	D	D				X
Child Care Premises	A	P	P	P	D	A	A	A	A	A				X
Civic Use	D	P	P	P	P	D	P	P	A	A				X
Dwelling Aged or Dependent Persons (R-Code)	D	X	P	P	X	D	X	X	D	D				X
Caretaker's	P	P	P	P	P	X	P	P	X	X				X
Grouped (R-Code) AMD 58 GG 1/5/09	P	D	P	P	D	D	X	X	X	X				A
Multiple (R-Code)	D	D	P	P	D	D	X	X	X	X				X
Educational Establishment	D	D	D	D	P	A	D	D	A	D				X
Home Business AMD 58 GG 1/5/09	A	P	P	P	P	X	X	X	D	D				A
Home Occupation AMD 58 GG 1/5/09	D	P	P	P	D	A	X	X	D	D				A
Home Office AMD 58 GG 1/5/09	P	P	P	P	D	P	X	X	D	D				A
House Lodging	A	D	D	D	D	A	A	X	X	X				X
Single (R-Code) AMD 58 GG 1/5/09	P	D	D	D	D	X	X	X	P	P				P
Institutional Building AMD 6 GG 13/6/06	A	X	X	X	A	X	A	A	X	X				X
Place of Worship	D	D	D	D	P	A	D	D	A	A				X
Residential Building (R-Code)	D	D	D	D	D	D	X	X	X	X				X
Tourist Accommodation AMD 58 GG 1/5/09	A	D	D	D	D	A	X	X	A	A				A
Holiday Home (standard) AMD 99 GG 17/10/14	A	X	X	X	X	X	X	X	X	X				X
Holiday Home (large) AMD 99 GG 17/10/14	X	X	X	X	X	X	X	X	X	X				X
COMMERCIAL USES														
Commercial Bank	A	P	P	P	P	P	P	P	X	X	NOTE 1	NOTE 2	NOTE 3	X
Garden Centre	X	P	D	D	P	X	P	P	X	A				X
Market	X	P	P	A	D	A	A	X	X	X				X
Nursery	X	D	D	A	P	X	P	P	A	D				X
Office	A	P	P	D	P	P	P	P	X	X				X
Showroom	X	P	D	X	P	X	P	P	X	X				X
DELETED AMD 99 GG 17/10/14 Veterinary Consulting Rooms														
DELETED AMD 99 GG 17/10/14 Veterinary Hospital														

USE CLASS		RESIDENTIAL	REGIONAL CENTRE (See Note 4)	DISTRICT CENTRE	LOCAL CENTRE	MIXED BUSINESS	MIXED USE AMD 96 GG 23/6/15	LIGHT AND SERVICE INDUSTRY	INDUSTRY	RURAL LIVING	RURAL	RESOURCE	SPECIAL USE	DEVELOPMENT	CONSERVATION AMD 58 GG 1/5/09
<b>COMMERCIAL USES (Cont'd)</b>															
<b>Entertainment</b>	Amusement Parlour	X	P	D	A	D	A	D	D	X	X	NOTE 1	NOTE 2	NOTE 3	X
	Betting Agency AMD 96 GG 23/6/15	X	P	P	D	P	A	D	A	X	X				X
	Club Premises AMD 109 GG 19/02/16	X	D	D	A	D	A	D	D	X	X				X
	Fast Food Outlet AMD 96 GG 23/6/15	X	D	P	D	P	D	P	X	X	X				X
	Hotel/Tavern	X	P	P	A	D	X	P	X	A	X				X
	Motel - AMD 96 GG 23/6/15	A	P	D	X	A	A	D	X	A	A				X
	Public Amusement AMD 96 GG 23/6/15	A	P	D	X	D	A	P	P	A	X				X
	Reception Centre	A	P	D	A	P	A	D	X	A	A				X
	Recreation - Private AMD 96 GG 23/6/15	X	P	D	A	P	A	P	P	D	A				X
	Restaurant	A	P	P	A	P	D	D	X	A	A				X
	Small Bar AMD 99 GG 17/10/14	X	A	A	A	X	X	X	X	X	X				X
<b>Health Services</b>	Consulting Rooms AMD 96 GG 23/6/15	D	P	P	D	P	D	P	A	X	X	NOTE 1	NOTE 2	NOTE 3	X
	Health Studio	A	P	P	A	P	D	P	P	A	A				X
	Medical Centre AMD 96 GG 23/6/15	A	P	P	D	P	D	D	D	A	X				X
	Hospital - AMD 96 GG 23/6/15	A	D	D	X	D	X	A	A	A	X				X
<b>Shop</b>	Convenience Store AMD 96 GG 23/6/15	A	P	P	P	X	D	P	X	A	X	NOTE 1	NOTE 2	NOTE 3	X
	Lunch Bar	A	P	P	P	A	D	D	D	D	A				X
	Shop AMD 96 GG 23/6/15	X	P	P	P	X	D	X	X	X	X				X
	Home Store AMD 96 GG 23/6/15	A	P	P	P	X	X	X	X	A	X				X
<b>Transport</b>	Commercial Vehicle Parking	D	P	P	A	P	X	P	P	D	D	NOTE 1	NOTE 2	NOTE 3	X
	Motor Vehicle, Boat or Caravan Sales	X	P	P	X	P	X	P	D	X	X				X
	Motor Vehicle Hire Premises	X	D	D	X	P	X	P	P	X	X				X
	Motor Vehicle Wash	X	D	D	X	P	X	P	P	X	X				X
	Petrol Filling Station	X	P	P	A	D	X	P	P	X	X	NOTE 1	NOTE 2	NOTE 3	X
	Service Station	X	D	D	A	D	X	P	P	X	X				X
<b>Animal Establishment</b>	AMD 6 GG 13/6/06	X	A	A	X	D	X	P	P	X	A				X
<b>Cinema/Theatre</b>	AMD 6 GG 13/6/06	X	P	X	X	X	X	X	X	X	X				X
<b>Funeral Parlour</b>	AMD 6 GG 13/6/06 AMD 96 GG 23/6/15	X	D	X	X	X	A	P	P	X	X	NOTE 1	NOTE 2	NOTE 3	X
<b>Hardware Store</b>	AMD 6 GG 13/6/06 AMD 96 GG 23/6/15	X	P	P	X	A	X	D	D	X	X				X

USE CLASS		RESIDENTIAL	REGIONAL CENTRE (See Note 4)	DISTRICT CENTRE	LOCAL CENTRE	MIXED BUSINESS	MIXED USE AMD 96 GG 23/6/15	LIGHT AND SERVICE INDUSTRY	INDUSTRY	RURAL LIVING	RURAL	RESOURCE	SPECIAL USE	DEVELOPMENT	CONSERVATION AMD 58 GG 1/5/09
<b>Night Club</b>	AMD 6 GG 13/6/06 AMD 96 GG 23/6/15	X	D	X	X	X	X	D	D	X	X				X
<b>Restricted Premises</b>	AMD 6 GG 13/6/06	X	A	A	A	X	X	X	X	X	X				X
<b>Trade Display</b>	AMD 6 GG 13/6/06	X	X	X	X	X	X	D	D	X	X				X
<b>Veterinary Centre</b>	AMD 6 GG 13/6/06 AMD 99 GG 17/10/14 AMD 96 GG 23/6/15	X	P	D	D	D	X	D	P	A	D				X
<b>Vehicle – Disused</b>	AMD 6 GG 13/6/06 AMD 96 GG 23/6/15	X	D	D	D	D	X	D	D	X	X				X

INDUSTRIAL USES																
Industry	Cottage	AMD 58 GG 1/5/09	A	D	A	X	D	X	P	P	A	A	NOTE 1	NOTE 2	NOTE 3	A
	Extractive		X	X	X	X	X	X	X	A	X	A				X
	General		X	X	X	X	X	X	X	P	X	X				X
	General (licensed)		X	X	X	X	X	X	X	D	X	X				X
	Light		X	X	X	X	D	X	P	P	X	X				X
	Noxious		X	X	X	X	X	X	X	X	X	X				X
	Service		X	X	A	X	D	X	P	P	X	X				X
Storage	Fuel Depot		X	X	X	X	X	X	A	P	X	A				X
	Storage Yard		X	A	X	X	A	X	P	P	X	A				X
	Warehouse		X	D	D	X	P	X	P	P	X	X				X
Transport	Motor Vehicle Wrecking		X	X	X	X	X	X	X	D	X	X	X			
	Transport Depot		X	X	X	X	X	X	P	P	X	X	X			
Marine Engineering		AMD 6 GG 13/6/06	X	X	X	X	X	X	A	P	X	X	X			
Motor Vehicle Repair		AMD 6 GG 13/6/06	X	D	D	A	P	X	D	P	X	X	X			
RURAL USES																
Agriculture Extensive		AMD 6 GG 13/6/06	X	X	X	X	X	X	X	X	D	D	NOTE 1	NOTE 2	NOTE 3	X
Agriculture Intensive		AMD 6 GG 13/6/06	X	X	X	X	X	X	X	X	D	D				X
Agroforestry		AMD 6 GG 13/6/06	X	X	X	X	X	X	X	X	D	D				X
Animal Husbandry - Intensive		AMD 6 GG 13/6/06	X	X	X	X	X	X	X	X	X	A				X
Farm Supply Centre			X	D	A	X	P	X	P	P	A	A				X
Hobby Farm			A	X	X	X	X	X	X	A	P	P				X
Rural Industry			X	X	X	X	X	X	D	D	A	A				X
	Pursuit		X	X	X	X	X	X	X	X	D	P				X
USES NOT LISTED																
Uses not listed		In accordance with clause 4.4.2														

NOTE 1: Development and use of land is to be in accordance with -

- (i) **Statement of Planning Policy No. 2.1** - Peel-Harvey Coastal Plain Catchment Policy gazetted on 21 February 1992; and AMD 6 GG 13/6/06
- (ii) **Statement of Planning Policy No. 2.3** - Jandakot Groundwater Protection Policy gazetted on 12 June 1998; AMD 6 GG 13/6/06
- (iii) Despite the provisions of Statement of Planning Policy No. 2.1 and Statement of Planning Policy No. 2.3 referred to in (i) and (ii), Use Classes **Cattery, Dog Kennels and Poultry Farm (housed)** are uses not permitted 'X' in the Resource Zone, with the exception of (iv).
- (iv) **Cattery and Dog Kennels** may only be permitted within the Resource zone in accordance with Schedule 2 - Additional Uses.
- (v) The Use Classes of **Plant Nursery** (wholesale and retail) and **Equestrian Activity** prescribed in Table 1 of the **Statement of Planning Policy No. 6** Jandakot Groundwater Protection Policy shall only be permitted on a lot which has an area in excess of **4 hectares**.

NOTE 2: Development and use of land is to be in accordance with ~~clause 5.11~~ and ~~Schedule 4~~.  
AMD 6 GG 13/6/06 generally 4.11 Table 8

NOTE 3: Development and use of land is to be in accordance with an approved Structure Plan prepared and adopted under ~~clause 6.2.9~~. AMD 6 GG 13/6/06.  
generally Schedule 2, clause 22

- NOTE 4:
- (a) In that part of the Regional Centre Zone comprised in Development Area 23, the Zoning Table shall have no application, and the permissibility of land uses shall be governed by the applicable Special Control Area provisions of ~~Schedule 11~~ and any approved Structure Plan. AMD 1 GG 5/1/06  
Table 9 and generally in accordance with
  - (b) In that part of the Regional Centre zone comprised in Development Area 24, the permissibility of land uses shall be in accordance with the Zoning Table until such time as a Structure Plan is approved which indicates a different permissibility of land uses. The permissibility of land uses shall ~~then be governed by the applicable Special Control Area provisions of Schedule 11 and any approved Structure Plan.~~  
be given due regard in the assessment and determination of applications for subdivision and development in accordance with Schedule 2, clause 27(1)



## PART 4

### ~~PART 5~~ GENERAL DEVELOPMENT REQUIREMENTS

(these clauses renumbered - replace 5 with 4 at commencement)

#### 5.1 Compliance with Development Standards and Requirements

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

5.1.2 Despite the general development requirements specified in this Part, where different development requirements are provided for in relation to a particular area of land referred to in either ~~Schedule 2 - Additional Uses, Schedule 3 - Restricted Uses, Schedule 4 - Special Use Zones or Schedule 11 - Development Areas~~, the development requirements specified in the ~~Schedules~~ shall prevail.

Table 6 - Additional Uses, Table 7 - Restricted Uses, Table 8 - Special Use Zones or Table 9 - Additional Requirements that apply to land covered by a Structure Plan, Activity Centre Plan or Local Development Plan

Tables

#### 5.2 Residential Design Codes

5.2.1 A copy of the Residential Design Codes, as amended, shall be kept and made **available** for public inspection at the offices of the local government.

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

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

#### 5.3 Sewerage Connection

4.3.2

5.3.1 Notwithstanding any provision of this Scheme to the contrary but subject to **clause 5.3.2** all residential development shall be connected to a comprehensive sewerage system.

5.3.2 Where no such system is available, no residential development other than the erection of a single house shall be approved unless:

- (a) the Department recommends to the local government that there are exceptional circumstances which warrant a variation of the requirements in **clause 5.3.1** or; 4.3.1
- (b) immediately prior to the gazettal date the land in respect of which approval is sought is used for the purpose of two or more dwellings;
- (c) the development conforms with the Government Sewerage Policy for the Perth Metropolitan Region or any subsequent equivalent State Government policy or amendments to that policy.

5.3.3 In this clause "Department" shall have the same meaning as is given to it in the Health Act.

(these clauses renumbered - replace 5 with 4 at commencement)

5.4 Special Application of Residential Design Codes

5.4.1 In Residential zones coded R20 the local government **may vary the minimum site area per dwelling** and the minimum lot area/ rear battleaxe requirements in Columns 3 and 4 of Table 1 of the Codes by permitting **2 grouped dwellings** on any lot with an area of 900m<sup>2</sup> or greater but in all other respects the development shall conform with the **requirements of the R20 code**.

5.4.2 In respect of land in the **R30 to R60 codes** where a detailed area plan has been approved by the local government the minimum requirements of Table 1 regarding the **total percentage of open space** can be reduced up to a maximum of **5% below the Code** requirement, subject to: -

- (a) the land being located **adjacent to a parks and recreation reserve** or within a **commercial or railway precinct**; and
- (b) the development providing for **solar orientated design**.

5.4.3 In respect of **Lot 61 Beenyup Road, Atwell**, the minimum requirements of Table 1 in respect of the **total percentage of open space** in the R25 code can be **reduced by a maximum 5%** below the code requirement subject to: -

- (a) the land being either located adjacent to a parks and recreation reserve or within a **commercial or railway precinct**; *AMD 6 GG 13/6/06*
- (b) the development providing for solar orientated design; and *AMD 6 GG 13/6/06*
- (c) the development being in accordance with a **detailed area plan** approved by the local government.

5.4.4 Medium Density Residential Development

(a) When considering applications for the development of grouped and/or multiple dwellings, the Council shall have due regard to Local planning Policy No. ~~APD58~~ (Residential Design Guidelines). Where an application is not consistent with the provisions or objectives of Local Planning Policy No. ~~APD58~~ (Residential Design Guidelines), Council may refuse the application notwithstanding its level of compliance with the Residential Design Codes. LPP 1.2

LPP 1.2

(b) In considering applications for the subdivision of land within any of the split coded areas depicted on the Scheme Map, the Council may only support subdivision (in the absence of built development) up to a maximum density of R30.

(c) In considering applications for the development of land within any of the split coded areas depicted on the Scheme Map, the Council may support development up to the maximum density of the split code subject to the application being consistent with the provisions and objectives of the Local Planning Policy No. ~~APD58~~ (Residential Design Guidelines).

LPP 1.2

(these clauses renumbered - replace 5 with 4 at commencement)

- (d) Where residential land abuts a regional road reserve or major road as prescribed by Local Planning Policy No. <sup>LPP 1.2</sup> ~~ADP58~~ (Residential Design Guidelines), vehicle access to that road shall be subject to the approval of the local government and the relevant responsible authority (if any).

AMD 76 GG 31/08/10

## 5.5 Restrictive Covenants

- 5.5.1 Subject to <sup>4.5.2</sup> ~~clause 5.5.2~~, a restrictive covenant affecting any land in the Scheme Area by which, or the effect of which, is that the **number of residential units** which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.
- 5.5.2 Where <sup>4.5.1</sup> ~~clause 5.5.1~~ operates to extinguish or vary a restrictive covenant the local government is **not to grant planning approval** to the development of the land which would, but for the operation of <sup>4.5.1</sup> ~~clause 5.5.1~~, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of ~~clause 9.4~~. <sup>Schedule 2, clause 64(3)</sup>

## 5.6 Variations to Site and Development Requirements

- 5.6.1 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 prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 5.6.2 In considering an application for planning approval under this clause, where, in the opinion of local government, the variation is likely to **affect any owners or occupiers** in the general locality or adjoining the site which is subject of consideration for the variation, the local government shall -
- (a) **consult** the affected parties by following one or more of the provisions for advertising uses under ~~clause 9.4~~; and <sup>Schedule 2, clause 64(3)</sup>
- (b) have regard to any **expressed views** prior to making its decision to grant the variation.
- 5.6.3 The **power** conferred by this clause may only be exercised if the local government is satisfied that -
- (a) approval of the proposed development would be appropriate having regard to the **criteria** set out in ~~clause 10.2~~; and <sup>Schedule 2, clause 67</sup>
- (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.



(these clauses renumbered - replace 5 with 4 at commencement)

5.7 Environmental Conditions

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

Schedule B

5.7.2 Where appropriate, the environmental conditions are indicated on the **Scheme Map** by the **symbol EC** to indicate that environmental conditions apply to that land.

5.7.3 The local government is to -

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

5.8 Residential Uses

5.8.1 Tenure

- (a) Single house allotments created as freehold or survey strata lots **should comply** with the minimum area of lot per dwelling as prescribed under Table 1 of the Residential Design Codes.

5.8.2 Convenience and Functionality

- (a) Every development shall be **designed** to ensure that it is convenient and functional for those who will use the development particularly in respect to -
  - (i) the **relationship** of the development to the use and enjoyment of the adjoining lots;
  - (ii) the convenient **location** of public and resident facilities provided on the lot;
  - (iii) **safety and amenity**;
  - (iv) **accessibility** of driveways, footpaths, car parking bays, service bays and storage areas.
- (b) A development which requires planning approval under the Scheme, that complies with or may be approved under the provisions of the Residential Design Codes but cannot demonstrate convenience and functionality, will **not be approved**, unless the local government determines otherwise in any particular case.

5.8.3 Other Residential Development

- (a) Residential development which is not provided for under the Residential Design Codes shall **conform** to the development Standards and requirements determined by the local government in each particular case.

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

(these clauses renumbered - replace 5 with 4 at commencement)

- (b) Where residential development is permitted, other than in the Residential Zone and Regional Centre Zone and a Residential Density Code has not been prescribed, all residential development shall be in accordance with the R60 Residential Density Code. *AMD 6 GG 13/6/06*

#### 5.8.4 Parking of Commercial Vehicles

- (a) Despite any other provision of this Scheme, **no commercial vehicle** is permitted to remain on privately owned land within the Residential Zone for a period longer than is necessary for loading or unloading unless the local government has issued a planning **approval** permitting the parking of such a vehicle.
- (b) A commercial vehicle may be **permitted** to be parked within a Residential Zone, provided that -
  - (i) the vehicle is parked on a lot containing only a **single house**;
  - (ii) the vehicle forms an essential part of the **occupation** of an occupant of the dwelling;
  - (iii) vehicles **exceeding 8 metres** in length are parked parallel to the side boundary of the lot and behind the building line;
  - (iv) **no repairs** are to be undertaken on the lot;
  - (v) in the opinion of the local government, it is not likely to adversely affect the **amenity** of the surrounding land;
  - (vi) the local government may apply any **conditions** to the approval it sees fit;
  - (vii) the local government has the ability to **withdraw** its approval at any time for any reason.
- (c) An approval granted under ~~clause 10.3.1(a)~~ - *Schedule 2, clause 68(2)*
  - (i) is granted to the **person** to whom it is issued;
  - (ii) is **not capable** of being transferred or assigned to any other person;
  - (iii) does **not run** with the land in respect of which it is granted.

#### 5.8.5 Home Occupation and Home Business

- (a) Application -
  - (i) No person shall commence a home occupation or home business without first having applied for and received the planning **approval** of the local government.

(these clauses renumbered - replace 5 with 4 at commencement)

- (ii) A home occupation or home business can be undertaken subject to clause ~~5.8.5(a)(ii)~~ by the occupier of the land and is not transferable. 4.8.5(a)(ii)
- (iii) On the sale of the property or change in ownership of the land the home occupation or home business entitlement **ceases**.

5.8.6 Vehicle Parking

- (a) The following vehicle parking provisions apply to the **Residential Use Classes**.

**TABLE 2 - RESIDENTIAL USE CLASSES - VEHICLE PARKING**

	<b>VEHICLE PARKING PROVISIONS</b>		
<b>USE CLASS</b>	<b>Car Parking Bays</b>	<b>Delivery Bays</b>	<b>Bicycle Racks</b>
• Caretaker's Residence	Two (2) car parking bays per dwelling.	Not applicable	Not applicable
• Child Care Premises	1 : 1 employee Plus 1 : 10 children	Not applicable	Not applicable
• Civic Use	1 : 4 seats <b>OR</b> * 1 : 4 people accommodated	Not applicable	1 : 30 seats <b>OR</b> * 1 : 100 people accommodated
• Dwelling – Aged or Dependent Persons Ancillary Accommodation – Caretakers – Grouped – Multiple	As prescribed in the Residential Design Codes	Not applicable	For Grouped and Multiple Dwellings. 1 : 4 units for residents 1 : 16 units for visitors
• Education Establishment – Primary School – High School	1 : 1 Class Room 1 : 1 Class Room <b>Plus</b> 1 : 25 Year 12 Students	1 : lot 1 : lot	1 : 4 students 1 : 2 students
• Home Business	As prescribed in the Residential Design Codes	Not applicable	Not applicable
• Home Occupation	As prescribed in the Residential Design Codes	Not applicable	Not applicable
• Home Office	As prescribed in the Residential Design Codes	Not applicable	Not applicable
• Home Display Centre	5 : 1 Display Home	Not applicable	Not applicable
• House - Lodging – Single	1 : 4 Beds As prescribed in the Residential Design Codes	1 : Service/Storage Area	Not applicable
• Place of Worship	1 : 4 seats <b>OR</b> * 1 : 4 people accommodated	Not applicable	1 : 30 seats <b>OR</b> * 1 : 100 people accommodated
• Tourist Accommodation	1 : 1 Unit or 1 : Bedroom	1 : Administration Centre	Not applicable

NOTE: (1) \*  
(2)

• Whichever is the greater.  
Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the local government.

(these clauses renumbered - replace 5 with 4 at commencement)

5.9 Commercial and Industrial Uses

5.9.1 Building Setback

- (a) A building shall be setback from lot boundaries in accordance with the provisions of the **Building Code** of Australia.
- (b) A building shall be setback from boundaries or erected on boundaries so that the **impact** on the use and amenity of the adjoining buildings is minimised and the scale and bulk of the building is compatible with the streetscape.

5.9.2 Landscaping

- (a) A minimum **on-site** provision of **ten percent (10%)** of the total area of the lot or of a defined portion of the lot, the subject of an Application for Planning Approval, shall be set aside, developed and maintained as a landscaped area.
- (b) Despite <sup>4.9.2(a)</sup>~~clause 5.9.2(a)~~ the local government may reduce the minimum **on-site** provision to not less than **five percent (5%)** of the total area of the lot to be set aside, developed and maintained as a landscaped area where the owner agrees in writing either as part of the Application for Planning Approval or separately that all of the street verge abutting the lot shall be included in the landscape area in accordance with ~~clause 5.9.2(c)~~. <sup>4.9.2(c)</sup>
- (c) Where the **street verge** is included in the landscaped area it shall be developed and maintained by the owner as an integral part of the on-site provision referred to in ~~clause 5.9.2(b)~~. <sup>4.9.2(b)</sup>
- (d) The landscaped area provided on the lot shall have a minimum width of not less than **1.5 metres** and distributed in areas of not less than **4.0 square metres**.
- (e) There shall be not less than one **(1) shade tree** planted for every **50 square metres** of the total landscaped area provided on the lot and within the street verge.
- (f) There shall be not less than one **(1) shade tree** planted in the car parking area for every **10 car parking spaces** provided on the lot.
- (g) The landscaping is to be **confined** to the area of the lot between the building or the use of the land and the boundaries of the lot adjoining the public road reserve, or other public reserve, unless the local government agrees otherwise in any special circumstance.

5.9.3 Amenity

- (a) Buildings shall be located on land abutting a residential zone so as to minimise **overshadowing** on, and to maximise **privacy** within adjoining, existing or future residences.



(these clauses renumbered - replace 5 with 4 at commencement)

- (b) Buildings shall be **designed** so that they are complementary with their surroundings and adjoining development in terms of their external appearance, design, height, scale and bulk.
- (c) Buildings shall be located on the lot and provide landscaped areas which enhance the **streetscape** and add to the attractiveness of the locality of which they form part.
- (d) Advertising **signs** shall be -
  - (i) **attached** to the walls or facade of a building or structure so as not to protrude above the height of the wall to the building or the structure;
  - (ii) **limited** to a common pylon sign or hoarding for developments comprising more than two units, strata titled units or businesses up to a maximum of six (6) advertisements to each sign where units, strata title units or businesses exceed 6 in number or the development comprises a service station as one component then a maximum of two pylon signs or hoardings are permitted for that site;
  - (iii) erected on the property to which they **relate**;
  - (iv) professionally designed and installed and not detract from the **streetscape** within which they are located.
- (e) Each premises will clearly display their street number and where there is no **street number** allocated to the property, the lot number shall be displayed instead.

#### 5.9.4 Convenience and Functionality

- (a) Every development shall be **designed** to ensure that it is convenient and functional for those who will use the development particularly in respect to -
  - (i) the **relationship** of the development to the use and enjoyment of the adjoining lots;
  - (ii) the **convenient** location of public and employee facilities provided on the lot;
  - (iii) **safety and amenity**;
  - (iv) **accessibility** of driveways, footpaths, car parking bays, service bays and storage areas.
- (b) A development which requires planning approval under the Scheme that complies with the development standards and requirements of the Scheme, but cannot demonstrate convenience and functionality will **not be approved**, unless the local government determines otherwise in any particular case.

(these clauses renumbered - replace 5 with 4 at commencement)

5.9.5 Vehicle Parking

- (a) A person shall not use land for a purpose specified in **Table 3 and Table 4** unless **car parking** spaces, **delivery** bays and **bicycle** racks of the number specified in the **Table** are provided and maintained and are sealed, drained and marked to the local government's specifications.

5.9.6 Cash Payment in Lieu of Providing Car Parking Spaces

- (a) Except as provided in <sup>4.9.5</sup>~~clause 5.9.5~~ the local government **may agree** with an applicant for approval to commence development to accept a cash payment in lieu of the provision of paved car parking spaces, subject to -
  - (i) a cash-in-lieu payment shall be not less than the **estimated cost** to the owner of providing and constructing the car parking spaces required by the Scheme, plus the value, as estimated by a licensed valuer appointed by the local government, of that area of land which would have been occupied by the parking spaces and manoeuvring area;
  - (ii) the local government having either provided, or having made **firm proposals** for providing a public car parking station in the vicinity of the land the subject of the application, before the local government agrees to accept a cash payment in lieu of the provision of car parking spaces;
  - (iii) payments under this clause shall be paid into a **special fund** to be used to provide public car parking stations within the locality from which it was collected;
  - (iv) all costs incurred in obtaining the **valuation** shall be borne by the applicant for approval to commence development.

5.9.7 Joint Use of Car Parking Facilities

- (a) Car parking facilities may be provided jointly by two or more owners or users of land or by one owner or user in respect of **separate buildings** or uses, subject to the satisfaction of the standards and requirements hereinafter set out in this clause.
- (b) If there is a deficiency in the number of car parking spaces provided to serve any building or use, the local government may permit the car parking spaces for that building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the **prescribed number** of car parking spaces provided that the peak hours of operation of the buildings or uses so sharing are different and do **not substantially overlap**.
- (c) The local government may require that **reciprocal access** and circulation arrangements are provided for any buildings or uses affected by this clause when, in the opinion of the local government, such arrangements are deemed necessary to improve design, functionality or amenity.

(these clauses renumbered - replace 5 with 4 at commencement)

- (d) The following **requirements** shall be complied with by any person seeking to take advantage of the provisions of this clause -
- (i) **evidence** shall be provided sufficient to satisfy the local government that **no substantial conflict** will exist in the peak hours of operation of the buildings or uses for which the joint use of car parking spaces or the reciprocal access and circulation arrangements is proposed;
  - (ii) the number of car parking spaces which may be **credited from one building or use to another** building or use shall not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the first building or use during its **off-peak hours** of operation;
  - (iii) the local government may require a **legal agreement** to be prepared at **the expense of the person** seeking to take advantage of the provisions of this clause, detailing the relevant arrangements of the joint usage, and executed by all parties concerned;
  - (iv) Any such agreement shall be capable of operating as a restrictive covenant against any land providing parking spaces, reciprocal access or circulation arrangements and shall ensure that the restraint cannot be removed without the consent of the local government upon the local government being satisfied that the joint use of parking facilities is no longer required.

5.9.8 Vehicle Parking - Commercial Use Classes

- (a) The following vehicle parking provisions apply to the **Commercial Use Classes** -

**TABLE 3 - COMMERCIAL USE CLASSES - VEHICLE PARKING**

USE CLASS		VEHICLE PARKING PROVISIONS		
		Car Parking Bays	Delivery Bays	Bicycle Racks
• Commercial	- Bank	1 : 20m <sup>2</sup> gla	1 : 500m <sup>2</sup>	Not applicable
	- Garden Centre	1 : 50m <sup>2</sup> gla	1 : lot	Not applicable
	- Market	1 : 20m <sup>2</sup> gla	Not applicable	Not applicable
	- Nursery	1 : 50m <sup>2</sup> gla	1 : lot	Not applicable
	- Office	1 : 50m <sup>2</sup> gla	1 : 500m <sup>2</sup>	1 : 200m <sup>2</sup> gla employees
	- Showroom	1 : 50m <sup>2</sup> gla	1 per unit	1 : 750m <sup>2</sup> gla visitors
	- Veterinary Consulting Rooms	1 : 20m <sup>2</sup> gla	Not applicable	Not applicable
	- Veterinary Hospital	1 : 20m <sup>2</sup> gla	1 : Service/ Storage Area	Not applicable
• Entertainment	- Amusement Parlour	1 : 4 seats <b>OR</b> 1 : 4 people accommodated	1 : 500m <sup>2</sup> gla	1 : 50m <sup>2</sup> gla
	- Betting Agency	1 : 15m <sup>2</sup> gla	Not applicable	1 : 100m <sup>2</sup> gla
	- Club Premises	1 : 50m <sup>2</sup> gla	1 : 500m <sup>2</sup>	Not applicable
	- Fast Food Outlet	1 : 15m <sup>2</sup> gla	1 : Service/ Storage Area	1 : 50m <sup>2</sup> gla
	- Hotel/ Tavern	1 : 2m <sup>2</sup> nla of Drinking Area <b>Plus</b> 1 : 1 bedroom	1 : Service/ Storage Area	1 : 50m <sup>2</sup> gla
	- Motel	1 : 1 Unit plus 1 : 1 Employee	1 : Service/ Storage Area	1 : 30 seats <b>OR*</b> 1 : 100 people accommodated
	- Private Recreation	1 : 4 seats <b>OR*</b> 1 : 4 people accommodated	1 : Service/ Storage Area	Not applicable
	- Reception Centre	1 : 4 seats <b>OR*</b> 1 : 4 people accommodated	1 : Service/ Storage Area	1 : 30 seats <b>OR*</b> 1 : 100 people accommodated
	- Restaurant	1 : 4 seats <b>OR*</b> 1 : 4 people accommodated	1 : Service/ Storage Area	1 : 30 seats <b>OR*</b> 1 : 100 people accommodated
• Health Services	- Consulting Rooms	5 : 1 Practitioner <b>OR*</b> 5 : 1 Consulting Room 1 : 15m <sup>2</sup> gla	Not applicable	1 : 50 people accommodated
	- Medical Centre	5 : 1 Practitioner <b>OR*</b> 5 : 1 Consulting Room	Not applicable	1 : 400m <sup>2</sup> gla employees 1 : 200m <sup>2</sup> gla visitors
	- Hospital	1 : 3 Beds <b>Plus</b> 1 : 2 staff	1 : Building	1 : 10 beds

**TABLE 3 - COMMERCIAL USE CLASSES - VEHICLE PARKING (CONT'D)**

USE CLASS		VEHICLE PARKING PROVISIONS		
		Car Parking Bays	Delivery Bays	Bicycle Racks
• <b>Shop</b>	- Convenience Store	1 : 15m <sup>2</sup> nla 1 : 1 employee <b>Plus</b> 2 : 1 Service Bays	1 : Service/ Storage Area	1 : 20m <sup>2</sup> nla
	- Home Store	1 : 12m <sup>2</sup> nla	1 : Service/ Storage Area	1 : 200m <sup>2</sup> nla
	- Lunch Bar	1 : 15m <sup>2</sup> nla	Not applicable	1 : 20m <sup>2</sup> nla
	- Shop	1:12m <sup>2</sup> nla for 0-5,000m <sup>2</sup> nla 1:14m <sup>2</sup> nla for 5,000-10,000m <sup>2</sup> gla 1:16m <sup>2</sup> nla for 10000m <sup>2</sup> and over gla	1 : 1000m <sup>2</sup> nla	1 : 200m <sup>2</sup> nla
• <b>Transport</b>	- Commercial Vehicle Parking	1 : per vehicle <b>Plus</b> 1 : employee	Not applicable	Not applicable
	- Motor Vehicle, Boat or Caravan Sales	1 : 5 vehicles for sale <b>Plus</b> 1 : 1 employee	1 : Service/Stora ge Area	Not applicable
	- Motor Vehicle Hire Premises	1 : 5 vehicles for hire <b>Plus</b> 1 : 1 employee	1 : Service/Stora ge Area	Not applicable
	- Motor Vehicle Wash	1 : 1 wash bay	Not applicable	Not applicable
	- Retail Filling Station/ Service Station	1:15m <sup>2</sup> nla 1 : 1 employee <b>Plus</b> 2 : 1 service bay	1 : Service/Stora ge Area	1 : 20m <sup>2</sup> nla

NOTE: (1) \*

(2)

Whichever is the greater.

Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the local government.

5.9.9	Vehicle Parking - Industrial Land Use Classes	
(a)	The following vehicle parking provisions apply to the <b>Industrial Use Classes</b> -	

**TABLE 4 - INDUSTRIAL USE CLASSES - VEHICLE PARKING**

USE CLASS		VEHICLE PARKING PROVISIONS		
		Car Parking Bays	Delivery Bays	Bicycle Racks
• <b>Industry</b>	- Cottage	1 : 50m <sup>2</sup> gla	Not applicable	Not applicable
	- Extractive	1 : 1 employee	Not applicable	Not applicable
	- General/ General (Licensed)	1 : 50m <sup>2</sup> gla	1 : Service/ Storage Area	1 : 200m <sup>2</sup> gla
	- Light	1 : 50m <sup>2</sup> gla	1 : Service/ Storage Area	1 : 200m <sup>2</sup> gla
	- Service	1 : 50m <sup>2</sup> gla	1 : Service/ Storage Area	1 : 200m <sup>2</sup> gla
	- Marine Engineering AMD 6 GG 13/6/06	1 : 1 employee Visitor Car Parking Bays: additional 1:200 parking bays required per employee	1 : Service/Storage Area	1 : 200sqm gla
• <b>Storage</b>	- Fuel Depot	1 : 1 employee	1 : Building	Not applicable
	- Storage Yard	1 : 1 employee	Not applicable	Not applicable
	- Warehouse	1 : 100m <sup>2</sup> gla	1 : Unit	Not applicable
• <b>Transport</b>	- Motor Vehicle Repair	5 : 1 Service Bay	1 : Unit	Not applicable
	- Motor Vehicle Wrecking	1 : 1 employee <b>Plus</b> 1 : 200m <sup>2</sup> of Yard Area	1 : Building	Not applicable
	- Transport Depot	1 : 1 employee	1 : Building	Not applicable

NOTE: (1) \*  
(2)

Whichever is the greater.  
Where vehicle parking provisions are not prescribed for a particular use  
the requirement will be determined by the local government.



(these clauses renumbered - replace 5 with 4 at commencement)

## 5.10 Rural Uses

### 5.10.1 Water Supply

- (a) The use and development of land within the Rural Zone shall be in accordance with the provisions of The Statement of Planning Policy No. 2.5 – Agricultural and Rural Land Use Planning. AMD 6 GG 13/6/06
- (b) Where reticulated water supply is not provided to a lot the landowner or the subdivider shall be **responsible** for providing a **potable water supply** where it is proposed to use the land for the agistment of stock or for residential purposes.
- (c) Where it is proposed to use the land for residential purposes and a potable water supply is not available then the landowner shall be responsible for providing a **rainwater storage tank** with a minimum capacity of 90,000 litres.

### 5.10.2 Building Envelopes

- (a) Only **one** single house may be erected on a lot.
- (b) Where a building envelope is shown on a lot in accordance with ~~clause 5.10.12(a) and Clause 5.10.12(b)~~, every building erected on that lot shall be **located** within the boundaries of the building envelope. 4.10.12(a) and Clause 5.10.12(b)

AMD 72 GG 07/09/10

- (c) The local government may on the written request of the landowner **relocate** or **modify** the shape or area of a building envelope if in the opinion of the local government the relocation or modification of the building envelope will not have a detrimental impact on the neighbours, the amenity of the area, the use of the land or the environment.
- (d) Where **no building envelope** is shown on a lot, no building shall be erected within **10 metres** of any boundary of the lot or **20 metres** from any road reserve.
- (e) Despite <sup>4.10.2</sup>~~clauses 5.10.2~~ (b), (c) and (d) no person shall -
  - (i) clear or suffer to permit to be cleared any flora within a distance of **50 metres** from the lot boundary adjoining the road reserve of Berrigan Drive Jandakot, **Tapper Road** Banjup and **Warton Road** Banjup except for the purpose of complying with the requirements of the Bush Fires Act, constructing a dedicated road or vehicular accessway;
  - (ii) erect a building on Lots 101, 103, 104, 105, 106, 107 and 119 closer **to Solomon Road** Jandakot than **30 metres** from the lot boundary adjoining the Solomon Road road reserve.  
AMD 6 GG 13/6/06

(these clauses renumbered - replace 5 with 4 at commencement)

- (f) Despite <sup>4.10.2(a)</sup>~~clause 5.10.2(a)~~ the local government may allow ancillary accommodation on a lot where -

- (i) a **single house** already exists on the lot;
- (ii) in the **Rural Zone** and the **Rural Living Zone** the net area of the ancillary accommodation does not exceed **100m<sup>2</sup>**;
- (iii) in the **Resource Zone** the net area of the ancillary accommodation does not exceed **60m<sup>2</sup>** and the area of the lot is to be greater than **2 ha**.

#### 5.10.3 Fencing

- (a) Fencing shall be erected in **accordance** with the Local Law - Fencing.

#### 5.10.4 Rehabilitation

- (a) The local government may **require** the owner of any land to rehabilitate land, which in its opinion has been eroded, neglected, degraded or cleared in such a way as to harm the environment or reduce the amenity of the adjoining, nearby or surrounding land.

#### 5.10.5 Protection of Land and Existing Vegetation

- (a) **No existing vegetation** existing on a lot shall be cleared except for the purposes of -
- (i) erecting an approved **building** or structure on the lot;
  - (ii) providing vehicular **access**;
  - (iii) complying with the **Bush Fires Act**;
  - (iv) complying with an **approval** issued by the local government.
  - (v) a **rural pursuit** being established for commercial purposes.
- (b) The clearing of vegetation on any lot other than for the purposes nominated in ~~clause 5.10.5(a)~~ shall require the <sup>4.10.5(a)</sup>**approval** of the local government.
- (c) The local government may **serve notice** on any owner or occupier of land within the **Rural Zone, Rural Living Zone or Resource Zone** -
- (i) to **preserve** any specified vegetation and the maintenance and protection of the vegetation so specified shall continue until the local government determines otherwise;
  - (ii) to **plant** vegetation;



(these clauses renumbered - replace 5 with 4 at commencement)

- (iii) to **remove stock** where in the opinion of the Department of Agriculture the land has been overgrazed.

#### 5.10.6 Protection of Wetlands

- (a) The local government may **require** wetlands and their fringing phreatophytic vegetation to be preserved and protected from pollution, destruction and inappropriate use and management.
- (b) **Any wetland** which is identified for protection under a policy of the Environmental Protection Authority shall be preserved and protected in accordance with any conditions imposed by the local government or the Authority.

#### 5.10.7 Over-grazing

- (a) Where, in the opinion of the local government, land is being grazed or stocked which causes topsoil to be exposed or trees to be ring-barked to the general detriment of the natural beauty of the area or use of the land, the local government may refer the matter to the Department of Agriculture for investigation and recommendation, and having had regard to the recommendations, the local government may by notice to the owner or occupier order the reduction of number of, or removal of stock or the protection of trees by fencing or lattice binding within the time limited by the notice.

#### 5.10.8 Parking of Commercial Vehicles

- (a) **Two commercial vehicles** may be parked on land owned by the owner of the vehicles in the **Rural Zone** without the approval of the local government.
- (b) **One commercial vehicle** may be parked on land owned by the owner of the vehicle without the approval of the local government within the **Rural Living Zone** and the **Resource Zone**.
- (c) A commercial vehicle may be permitted to be parked within the **Rural Living Zone** and the **Resource Zone**, provided that -
  - (i) the vehicle is parked on a lot containing only a **single house**;
  - (ii) the vehicle forms an essential part of the **occupation** of an occupant of the dwelling;
  - (iii) any **repairs** undertaken on the lot, must be carried out in an area which is fully screened from the street and adjoining properties;
  - (iv) in the opinion of the local government, it is not likely to adversely affect the **amenity** of the surrounding land;

(these clauses renumbered - replace 5 with 4 at commencement)

- (v) the local government may apply any **conditions** to the approval it sees fit;
  - (vi) the local government has the ability to withdraw its approval at any time for any reason.
- 4.10.8(a)                      4.10.8(b)
- (d) Despite ~~clause 5.10.8 (a)~~ and ~~clause 5.10.8 (b)~~ to park **more than two** commercial vehicles on land in the Rural Zone or to permit **more than one** commercial vehicle to remain longer than is necessary for loading and unloading on land in the Rural Living Zone and the Resource Zone, **an application must be applied** for and obtained from the local government.
- 4.10.8(d)
- (e) An approval granted under ~~clause 5.10.8(d)~~ -
- (i) is granted to the **person** to whom it is issued;
  - (ii) is **not capable** of being transferred or assigned to any other person;
  - (iii) does **not run** with the land in respect of which it is granted.

#### 5.10.9 Water Table and Effluent Disposal

- (a) The minimum **vertical distance** of land on which a building is to be erected above the highest known water table as determined by the Water and Rivers Commission or the Health Department of WA shall be **1.2 metres**.
- (b) **Every Single House** and dwelling in the **Rural Zone** and **Rural Living Zone** shall be connected to an approved domestic waste effluent disposal system where -
  - (i) the **vertical distance** between the bottom of the domestic waste effluent disposal system is greater than **1.2 metres** above the highest known water table for the land, and the horizontal distance between the proposed system and a wetland or a public water supply bore is greater than **100 metres**, the local government may approve the installation of a septic effluent disposal system.
  - (ii) the **vertical distance** between the bottom of the domestic waste effluent disposal system is less than **1.2 metres**, and the horizontal distance between the proposed system and a wetland or a public water supply bore is less than **100 metres**, the owner of the land shall install an alternative domestic waste water treatment system, subject to the approval of the local government and the Health Department of WA.
- (c) **Every Single House** and dwelling in the **Resource Zone** shall be connected to an approved domestic waste effluent disposal system where -

(these clauses renumbered - replace 5 with 4 at commencement)

- (i) the **vertical distance** between the bottom of the domestic waste effluent disposal system is greater than **2 metres** above the highest known water table for the land, and the horizontal distance between the proposed system and a wetland or a public water supply bore is greater than **100 metres**, the local government may approve the installation of a septic effluent disposal system.
- (ii) the **vertical distance** between the bottom of the domestic waste effluent disposal system is less than **2 metres**, and the horizontal distance between the proposed system and a wetland or a public water supply bore is less than **100 metres**, the owner of the land shall install an alternative domestic waste water treatment system, subject to the approval of the local government and the Health Department of WA.

#### 5.10.10 Vehicle Parking - Rural Use Classes.

- (a) The following vehicle parking provisions apply to the **Rural Use Classes** -

TABLE 5 - RURAL USE CLASSES - VEHICLE PARKING			
USE CLASS	VEHICLE PARKING PROVISIONS		
	Car Parking Bays	Delivery Bays	Bicycle Racks
• Farm Supply Centre	1 : 100m <sup>2</sup> gla	1 : Building	Not applicable
• Hobby Farm / Animal Husbandry - intensive	Not applicable	Not applicable	Not applicable
• Rural - Industry	1 : 100m <sup>2</sup> gla	1 : Building	Not applicable
- Pursuit	Not applicable	Not applicable	Not applicable

NOTE: (1) \* Whichever is the greater.  
 (2) Where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the local government.

#### 5.10.11 Resource Zone

- (a) The use and development of land within the Resource Zone shall be in **accordance** with the provisions of -
  - (i) **The Statement of Planning Policy No. 2.1** - Peel-Harvey Coastal Plain Catchment Policy. AMD 6 GG 13/6/06
  - (ii) **The Statement of Planning Policy No. 2.3** - Jandakot Groundwater Protection Policy. AMD 6 GG 13/6/06



(these clauses renumbered - replace 5 with 4 at commencement)

- (iii) The Statement of Planning Policy No. 2.4 – Basic Raw Materials. AMD 6 GG 13/6/06
- (b) Where there is **conflict** between Statement of Planning Policy No. 2.1 and Statement of Planning Policy No. 2.3 and Statement of Planning Policy No. 2.4, Planning Policy **No. 2.3 shall prevail.** AMD 6 GG 13/6/06
- (c) Despite the provisions of the Policies referred to in **clause 4.10.11(a)(i) and clause 4.10.11(a)(ii)** ~~5.10.11(a)(i) and clause 5.10.11(a)(ii)~~ the Use Classes of **Cattery, Dog Kennels and Poultry Farm (housed) are uses not permitted 'X'** in the Resource Zone, except that a Cattery and Dog Kennels may be permitted in part of the Resource Zone in accordance with ~~Schedule 2~~ **Table 6** Additional Uses - No. AU7.
- (d) Although the Use Classes of **Plant Nursery** (wholesale and retail) and **Equestrian Activity** in Table 1 of Statement of Planning Policy No. 2.3 - Jandakot Groundwater Planning Policy are an 'AA' use they will not be permitted on lots within the Resource Zone which have an area less than **4 hectares.** AMD 6 GG 13/6/06
- (e) Any use which is **not provided for** in Statement of Planning Policy No. 2.1 - Peel-Harvey Coastal Plain Catchment Policy or included in Table 1 of Statement of Planning Policy No. 2.3 - Jandakot Groundwater Protection Policy is **not permitted 'X'** in the Resource Zone. AMD 6 GG 13/6/06
- (f) Every application for planning approval which is annotated as an 'AA' use in **Table 1 - Land Use Suitability for the Rural - Water Protection Zone in Statement of Planning Policy No. 2.3 - Jandakot Groundwater Protection Policy** shall be **referred** to the Water and Rivers Commission for advice and any other authority considered relevant to the application by the local government prior to the local government making its determination. AMD 6 GG 13/6/06

#### 5.10.12 Rural Living Zone

- (a) **Every lot** created in the Rural Living Zone shall have located on it a building envelope.
- (b) Where an existing lot in the Rural Living Zone does not have assigned to it a building envelope then the local government shall prescribe a building envelope in accordance with clause ~~5.10.12 (c)~~ **4.10.12(c)**

AMD 72 GG 07/09/10

- (c) Despite clause ~~5.10.2 (d)~~ **4.10.2(d)** a building envelope within the Rural Living Zone shall not exceed 50% of the lot area or 2000m<sup>2</sup>, which ever is the lesser, and shall have a primary street setback of not less than 6 metres and a side setback of not less than 2.5 metres.

AMD 72 GG 07/09/10

(these clauses renumbered - replace 5 with 4 at commencement)

- (d) *DELETED BY AMD 72 GG 07/09/10*
- (e) Subject to <sup>4.10.12(f)</sup>~~clause 5.10.12 (f)~~, a person **shall not clear** or cause, permit or suffer to be cleared any existing vegetation except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act unless the local government has in its discretion granted planning approval.
- (f) A person shall not clear or cause, permit or suffer to be cleared any existing vegetation nearer to a boundary of a Lot than the **minimum Building Setback** distances referred to ~~in clause 5.10.2 (d) and 5.10.2 (e)~~ <sup>in clause 4.10.2(d) and 5.10.2(e)</sup> from any road reserve except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act.
- (g) The local government, in considering any application for planning approval to clear existing vegetation outside the building envelope on any Land shall have regard to the effects of the proposed clearing on erosion, water quality and other elements of the physical environment and may refer such applications to the Department of Environmental Protection or the Department of Agriculture or both for investigation and recommendation, and shall have **due regard** to those recommendations in its determination of the application for planning approval.
- (h) The local government may, by **notice** served upon any Owner or occupier of Land to require the preservation of specified trees or groups of trees whether located within or outside the building envelope and thereafter no Owner or occupier shall cut remove or otherwise destroy or cause or suffer to be cut removed or otherwise destroyed any tree or trees so specified unless the local government rescinds the requirement.
- (i) The local government may by notice served upon any Owner or occupier of Land to require that person within the time limited by the **notice to plant trees** on that Land where in the opinion of the local government the land has been degraded, neglected or allowed to erode to the extent that the condition of the land detracts from the amenity of the locality.
- (j) The erection of buildings and structures shall be of a design and scale and built of materials which will result in the buildings and structures being, in the opinion of the local government, in harmony with the **natural environment** or rural surroundings in which they are situated.

#### 5.11 Special Use Zone

##### 5.11.1 Reference

- (a) The Special Use Zones each have an individual reference number displayed on the **Scheme Map**.

(these clauses renumbered - replace 5 with 4 at commencement)

5.11.2 Use

- (a) The **use and development of land** in the Special Use Zone is contained in **clause 4.7.**" 3.7

5.12 Extractive Industry Uses

5.12.1 Application Requirements

- (a) Unless the local government waives any particular requirement each application for planning approval for an extractive industry shall include the following **information** in addition to the requirements of ~~clause 10.2.1~~ Schedule 2, clause 67 -
- (i) **a report detailing** the existing physical environment including geology, soil profiles, surface and ground water hydrology, identified sites of historic / heritage or cultural significance, current land use, zoning, surrounding land use and potential external impacts;
  - (ii) **a flora and fauna report** for the site prepared by a qualified botanist to the specifications and satisfaction of local government, and is to include, but not limited to, consideration of any declared rare flora or priority species and declared sites of environmental and biological significance;
  - (iii) **a vehicle access plan** detailing site ingress / egress, road haulage routes, frequency of vehicle movements and proposals for any vehicle maintenance and fuel storage facilities;
  - (iv) a plan showing **excavation stages**, existing and final site levels together with cross-sections;
  - (v) **a management plan** detailing the measures to be taken to control dust, noise, erosion, soil and groundwater pollution, fire and weeds, including demonstrated compliance with any relevant standard and the protection of any features of the land to be retained or preserved;
  - (vi) **a rehabilitation plan** and implementation programme to either restore the land as close as possible to its condition prior to the extraction of materials or to provide for a future use appropriate to, and consistent with the zoning of the land;
  - (vii) details of the proposed **times of operation**.  
Schedule 2, clause 63(1)
- (b) The information provided under ~~clause 9.2.1~~ and the requirements of ~~clauses 5.12.1, 5.12.2 and 5.12.3~~ form the basis of local government's determination of the application for planning approval. AMD 6 GG 13/6/06 4.12.1, 4.12.2 and 4.12.3
- (c) The Local Government is to have due regard to the provisions of the Statement of Planning Policy No. 2.4 in considering any application for planning approval for an extractive industry. AMD 6 GG 13/6/06



(these clauses renumbered - replace 5 with 4 at commencement)

5.12.2 Setbacks and Screening

- (a) A setback of not less than **40 metres wide** to a road reserve or other public reserve and not less than **20 metres wide** to all other boundaries to the lot is to be provided unless determined otherwise by the local government.
- (b) The setback shall comprise the **existing vegetation** which shall remain undisturbed **except for** -
  - (i) **accessways** for entering and leaving the extractive industry site;
  - (ii) **firebreaks** as may be required under the Bush Fires Act;
  - (iii) **re-vegetation** to reinstate or supplement the existing vegetation to provide an effective visual screen from adjoining and nearby public and private owned land;
  - (iv) public and private utility **infrastructure**.

5.12.3 Rehabilitation

- (a) Permanent rehabilitation of the site is to occur **progressively** at a similar rate as the extraction or at a time agreed between the quarry operator and the local government.
- (b) Soil profiles are to be reconstructed to facilitate rehabilitation of the site.
- (c) Revegetation is to be based on the planting of **native flora typical of the locality** with the species and plant density to be determined by the local government having regard to the rehabilitation plan submitted under **clause 5.12.1(a)(vi)**. 4.12.1(a)(vi)
- (d) The rehabilitation and stabilising of completed excavation are to be **progressively implemented** in accordance with the approved rehabilitation plan and shall be managed, maintained and monitored by the landowner for a **minimum of 2 years** to the local government's satisfaction.
- (e) Annual Rehabilitation Reports are to be completed outlining the progressive implementation of rehabilitation and stabilising of completed excavation to the local government's satisfaction. AMD 6 GG 13/6/06

5.13 Development Zone

- 5.13.1 There shall be no **change** to any land use or development existing on land within the **Development Zone** without the owner of the land having made an application for and received the approval of the local government.
- 5.13.2 **Existing** land use and development within the **Development Zone** which were legally approved prior to the gazettal of the Scheme may continue to operate in accordance with the approval, licence or permit granted.



(these clauses renumbered - replace 5 with 4 at commencement)

5.14 Protection of Native Fauna

5.14.1 Where land is to be cleared of vegetation for development which requires planning approval, and the area and type of vegetation in the opinion of the local government may provide habitats for terrestrial native fauna, the owner of the land is to **prepare a Native Fauna Management Plan** to the satisfaction of the local government on the advice of the Department of Conservation and Land Management prior to clearing the land.

5.14.2 The Native Fauna Management Plan is to be prepared by a **suitably qualified person** acceptable to the local government on the advice of the Department of Conservation and Land Management.

5.14.3 The **Native Fauna Management Plan** is to include, but not limited to the following -

- (a) a description of the **field survey** and recording methodology;
- (b) a description of the **"trapping"** procedure if required;
- (c) the identification of a suitable **alternative habitat** for the terrestrial native fauna if required;
- (d) a time frame and **programme** for undertaking the surveys, trapping and relocation of any terrestrial native fauna;
- (e) the field **survey results** and recommendations;
- (f) the **method of relocating** the terrestrial native fauna if appropriate;
- (g) the **method of protecting** and conserving the existing habitat where any terrestrial native fauna is to be retained on-site.

5.15 Protection of Native Flora  
*AMD 6 GG 13/6/06*

5.15.1 Where a total area of 1.0 hectare or more of land is to be cleared of vegetation for the full development of a lot which requires planning approval, a flora report for the site must be prepared by a qualified botanist to the specifications and satisfaction of the local government, and is to include, but not limited to, the identification of local significant bushland, the defining the floristic community types, the identification of any declared rare flora by conducting a spring survey, and follow up surveys if required, so as to determine priority species and declared sites of environmental and biological significance.

5.15.2 No land shall be cleared of vegetation that contains declared rare flora or priority species or declared sites of environmental and biological significance, as determined by the local government, or where land is set aside as future public open space within an adopted structure plan under ~~clause 6.2.9~~. [Schedule 2, clause 22](#)

(these clauses renumbered - replace 5 with 4 at commencement)

5.16 Protection of Wetlands  
AMD 6 GG 13/6/06

- 5.16.1 Where the land contains a wetland of the Swan Coastal Plain classed as Conservation Category Wetland, Resource Enhancement Wetland, or Multiple Use Wetland classified by the Department of Environment and Water Catchment Protection, the wetland must not be cleared of existing vegetation, filled drained or developed by any person without first having applied for and obtained the planning approval of the local government.
- 5.16.2 No development shall occur by any person within a wetland buffer area measured from the edge of the wetland dependant vegetation without first having applied for and obtained the planning approval of the local government.
- 5.16.3 Land use adjacent to a Conservation Category Wetland or Resource Enhancement Wetland shall not have any adverse environmental effect on the ecological processes and functions of the wetland or the wetland buffer area.

5.17 Conservation Zone  
AMD 58 GG 1/5/09

- 5.17.1 For the purposes of this clause, "conservation area" means any area within the Conservation Zone identified by the Local Government in consultation with the Department for Planning and Infrastructure and the Department of Environment and Conservation to be of high conservation value and may include but is not limited to areas of bushland, wetlands and lakes and their associated buffers;

"conservation agreement" means the agreement required by sub-clause ~~5.17.8(iv)~~ of this clause.  
~~5.17.8(iv)~~  
4.17.8(iv)

- 5.17.2 The use and development of land within the Conservation Zone shall be limited to the building envelope and shall be compatible and consistent with the protection and preservation of conservation areas and comply with the requirements of relevant State government policy guidelines or statements pertaining to the conservation of bushland, wetlands and lakes.
- 5.17.3 Every lot, strata or survey strata lot in the Conservation Zone shall have located on it a building envelope of not less than 600m<sup>2</sup> in area located on compatible and suitable land outside the conservation area except as otherwise agreed to by the Local Government in writing having regard to advice from the Department for Planning and Infrastructure and the Department of Environment and Conservation, if any.
- 5.17.4 Development shall be limited to the defined building envelope which shall be set back a minimum of 6 metres from any street boundary and 1.5 metres from side and rear boundaries.
- 5.17.5 The Local Government shall consider and determine development applications having regard to advice provided by the Department for Planning and Infrastructure and the Department for Environment and Conservation, if any, in addition to the matters to which the Local Government is required to have regard by ~~clause 10.2.1~~. Schedule 2, clause 67
- 5.17.6 Development applications shall be accompanied by the following information to the satisfaction of the Local Government in addition to the requirements of ~~clause 9.2.1~~ - Schedule 2, clause 63(1) -

(these clauses renumbered - replace 5 with 4 at commencement)

- (i) a plan showing the entirety of the land the subject of the development application, including the building envelope and conservation area(s) located on the land;
- (ii) a plan showing access tracks, servicing corridors, fire breaks including any strategic fire breaks and the location and type of fences to be erected around any conservation area(s);
- (iii) a weed management program;
- (iv) a bushland, wetland and or lake rehabilitation program to restore or enhance the environmental qualities of degraded areas within the conservation area;
- (v) a fire management plan, which plan shall require the provision and maintenance of strategic fire breaks; and
- (vi) a nutrient management plan.

5.17.7 The following uses are not permitted within any conservation area:

- (i) the keeping of livestock or other animals;
- (ii) the clearing of vegetation except for the purpose of complying with relevant fire break, rehabilitation and/or management requirements;
- (iii) filling or excavation including the construction of drainage facilities, artificial lakes, dams, swimming pools or waterholes;
- (iv) the erection of any building or structure other than a board walk or viewing platform that in the opinion of the Local Government will be consistent and compatible with the protection and preservation of the conservation area(s);
- (v) the storage or placement of any vehicles, materials or other items; and
- (vi) and other uses that in the opinion of the Local Government are not consistent and compatible with the protection and preservation of the conservation area(s).

5.17.8 Where development is approved, the private land owner shall prior to the commencement of development or within such other period of time as is approved by the Local Government:

- (i) implement the weed management program required by sub-clause ~~5.17.6(iii)~~ to the satisfaction of the Local Government; 4.17.6(iii)
- (ii) implement the approved bushland, wetland and or lake rehabilitation program required by sub-clause ~~5.17.6(iv)~~ to the satisfaction of the Local Government; 4.17.6(iv)
- (iii) implement the fire management plan required by sub-clause ~~5.17.6(v)~~ to the satisfaction of the Local Government; 4.17.6(v)



(these clauses renumbered - replace 5 with 4 at commencement)

- (iv) ensure the boundaries of any conservation area on the land the subject of the development approval are made clearly visible by either the provision and maintenance of fencing or the appropriate marking of the boundaries; and
- (vi) enter into a conservation agreement, prepared at the private landowner(s)' expense by the Local Government's solicitors, to secure compliance with any of the requirements of ~~clause 5.17~~ and authorising the Local Government to lodge a caveat on the certificate of title of the land the subject of the approval as further security for such compliance.

clause 4.17

- Schedule 2, clause 80(1)
- 5.17.9 Without affecting the generality of ~~clause 11.1.2~~, upon the provision of 7 days written notice to the private landowner(s) within the Conservation Zone, an authorised officer of the Local Government shall be permitted to enter upon such land for the purpose of inspecting the conservation area and to ensure compliance with the requirements of the Scheme and/or the conservation agreement.
- 5.17.10 Where a private landowner has failed to comply with the requirements of the Scheme and/or the conservation agreement, the Local Government may at the expiry of 1 calendar month after serving notice on the owner, undertake whatever action and works are necessary to achieve compliance with either the requirements of the Scheme and/or the conservation agreement and recover all associated costs from the owner.

(clause 7.6 to be moved to this Part of scheme - renumber to 4.18)

4.18 Planning approval is required prior to the removal, destruction of and/or interference with any tree included on the Local Government Inventory Significant Tree list.

Schedules 2, 3 and 4 to be relocated to this Part of the scheme and renumbered as follows:

Schedule 2 (Additional Uses) now Table 6

Schedule 3 (Restricted Uses) now Table 7

Schedule 4 (Special Use Zones) now Table 8

now Table 6

## SCHEDULE 2 ADDITIONAL USES

No.	Description of Land	Additional Use	Conditions
AU 1	Lots 101 and 104 and portion of Lot 103 Jandakot Road, Jandakot AMD 91 GG 21/6/13	<ul style="list-style-type: none"> <li>• Nursery;</li> <li>• Masonry Production;</li> <li>• Warehouse only where ancillary to Masonry production;</li> <li>• Showroom only where ancillary to Masonry Production</li> </ul> <p>Provided that the Use Classes "Masonry Production" and "Warehouse" are restricted to Lot 101.</p> <p>Use Class Definition: Use classes are defined in Schedule 1 of the Scheme.</p> <p><b>1. Environmental Requirements</b></p> <p><b>Industrial Wastewater:</b> All wastewater produced from activities on-site must be disposed of to a system approved by the Local Government and in liaison with the Department of Water.</p> <p><b>Groundwater:</b> The operator must undertake investigations and reporting on groundwater quality from monitoring bores positioned down-gradient of the site to detect any change in water quality against the National Health and Medical Resource Council and Department of Water Drinking Water Guidelines that may occur over time while the plant continues to operate over the Jandakot Groundwater Mound. Groundwater reports must be submitted to the Local Government and Department of Environment and Conservation on an annual basis.</p> <p><b>Site Chemical Risk:</b> A Site Chemical Risk Assessment Report being prepared and implemented and regularly updated.</p> <p><b>Dust Management:</b> No visible dust generated by any aspect of operations on-site is to leave the subject land. The operator is required to submit to the Local Government, after consultation with the Department of Environment and Conservation a Dust Management Plan. The Dust Management Plan must be to the satisfaction of the Local Government, and upon approval by the Local Government, is to be implemented and all times.</p>	Planning Approval subject to compliance with the approved Staging Plan (Detailed Area plan) and subject to the preparation and implementation of an Urban Water Management Plan.

now Table 6

No.	Description of Land	Additional Use	Conditions
		<p><b>Noise Emissions:</b> The development is to comply with the <i>Environmental Protection Act 1986</i>, which contains penalties where noise limits exceed those prescribed by the <i>Environmental Protection (Noise) Regulations 1997</i>. If noise emissions from loading operations and the block plant fail to comply with the <i>Environmental Protection Act 1986</i>, additional acoustic measures must be carried out as soon as reasonably practical to ensure the use complies with the Act.</p> <p><b>Lighting:</b> The installation and maintenance of lighting must at all times comply with the requirements of Australian Standard AS 4282-1997 "Control of the Obstructive Effects of Outdoor Lighting".</p> <p><b>Complaints:</b> The operator must prepare a "Complaints Handling Procedure" to ensure that there is a process for administering any complaints including the recording, investigation and response to any concern regarding the operation.</p> <p><b>Urban Water Management:</b> Drainage systems to be designed and constructed consistent with the Stormwater Management Manual for Western Australia.</p> <p>The Operator must prepare a Bushfire Management Plan. The Bushfire Management Plan must be to the satisfaction of the Local Government and upon approval by the Local Government, is to be implemented and regularly updated.</p> <p><b>2. Design Requirements</b></p> <p>Building design and location shall minimise the visual impact of the development from surrounding residents.</p> <p>Building materials and colours must be clad or coloured to complement the surroundings, and/or adjoining developments in which it is located, and shall use non-reflective materials and colours.</p> <p>Product storage areas must be screened from view from the public at all times.</p>	

now Table 6

No.	Description of Land	Additional Use	Conditions
		Staging Plan in the form of a Detailed Area Plan shall be prepared by the applicant and approved by the Local Government detailing the timing of development across the Additional Use area.	
<b>AU 3</b>	Portion of Lot Pt 29 on Plan 4489 Redmond Road, Hamilton Hill	<b>Motor Vehicle Hire Premises</b> Restricted to caravans and trailers only on Portion of Lot 29 and includes the storage and cleaning of those motor vehicles but does not include the mechanical repair or servicing.	Planning Approval
<b>AU 5</b>	Lot Pt 6 on Plan 1700 Rockingham Road, Spearwood	<b>Liquor Store and Convenience Store</b>	Planning Approval
<b>AU 6</b>	Lot 500 on Diagram 59789 Liddelow Road, Banjup	The uses listed hereunder with a total maximum gross lettable area of 300m <sup>2</sup> are permitted on the land:- - convenience store (200m <sup>2</sup> gla) - hardware store (100m <sup>2</sup> gla) - tourist facilities which includes a kiosk, gift shop, gardens, menagerie and flora and fauna reserve - nature reserve	Planning Approval
<b>AU 7</b>	Lots 1 to 9, 13 to 20 On Plan 14230, and Lots 21 - 25 on Diagram 69564, Acourt Road, Warton Road, Hybrid Court and Hebe Road, Banjup.	<b>Cattery and Dog Kennels</b>	Planning Approval
<b>AU 8</b>	Lots 1173 to 1178, 1186 on Diagram 99272 Lanao Way, Atwell.  AMD 6 GG 13/6/06	1. Additional Uses. <b>Aged or dependent persons dwelling (P)</b> <b>Civic building (P)</b> <b>Grouped dwelling (P)</b> <b>Home occupation (P)</b> <b>Multiple dwelling (P)</b> <b>Consulting rooms (P)</b> <b>Child Care Centre (P)</b> <b>Health studio (P)</b> <b>Medical centre (P)</b> <b>Museum (P)</b> <b>Office (P)</b> <b>Restaurant (P)</b> <b>Educational establishment (AA)</b> <b>Place of public worship (AA)</b>  2. Design Requirements <b>Building Location:</b> The buildings shall have a maximum front setback to "main street" of 3.0 metres. Nil side setbacks are permitted.	Planning Approval



now Table 6

No.	Description of Land	Additional Use	Conditions
		<p><b>Building Frontage:</b> Buildings shall have frontages to the "main street", with windows / doors comprising not less than 50% of the facade.</p> <p><b>Carparking:</b> No parking will be allowed in front of the building. Council will consider reciprocal parking arrangements with other "main street" developments.</p> <p><b>Service Areas:</b> All service areas are to be concealed from public view and accessed from the rear lane.</p> <p><b>Vehicle Access:</b> Vehicle access shall be from the rear lane, only crossovers indicated on the Plan will be permitted on "main street".</p> <p><b>Pedestrian Amenity:</b> Buildings shall provide weather protection with verandahs, awnings or colonnades at entries.</p>	
AU 9	Lot 618 on Plan 23619 Lomax Court, Beeliar	<p>1. Additional Uses.</p> <p><b>Aged or dependent persons dwelling (P)</b></p> <p><b>Civic building (P)</b></p> <p><b>Grouped dwelling (P)</b></p> <p><b>Home occupation (P)</b></p> <p><b>Multiple dwelling (P)</b></p> <p><b>Consulting rooms (P)</b></p> <p><b>Child Care Centre (P)</b></p> <p><b>Health studio (P)</b></p> <p><b>Medical centre (P)</b></p> <p><b>Museum (P)</b></p> <p><b>Office (P)</b></p> <p><b>Restaurant (P)</b></p> <p><b>Educational establishment (AA)</b></p> <p><b>Place of public worship (AA)</b></p> <p>2. Design Requirements</p> <p><b>Building Location:</b> The buildings shall have a maximum front setback to "main street" of 3.0 metres. Nil side setbacks are permitted.</p> <p><b>Building Frontage:</b> Buildings shall have frontages to the "main street", with windows / doors comprising not less than 50% of the facade.</p>	Planning Approval.

now Table 6

No.	Description of Land	Additional Use	Conditions
		<p><b>Building Form:</b> Buildings shall have pitched roofs of not less than 26 degrees.</p> <p><b>Carparking:</b> No parking will be allowed in front of the building. Council will consider reciprocal parking arrangements with other "main street" developments.</p> <p><b>Service Areas:</b> All service areas are to be concealed from public view and accessed from the rear lane.</p> <p><b>Vehicle Access:</b> Vehicle access shall be from the rear lane, only crossovers indicated on the Plan will be permitted on "main street".</p> <p><b>Pedestrian Amenity:</b> Buildings shall provide weather protection with verandahs, awnings or colonnades at entries.</p>	
<b>AU 10</b>	Portion of Lot 81 on Plan 8190 Wattleup Road, Wattleup	<p>Fruit and Vegetable Warehouse and Distribution Centre for the handling, processing treating, packing and carrying of fruit and vegetables limited in floor area to that in plans approved by Council at its meeting of 18<sup>th</sup> January 2000.</p> <p>In order to protect the amenity of the locality, Council may impose conditions at its discretion for the development relating to the following:</p>	Planning Approval.
<b>AU 10</b>	Portion of Lot 81 on Plan 8190 Wattleup Road, Wattleup (Cont'd)	<ol style="list-style-type: none"> <li>1. Controlling off-site noise impacts by the orientation and layout of buildings and ensuring that all processing and handling is undertaken within buildings. In addition, all noise generated must comply with the <i>Environmental Protection (Noise) Regulations 1997</i>;</li> <li>2. Limiting hours of operation to between 9am and 5pm Monday to Friday only, accepting that any changes to hours of operation will require a new planning consent;</li> </ol>	

now Table 6

No.	Description of Land	Additional Use	Conditions
		<p>3. Managing of off-site dust impacts by ensuring the construction of all vehicle manoeuvring and parking areas are in accordance with Council's requirements; and</p> <p>4. Requiring that development setbacks and landscape buffers along Wattleup Road and with adjoining properties comprising suitable screening vegetation species be installed.</p>	
<b>AU 13</b>	Lot 52 on Diagram 50562 Boyd Crescent, Hamilton Hill	<ul style="list-style-type: none"> <li>Dwellings - Grouped - Multiple</li> </ul> <p>1. Any residential development shall incorporate design elements to minimise the potential for noise nuisance from nearby industrial properties.</p>	Planning Approval.
<b>AU 14</b>	Lot 502 on Diagram 99880 Sudlow Road, Bibra Lake, Australian Paper Manufacturers.	<i>DELETED BY AMD 99 GG 17/10/14</i>	
<b>AU 15</b>	Lot 222 on Diagram 94448 Cockburn Road, Hamilton Hill	Drum Recycling which is limited to the cleaning and reclamation of Steel and Plastic containers together with their handling and storage.	
<b>AU 16</b>	Lot 102, Pt Lot 4 & 8 Rollinson Road, Lot 303 Darkan Avenue, Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Pt Lot 1 Garston Way, Hamilton Hill	<i>DELETED BY AMD 82 GG 28/8/12</i>	
<b>AU 17</b>	Lot 156 Shoal Court, Coogee	Three grouped dwellings.	Planning Approval.
<b>AU 18</b>	Part Lot 5 on Diagram 26809, Lyon Road, Aubin Grove <i>AMD 24 GG 6/1/06</i>	<i>DELETED BY AMD 52 GG 7/12/07</i>	
<b>AU 18</b>	Strata Lots 7-14, and 16-24 on SP 20182, 40 Port Pirie Street, Bibra Lake. <i>AMD 83 GG 24/01/12</i>	Shop: subject to the total retail floor space being restricted to a maximum of 2000m <sup>2</sup> GLA, and a maximum tenancy size of 550m <sup>2</sup> GLA.	Planning Approval

now Table 7

### SCHEDULE 3 RESTRICTED USES

No.	Description of Land	Restricted Use	Conditions
RU 1	Lots 401 to 406, 409, 410 on Plan 15590, Lots 407, 408 on Diagram 77115 and Lot 411 on Plan 15582 Bibra Drive and Lewington Gardens, Bibra Lake.	<b>Aged or dependent persons dwelling and hospital</b>	Planning Approval
RU 2	Lot Pt 28 on Plan 1700 Favazzo Place, Spearwood.	<b>Service Station and Motor Repair Station.</b>	Planning Approval
RU 3	Lot 303 on Diagram 72454 Gorham Way, Spearwood.	<b>Aged or dependent persons dwelling.</b>	Planning Approval
RU 4	Lots 101, 102, 103, 104 and 105 Omeo Street, South Lake.  <i>AMD 25 GG 8/8/08</i>	Those uses which may be permitted within the Local Centre Zone as set out in <b>Table 1 Zoning Table</b> subject to <b>retail</b> floor space being restricted to a maximum of 5,500sqm and other <b>commercial - non-retail</b> floor space to a maximum of 3,000msqm gla.	Planning Approval
RU 5	Lot 2 on Diagram 48222 Azelia Road, Spearwood	<b>Private Recreation.</b>	Planning Approval
RU 6	Lots 100 on Plan 34223, 196 on Plan 23231 and 197 on Diagram 96391 Berrigan Drive, Jandakot and Reserve 45747 <i>AMD 7 GG 10/9/04</i>	Office, Restaurant and Fast Food Outlet, veterinary consulting rooms, reception centre, health studio, medical centre, shop, showroom.	Planning Approval
RU 7	Lot 1170 on Plan 23939 and Lot 1172 on Diagram 99271 Lydon Boulevard, Atwell.  <i>AMD 6 GG 13/6/06</i>	1. Restricted Use  Those uses which may be permitted within the Local Centre Zone as set out in Table 1 - Zoning Table, to be developed in accordance with the following:-  2. Design Requirements  <b>Building Location:</b> The building shall be located on the eastern portion of the site with maximum setbacks to the south and east boundaries of between nil and two metres, where indicated on the Plan.	

now Table 7

No.	Description of Land	Restricted Use	Conditions
RU 7 (Cont.)		<p><b>Building Frontage:</b> Frontage to the "main street" shall have windows/ doors comprising not less than 50% of the area of the facade. Major retail entry points shall front "main street".</p> <p><b>Building Form:</b> Roof pitch shall not be less than 26 degrees unless adequately treated by parapets.</p> <p><b>Carparking:</b> Reciprocal parking rights shall be applied to the retail carpark to allow use by the community centre and patrons of the child care centre and other small establishments along "main street".</p> <p>Carbays provided within the public road reserve will be credited to the retail development.</p> <p>Carparking shall be provided predominantly in the western part of the site.</p> <p><b>Service Areas:</b> The main service area shall be screened from the public view, located away from the "main street" pedestrian environment and accessed from Lydon Boulevard.</p> <p><b>Vehicle Access:</b> Vehicle accesses shall be restricted to those indicated on the Plan.</p> <p><b>Pedestrian Amenity:</b> Weatherproof verandahs, awnings or colonnades shall be provided to the south and east facades of the building. Pedestrian paths around the development shall be a minimum of 2.5 metres wide.</p>	
RU 8	CSL 4252 and Portion of Reserve 44544 (Loc. 4253) Murdoch Drive, North Lake	DELETED BY AMD 13 GG 22/6/07	

now Table 7

No.	Description of Land	Restricted Use	Conditions
RU 9	Industrial zoned lots bounded by Rollinson Road, Railway Reserve, Fremantle Lot 2104 McTaggart Cove, Cockburn Road and Region Parks and Recreation, Hamilton Hill.	DELETED BY AMD 82 GG 28/8/12	
RU10	Pt Lot 1 North Lake Road, Lot 125 & 781 Berrigan Drive, South Lake	<p>1. Those uses which may be permitted within the Mixed Business Zone as set out in Table 1 - Zoning Table excluding Hotel/Tavern, Veterinary Hospital, Industry - Cottage, Civic Use, Educational Establishment, Club Premises, Commercial Vehicle Parking, Recreation - Private, Reception Centre, Motor Vehicle, Boat or Caravan Sales, Motor Vehicle Repair and Fast Food Outlet.</p> <p>2. Design and Application Requirements</p> <p>A masonry wall not less than 2 metres in height shall be constructed along boundaries with land zoned Residential;</p> <p>No vehicular access being permitted to Labyrinth Way.</p> <p>Preparation of a traffic and circulation study by a suitably qualified and independent consultant at the developer's cost, to the Council's satisfaction.</p> <p>Information on the possible impact of lighting and noise on the adjoining residences being submitted by the developer to the satisfaction of the Council; and</p> <p>The development application being advertised for public comment to the satisfaction of the Council.</p>	
RU11	DELETED AMD 96 GG 25/06/15		
RU12	DELETED AMD 102 GG 12/9/14		

now Table 7

No.	Description of Land	Restricted Use	Conditions
<b>RU13</b>	<p>Lot 400 (Previously Pt Lot 885) Wentworth Parade, Success.</p> <p><i>AMD 49 GG 10/8/07;</i> <i>AMD 79 GG 05/11/10</i></p>	<p>1. Land use permissibility within the subject land shall be in accordance with the Regional Centre Zone as set out in Table 1 – Zoning table subject to the following requirements:</p> <p>(i) A 'shop' use being limited to the following subset of uses only – 'Pharmacy', 'Chemist', 'Restaurant', 'Café';</p> <p>(ii) All other 'Shop' uses are prohibited.</p> <p>2. A 'Pharmacy' or 'Chemist' use shall be restricted to one tenancy only.</p> <p>3. A 'Restaurant' or 'Café' use shall be restricted to one tenancy only.</p>	<p>Planning Approval</p>
<b>RU14</b>	<p>Portion of Lot 9006 Discovery Drive (Corner North Lake Road and Phoenix Road), Bibra Lake</p> <p><i>AMD 68 GG 28/4/09</i></p>	<p>Only permit those uses listed within the Mixed Business Zone as set out in Table 1 - Zoning Table with the exception of residential dwellings.</p>	<p>The northern portion of the lot for a width of 15m parallel to and for the entire length of Phoenix Road is to be used for landscaping purposes only. Existing vegetation within the landscaping strip is to be retained or the area landscaped all to the satisfaction of the local government.</p>
<b>RU15</b>	<p>Lot 431 (No. 1) Rodd Place, Hamilton Hill</p> <p><i>AMD 76 GG 31/08/10</i></p>	<p>Aged or dependent persons' dwellings and/or hospital for aged or dependent persons</p> <p>1. Development is restricted to a maximum density of R35 unless it can be demonstrated by way of comprehensive redevelopment proposal (submitted as an application for planning approval) that the following criteria will be achieved to the satisfaction of the Council:</p> <p>i. Attractive built form in relation to architectural design, site layout, materials, colour, tone, texture and fencing;</p> <p>ii. Provision of safe, functional and attractive access arrangements, which contribute to the overall aesthetics of the development;</p>	



now Table 7

No.	Description of Land	Restricted Use	Conditions
		<p>iii. Building heights at the street frontages maintain a compatible scale with adjacent development where appropriate.</p> <p>2. The density bonus applicable to aged or dependent persons' dwellings under Section 6.1.3A3i of the R-Codes may only be utilised in respect of the base R35 residential coding.</p>	

now Table 8

# **SCHEDULE 4 SPECIAL USE ZONES**

No.	Description of Land	Special Use	Conditions
<b>SU 1</b>	Berrigan Drive, Jandakot, the Glen Iris Golf Course Estate.	Golf Course Estate, Private Recreation, Hotel, Convention Centre and associated uses - means land used and designed for a golf course, integrated with residential development and associated commercial and community facilities.	<b>Structure Plan</b> adopted to guide Subdivision, land use and Development - <b>Glen Iris Golf Course Estate.</b>
<b>SU 2</b>	Cockburn Road, Henderson, the Henderson Industrial Area  AMD 6 GG 13/6/06	Marine Engineering, shipbuilding and the manufacture, fabrication and assembly of components for use by the off shore petroleum industry and marine engineering.  Land within DA15 may also be used for Marine Engineering and general industries which are directly related to, or in support of marine engineering together with other general industrial uses restricted to the carrying out of any process for and incidental to the fabrication, manufacture and repair of structures for large scale industrial uses in the energy, transport, chemical and mining industries which need to be located on the coast to enable transport of any of its primary products by sea.	<b>Structure Plan</b> adopted to guide Subdivision, land use and Development - <b>Henderson Industrial Area (DA15) (DA17)</b>
<b>SU 3</b>	Lot 4065 on Plan 191259 and Lot 4066 on Plan 191260 and Lot 4557 on Plan 191259  AMD 13 GG 22/6/07	Educational Establishment and Convention Centre	Planning Approval
<b>SU 5</b>	<b>DELETED BY AMD 70 GG 05/11/10</b>		
<b>SU 6</b>	Dean Road, Jandakot, the Glen Iris Golf Course Estate Commercial Area.	Private Recreation, Hotel, Convention Centre and Associated Uses.	<b>Structure Plan</b> adopted to guide Subdivision, land use and Development - <b>Glen Iris Golf Course Estate.</b>
<b>SU 7</b>	North Lake Road, Bibra Lake, Private Recreation Area.	Private Recreation and may include an Educational Establishment, Health Studio, Reception Centre, Restaurant, Caretakers Residence, Club Premises, Child Care Centre, Place of Public Worship and Fast Food Outlet.	Planning Approval - for individual lots.
<b>SU 8</b>	Progress Drive, Bibra Lake, Adventure World.	Amusement Park - includes land and buildings designed and used for parks, gardens, playgrounds, swimming pools, rides, zoological gardens, restaurants, and similar recreation, leisure and entertainment facilities which are not normally open to the public without charge.	Planning Approval - <b>Adventure World</b>

No.	Description of Land	Special Use	Conditions
<b>SU 9</b>	<p>Rockingham Road and Russell Road, Munster, the Marine Industry Technology Park</p> <p>AMD 36 GG 4/8/06</p>	<p>Marine Industry Technology Park - includes land and buildings used for the purpose of the research and development, technological development, training and education of persons involved in ship design, building, repair and engineering located within a purpose built industrial park planned and developed in accordance with an adopted Structure Plan and design and development guidelines which provides for the construction of high quality buildings located within an attractive landscaped setting and where all emissions and hazards are contained on site.</p> <p>1. Objectives In considering an application for Planning Approval the Council, in addition to any other matter it is required to consider, shall have regard to the following objectives:-</p> <p>(a) the promotion of the purposes and functions of the Technology Development Act 1983 (as amended);</p> <p>(b) the encouragement of research and development;</p> <p>(c) the encouragement of pleasant and efficient facilities;</p> <p>(d) the consideration and improvement of appropriately located development within the zone;</p> <p>(e) the safe movement of vehicular and pedestrian traffic;</p> <p>(f) the protection of the amenity of areas adjacent to the zone;</p> <p>(g) uses that are consistent with the Woodman Point WWTP and Kwinana Air Quality EPP buffer requirements;</p> <p>(h) the uses within the Development Area are directly related to or incidental to ship design, ship building, ship repair and marine engineering</p>	<ul style="list-style-type: none"> <li>• <b>Structure Plan</b> adopted to guide Subdivision, land use and Development - <b>Marine Industry Technology Park.</b> (DA6)</li> <li>• Retention and conservation of the heritage listed Agricultural Hall and the former schools buildings.</li> <li>• Relocation of the 'A' class reserve to a new site of an equivalent size within SU9, being subject to approval by the Parliament of Western Australia.</li> </ul>

No.	Description of Land	Special Use	Conditions
<b>SU 9</b>	Rockingham Road and Russell Road, Munster, the Marine Industry Technology Park  <i>AMD 36 GG 4/8/06</i>	<p>2. Permitted Uses</p> <p>(a) The following uses are '<b>P</b>' <b>permitted uses</b>, subject to the uses being related to the purposes of a Martine Industry Technology Park:-</p> <ul style="list-style-type: none"> <li>• caretakers dwelling</li> <li>• educational establishment (but excludes Primary and Secondary Schools)</li> <li>• residential building</li> <li>• bank</li> <li>• office</li> </ul> <p>(b) The following uses are '<b>D</b>' <b>uses</b> which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a marine industry technology park:-</p> <ul style="list-style-type: none"> <li>• child care premises</li> <li>• civic use</li> <li>• community purpose</li> <li>• convention centre</li> <li>• reception (function) centre</li> <li>• showroom</li> <li>• private recreation</li> <li>• restaurant</li> <li>• tavern</li> <li>• health studio</li> <li>• convenience store</li> <li>• industry – light</li> <li>• industry – service</li> <li>• lunch bar</li> <li>• storage</li> <li>• telecommunications infrastructure</li> <li>• warehouse</li> <li>• other activities/uses which the Council is satisfied are directly related and associated to marine related industries.</li> </ul> <p>(c) All other uses are '<b>X</b>' <b>uses</b>, not permitted.</p> <p>3. Development Standards</p> <p>The following provisions apply to all land included in the SU9 zone in addition to any provisions which are more specifically applicable to that land under the Scheme:-</p>	

**SCHEDULE 4 SPECIAL USE ZONES (CONT'D)**

No.	Description of Land	Special Use	Conditions
<b>SU 9</b>	Rockingham Road and Russell Road, Munster, the Marine Industry Technology Park  <i>AMD 36 GG 4/8/06</i>	<p>(a) Building Setbacks</p> <p>(i) Where a lot has frontage to Russell Road, Coogee Road, Rockingham Road or Frobisher Avenue the minimum building setback shall be 20 metres. Buildings to other streets shall be setback a minimum of 10 metres from the street frontage;</p> <p>(ii) Side and rear boundary setbacks shall be a minimum of 5 metres.</p> <p>(iii) A person shall not erect or cause or permit to be erected any building or any portion of a building in the Development Area nearer to a street alignment than the minimum Building Setback distance;</p> <p>(b) Landscaping</p> <p>(i) A minimum of 25% of each lot shall be set aside as landscaped open space;</p> <p>(ii) Lots with a boundary to Russell Road, Coogee Road, Rockingham Road or Frobisher Avenue shall set aside a 10 metre wide landscape strip along the road frontage and this area shall be landscaped and maintained to the satisfaction of the Council;</p> <p>(iii) A minimum 3 metre wide landscape strip shall be provided along the side and rear boundaries of all lots.</p> <p>(iv) A landscape plan detailing the mix of hard and soft surfaces shall accompany any application for planning consent. Landscaping shall be provided in accordance with the approved plan and maintained to the satisfaction of the local government;</p> <p>(c) Vehicle Parking and Servicing Facilities</p> <p>(i) Vehicle parking shall be provided in accordance with Tables 2, 3 and 4 - Vehicle Parking Provisions;</p>	

now Table 8

**SCHEDULE 4 SPECIAL USE ZONES (CONT'D)**

No.	Description of Land	Special Use	Conditions
<b>SU 9</b>	<p>Rockingham Road and Russell Road, Munster, the Marine Industry Technology Park</p> <p>AMD 36 GG 4/8/06</p>	<p>(ii) Vehicle parking and servicing areas shall be screened from the street and either located behind the building or the 3 metre wide landscape strip;</p> <p>(iii) Where vehicle parking and servicing facilities are proposed between the building and street alignment, they shall be designed in such a way as to complement the building and be screened from the street.</p> <p>(d) Building Design</p> <p>(i) Buildings shall exhibit a high degree of architectural integrity and design, and shall reflect the nature of the Marine Technology Park;</p> <p>(ii) A schedule of external finishes, materials and colours are to accompany any application for Planning Consent.</p> <p>(e) Signage</p> <p>(i) A plan or description of all signs for the proposed development, including signs painted on a building, shall be submitted to and approved by the Council as a separate application;</p> <p>(ii) Signage is to complement the architectural proportion and scale of the building. Roof signs will not be permitted.</p> <p>(iii) Roof signs will not be permitted.</p> <p>(f) No storage, transport, handling, use and disposal of chemicals or toxic and hazardous substances shall occur within 200 metres of the wetland boundary.</p>	
<b>SU 10</b>	Troode Street, Munster, Cable Water Ski Park.	Private Recreation	Planning Approval - <b>Water Ski Park</b>

**SCHEDULE 4 SPECIAL USE ZONES (CONT'D)**

No.	Description of Land	Special Use	Conditions
<b>SU 11</b>	Russell Road, Munster, Cockburn Cement Works. Works site as defined in the Cement Works Agreement Act 1971.	Cement Works and Conservation Area, includes land and buildings used for the manufacture of cement lime and associated products for use in the construction industry and includes excavation and earthworks associated with manufacture of cement together with the surrounding areas of buffer land retained and conserved to separate the works from adjoining uses, and operates in accordance with the "Cement Works (Cockburn Cement Limited) Agreement Act" 1971 (as amended) and to the Agreement as annexed to that Act.	Planning Approval - <b>Cockburn Cement.</b> Conditions provided for in the Cement Works Agreement Act 1971 (as amended) and the Agreement as annexed to that Act.
<b>SU 12</b>	<i>DELETED BY AMD 63 GG 5/5/09</i>		
<b>SU 14</b>	Calvary Christian School, 110 Rockingham Road, Hamilton Hill.	Private Educational Establishment.	Planning Approval
<b>SU 15</b>	Port Community High School, 410 Carrington Street, Hamilton Hill.	Private Educational Establishment.	Planning Approval
<b>SU 16</b>	St Jerome's Primary School, Troode Street, Munster.	Private Educational Establishment.	Planning Approval
<b>SU 17</b>	St Luke's Primary School, The Grange, Beeliar.	Private Educational Establishment.	Planning Approval
<b>SU 18</b>	Divine Mercy College 326 Yangebup Road, Yangebup  <i>AMD 26 GG 10/1/06</i>	Private Educational Establishment Child Care Premises Medical Centre Place of Worship	Planning Approval Car parking is to be integrated between the school and any additional uses to minimise crossovers onto Yangebup Road
<b>SU 19</b>	MacKillop Catholic Primary School, 340 Yangebup Road, Yangebup.	Private Educational Establishment.	Planning Approval
<b>SU 20</b>	Beeliar Catholic College, Hammond Road, Success.	Private Educational Establishment.	Planning Approval
<b>SU 21</b>	Lot 33 (SN 30) Mell Road, Spearwood.  <i>AMD 37 GG 5/12/06</i>	Residential High Dependency Aged Care Facility.	Planning Approval.  The inclusion of measures in any development on the site to reduce the impact of any midge nuisance.



**SCHEDULE 4 SPECIAL USE ZONES (CONT'D)**

No.	Description of Land	Special Use	Conditions
			Imposition of a Section 165 notification on the title or the title of any new developed unit advising prospective purchaser(s) and requiring the owner to advise prospective tenants that the land may be affected by midge infestation.
<b>SU 22</b>	<p>Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson</p> <p><i>AMD 50 GG 20/6/08</i></p>	<p>Support industry for marine engineering, ship building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry and marine engineering industries together with other industrial uses in the energy, transport, chemical and mining industries, which need to be located on the coast to enable transport of any of its primary products by sea.</p> <p>Includes land and buildings used for the purpose of the research and development, technological development, training and education of persons involved in ship design, building, repair and engineering.</p> <p>In the western section of the Support Industry Precinct as delineated on the structure plan, the land may be used for showroom/warehouse and light industries related to or in support of the above objectives.</p> <p>Development of the estate is to be in accordance with a purpose built industrial park, planned and developed in accordance with an adopted Structure Plan and in accordance with design and development guidelines which provide for the construction of high quality buildings located within an attractive landscaped setting and where all emissions and hazards are contained on site.</p> <p>The following land uses apply to the precincts identified on the Structure Plan:</p> <p><b>Precinct 1</b></p> <p>(a) The following uses are '<b>P</b>' permitted uses, subject to the uses being related to the objectives of the Support Industry Precinct:</p> <ul style="list-style-type: none"> <li>• industry - general</li> <li>• industry - light</li> </ul>	<ul style="list-style-type: none"> <li>• Structure Plan to be adopted to guide subdivision, land use and development - <b>Henderson Marine Support Precinct Park (DA 29)</b></li> </ul>

No.	Description of Land	Special Use	Conditions
SU 22	<p>Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson (Cont'd)</p> <p>AMD 50 GG 20/6/08</p>	<p>(b) The following uses are <b>'D' uses</b> which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a Support Industry Precinct:</p> <ul style="list-style-type: none"> <li>• educational establishment (but excludes Primary and Secondary Schools)</li> <li>• fuel depot</li> <li>• warehouse</li> <li>• motor vehicle repair (including boats)</li> <li>• transport depot</li> <li>• industry - service</li> <li>• caretakers dwelling</li> <li>• telecommunications infrastructure</li> <li>• other activities/uses which the Council is satisfied are directly related and associated to marine related industries</li> </ul> <p>(c) All other uses are <b>'X' uses</b>, not permitted.</p> <p><b>Precinct 2</b></p> <p>(a) The following uses are <b>'P' permitted uses</b>, subject to the uses being related to the objectives of a Support Industry Precinct:</p> <ul style="list-style-type: none"> <li>• boat sales</li> <li>• industry - service</li> </ul> <p>(b) The following uses are <b>'D' uses</b> which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a Support Industry Precinct and sufficient evidence to demonstrate that the proposed uses will not be adversely impacted by the Woodman Point Wastewater Treatment Plant odour buffer:</p> <ul style="list-style-type: none"> <li>• childcare facility</li> <li>• bank</li> <li>• office</li> <li>• lunch bar</li> <li>• consulting rooms</li> <li>• recreation - private</li> <li>• showroom</li> <li>• petrol filling station</li> </ul> <p>(c) All other uses are <b>'X' uses</b>, not permitted.</p>	

now Table 8  
**SCHEDULE 4 SPECIAL USE ZONES (CONT'D)**

No.	Description of Land	Special Use	Conditions
<b>SU23</b>	All land within transmission line corridors designated as SU23 on the Scheme Map.  AMD 42 GG 21/09/10	<ul style="list-style-type: none"> <li>• Carpark</li> <li>• Civic Use</li> <li>• Community Purpose</li> <li>• Nursery</li> <li>• Public Amusement</li> <li>• Recreation – Private</li> </ul>	<p>Planning Approval.</p> <p>'Carpark' and 'Nursery' are designed as 'P' (permitted) uses pursuant to Part 4 of the Scheme.</p> <p>'Civic Use', 'Community Purpose', 'Public Amusement' and 'Recreation – Private' are designated as 'A' (discretionary subject to special notice) uses pursuant to <del>part 4</del> of the Scheme. Part 3</p> <p>All other uses are not permitted ('X' uses).</p>
<b>SU23</b>	<p><b>Local Activity Node (Cockburn Coast District Structure Plan)</b></p> <p>Lots 100 and 101 Cockburn Road, Hamilton Hill</p> <p>AMD 82 GG 28/8/12</p>	<ol style="list-style-type: none"> <li>1. Child Care Premises Civic use Home Occupation Home Office Bank Office Restaurant Consulting rooms Convenience Store Lunch Bar</li> <li>2. Garden Centre Place of Worship Tourist Accommodation Amusement Parlour Betting Agency Public Amusement Reception Centre Recreation – Private Health Studio Bed and Breakfast Hotel/Tavern</li> <li>3. Dwellings (R60): Aged or Dependent Persons Caretaker's Dwelling Grouped Dwelling Multiple Dwelling Residential Building</li> <li>4. Fast Food Outlet</li> <li>5. Shop</li> </ol>	<ol style="list-style-type: none"> <li>1. These uses shall be treated as 'P' uses pursuant to clause <del>4.3.3</del> 3.3.3</li> <li>1. These uses shall be treated as 'D' uses pursuant to clause <del>4.3.3</del> 3.3.3</li> <li>2. These uses are permissible only where there are non-residential uses at ground floor (street level), and they shall be treated as 'P' uses in accordance with clause <del>4.3.3</del> 3.3.3</li> <li>3. This use is only permissible where it does not support drive through facilities, and it shall be treated as a 'D' use pursuant to clause <del>4.3.3</del> 3.3.3</li> <li>4. This use is permissible where the gross lettable area is no more than 200m<sup>2</sup>, and shall be treated as a 'P' use pursuant to clause <del>4.3.3</del> 3.3.3</li> </ol>

No.	Description of Land	Special Use	Conditions
SU24	<b>Mixed Use (Cockburn Coast District Structure Plan)</b> Portion of Lot 2, Lots 4, 5, 11, 21, 51 and 201 Rockingham Road Lots 10, 22, 37 and 102 Cockburn Road Lot 850 Bellion Drive Lots 52 and 202 Boyd Crescent Lot 6 (No. 12) and Lot 7 (No. 14) Boyd Crescent, Hamilton Hill.  AMD 82 GG 28/8/12	<ol style="list-style-type: none"> <li>1. Bed and Breakfast Child Care Premises Civic Use Office Club Premises Motel Reception Centre Recreation—Private Restaurant Consulting Rooms Health Studio Convenience Store Lunch bar Bank Cinema/Theatre Funeral Parlour Hardware Store</li> <li>2. Dwellings (R60)— Aged or Dependent Persons Caretaker's Dwelling Grouped Dwelling Multiple Dwelling</li> <li>3. Showroom</li> <li>4. Residential Building Tourist Accommodation Garden Centre Market Veterinary Consulting Rooms Veterinary Hospital Amusement Parlour Betting Agency Medical Centre Hospital Motor Vehicle Hire Premises Motor Vehicle Wash Petrol Filling Station Service Station Cottage Industry Light Industry Service Industry Warehouse Motor Vehicle Repair Hotel/Tavern</li> <li>5. Place of Worship</li> <li>6. Fast Food Premises</li> <li>7. Shop</li> </ol>	<ol style="list-style-type: none"> <li>1. These uses shall be treated as 'P' uses pursuant to clause <del>4.3.3.</del> 3.3.3</li> <li>2. Where buildings front the public street these uses are only permissible where the ground floor (street level) is designed to accommodate future non-residential uses, and in all cases these uses shall be treated as 'D' uses in accordance with clause <del>4.3.3.</del> 3.3.3</li> <li>3. Showroom limited to a floor area of 750m<sup>2</sup> as a stand alone development unless it is part of a comprehensive mixed use development, and shall be treated as a 'D' use pursuant to clause <del>4.3.3.</del> 3.3.3</li> <li>4. These uses shall be treated as 'D' uses pursuant to clause <del>4.3.3.</del> 3.3.3</li> <li>5. This use shall be treated as a 'D' use, pursuant to clause <del>4.3.3.</del> 3.3.3 however advertising of development applications may be required.</li> <li>6. This use is only permissible where it does not support drive through facilities; and it shall be treated as a 'D' use pursuant to clause <del>4.3.3.</del> 3.3.3</li> <li>7. Shop floor area restricted to a floor area between 150m<sup>2</sup> and 750m<sup>2</sup>, and this use shall be treated as a 'D' use pursuant to clause <del>4.3.3.</del> 3.3.3</li> </ol>

**SCHEDULE 4 SPECIAL USE ZONES (CONT'D)**

No.	Description of Land	Special Use	Conditions
<b>SU25</b>	<b>Residential (Cockburn Coast District Structure Plan)</b>  Lots 43, 44, 45 304 and 4160 Boyd Crescent, Hamilton Hill  <i>AMD 82 GG 28/8/12</i>	1. Home Occupation Home Office Multiple Dwellings (R-Code)  2. Ancillary Accommodation Bed and Breakfast Child Care Premises Civic Use Educational Establishment Home Business Lodging House Single House  3. Dwellings (R60)— Aged or Dependent Persons Caretaker's Dwelling Grouped Dwelling  4. Residential Building Home Store.	1. These uses shall be treated as 'P' uses pursuant to clause <del>4.3.3.</del> 3.3.3  2. These uses shall be treated as 'D' uses pursuant to clause <del>4.3.3.</del> 3.3.3  3. Where buildings front the public street these uses are only permissible where the ground floor (street level) is designed to accommodate future non-residential uses, and in all cases these uses shall be treated as 'D' uses pursuant to clause <del>4.3.3.</del> 3.3.3  4. These uses shall be treated as 'D' uses, pursuant to clause <del>4.3.3.</del> 3.3.3, however advertising of development applications may be required.
<b>SU26</b>	<i>DELETED AMD 102 GG 12/9/14</i>		
<b>SU27</b>	<b>Mixed Use (Cockburn Coast District Structure Plan)</b> Lots 1 and 2 Bellion Drive, Hamilton Hill  <i>AMD 88 GG 27/03/12</i>	1. Bed and Breakfast Child Care Premises Civic Use Office Club Premises Motel Reception Centre Recreation – Private Restaurant Consulting Rooms Health Studio Convenience Store Lunch Bar Bank Cinema/Theatre Funeral Parlour Hardware Store  2. Dwellings (R160): Aged or Dependent Persons Caretaker's Dwelling Grouped Dwelling Multiple Dwelling  3. Showroom	1. These uses shall be treated as 'P' uses pursuant to clause <del>4.3.3.</del> 3.3.3  2. Where buildings front the public street these uses are only permissible where the ground floor (street level) is designed to accommodate future non residential uses, and in all cases these uses shall be treated as 'D' uses in accordance with clause <del>4.3.3.</del> 3.3.3

No.	Description of Land	Special Use	Conditions
		<p>4. Residential Building Tourist Accommodation Garden Centre Market Veterinary Consulting Rooms Veterinary Hospital Amusement Parlour Betting Agency Medical Centre Hospital Motor Vehicle Hire Premises Motor Vehicle Wash Petrol Filling Station Service Station Cottage Industry Light Industry Service Industry Warehouse Motor Vehicle Repair Hotel/Tavern</p> <p>5. Place of Worship</p> <p>6. Fast Food Premises</p> <p>7. Shop</p>	<p>3. Showroom limited to a floor area of 750m<sup>2</sup> as a stand-alone development unless it is part of a comprehensive mixed use development, and shall be treated as a 'D' use pursuant to clause <del>4.3.3.</del> 3.3.3</p> <p>4. These uses shall be treated as 'D' uses pursuant to clause <del>4.3.3.</del> 3.3.3</p> <p>5. This use shall be treated as a 'D' use, pursuant to clause <del>4.3.3</del> however advertising of development applications may be required.</p> <p>6. This use is only permissible where it does not support drive through facilities, and it shall be treated as a 'D' use pursuant to clause <del>4.3.3.</del> 3.3.3</p> <p>7. Shop floor area restricted to a floor area between 150m<sup>2</sup> and 750m<sup>2</sup>, and this use shall be treated as a 'D' use pursuant to clause <del>4.3.3.</del> 3.3.3</p>
SU28	<p>Portion of Lot 100 Berrigan Drive and portion of Lot 31 Hope Road at the south east corner of Berrigan Drive and Karel Avenue. AMD 73 GG 16/8/13</p>	<p>1. Office</p> <p>Objectives – In considering an application for Planning Approval the Council, in addition to any other matter it is required to consider, shall have regard for the following objectives –</p> <p>(i) The need to achieve development that integrates with proposed development on adjacent airport land (in accordance with the Masterplan) in terms of architectural style, appearance and design.</p> <p>(ii) To facilitate a landmark corner development in landscaped surrounds.</p>	<p>1. this use shall be treated as 'D' use pursuant to Clause <del>4.3.3.</del> 3.3.3</p> <p>2. The development must be in accordance with the WAPC's 'Planning for Bush Fire Protection Guidelines 2010' as amended.</p>

now Table 8

**SCHEDULE 4**

**SPECIAL USE ZONES (CONT'D)**

No.	Description of Land	Special Use	Conditions
		<p>(iii) To eradicate weed infestations and utilise native species in landscaping which provides a continuation of landscaping themes for development in adjacent airport land.</p> <p>(iv) To provide for the safe movement of vehicular and pedestrian traffic.</p> <p>To incorporate water sensitive urban design and ecological sustainable development principles.</p>	



## PART 5

### ~~PART 6~~ SPECIAL CONTROL AREAS

(these clauses renumbered - replace 6 with 5 at commencement)

#### 6.1 Operation of Special Control Areas

6.1.1 The following Special Control Areas are shown on the Scheme Map -

- (a) **Development Areas** shown on the Scheme Map as **DA** with a number and included in ~~Schedule 11~~  
Table 9
- (b) **Development Contribution Areas** shown on the Scheme Map as **DCA** with a number and included in ~~Schedule 12~~  
Table 10
- (c) **Bushfire Vulnerability Area**, being all land in the Rural Zone, Rural Living Zone, Resource Zone and Conservation Zone. – AMD 92 GG 13/3/15

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

#### 5.1.3

#### 6.2 Development Areas

##### ~~6.2.1 Interpretation~~

~~In clause 6.2, unless the context otherwise requires –~~

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

~~‘structure plan’ means a structure plan that has come into effect in accordance with clause 6.2.12.1.~~

##### ~~6.2.2 Purpose of Development Areas~~

~~6.2.2.1 The purposes of Development Areas are to:~~

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

Table 9

~~6.2.2.2 Schedule 11~~ describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

##### 6.2.3 Subdivision and Development in Development Areas

6.2.3.1 The development of land within a Development Area is to comply with ~~Schedule 11~~. Table 9

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

New clause between  
previous 6.1.1 and 6.1.2  
To be numbered  
**5.1.2**

Notwithstanding the exemptions to the need for development approval set out in Part 7 of the deemed provisions and this scheme, development approval is required where the following development is included in a Bush Fire Prone Area, as defined by clause 5.6.2 of the Scheme:

- a) The erection or extension of a single house;
- b) The erection or extension of an ancillary dwelling;
- c) The erection or extension of a grouped dwelling

#### ~~6.2.4 Structure Plan Required~~

##### ~~6.2.4.1 The local government is not to:~~

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

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

~~6.2.4.2 Notwithstanding clause 6.2.4.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area and the owner's liability for the proportion of land or development can be fulfilled pursuant to clause 6.3.5. AMD 6 GG 13/6/06~~

#### ~~6.2.5 Preparation of Proposed Structure Plans~~

##### ~~6.2.5.1 A proposed Structure Plan may be prepared by~~

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

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

#### ~~6.2.6 Details of Proposed Structure Plan~~

##### ~~6.2.6.1 A proposed structure plan is to contain the following details:~~

- ~~(a) a map showing the area to which the proposed structure plan is to apply;~~
- ~~(b) a site analysis map showing the characteristics of the site including:~~
  - ~~(i) landform, topography and land capability;~~
  - ~~(ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;~~
  - ~~(iii) hydrogeological conditions, including approximate depth to water table;~~
  - ~~(iv) sites and features of Aboriginal and European heritage value;~~
- ~~(c) a context analysis map of the immediate surrounds to the site including:~~

- (i) ~~the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;~~
- (ii) ~~transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;~~
- (iii) ~~existing and future land use;~~
- (d) ~~for district structure plans a map showing proposals for:~~
  - (i) ~~the pattern of neighbourhoods around town and neighbourhood centres;~~
  - (ii) ~~arterial routes and neighbourhood connector streets;~~
  - (iii) ~~the protection of natural features such as water courses and vegetation;~~
  - (iv) ~~major open spaces and parklands;~~
  - (v) ~~major public transport routes and facilities;~~
  - (vi) ~~the pattern and disposition of land uses; and~~
  - (vii) ~~schools and community facilities;~~
- (e) ~~for local structure plans a map showing proposals for:~~
  - (i) ~~neighbourhoods around proposed neighbourhoods and town centres;~~
  - (ii) ~~existing and proposed commercial centres;~~
  - (iii) ~~natural features to be retained;~~
  - (iv) ~~street block layouts;~~
  - (v) ~~the street network including street types;~~
  - (vi) ~~transportation corridors, public transport network, and cycle and pedestrian networks;~~
  - (vii) ~~land uses including residential densities and estimates of population;~~
  - (viii) ~~schools and community facilities;~~
  - (ix) ~~public parklands; and~~
  - (x) ~~urban water management areas;~~



- (f) ~~a written report to explain the mapping and to address the following:~~
- (i) ~~the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;~~
  - (ii) ~~the site analysis including reference to the matters listed in **clause 6.2.6.1(b)** above, and, in particular, the significance of the conservation, environmental and heritage values of the site;~~
  - (iii) ~~the context analysis including reference to the matters listed in **clause 6.2.6.1(c)** above;~~
  - (iv) ~~how planning for the structure plan area is to be integrated with the surrounding land;~~
  - (v) ~~the design rationale for the proposed pattern of subdivision, land use and development;~~
  - (vi) ~~traffic management and safety;~~
  - (vii) ~~parkland provision and management;~~
  - (viii) ~~urban water management;~~
  - (ix) ~~proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;~~
  - (x) ~~the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.~~

~~6.2.6.2 The maps referred to in **clause 6.2.6.1** are to:~~

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

~~6.2.6.3 Notwithstanding clause 6.2.12.2, and without limiting the provisions of clause 6.1.2 or the extent of any provisions which may be included for a Special Control Area in Schedule 11, a Structure Plan may:~~  
~~AMD 6 CC 13/6/06; AMD 1 CC 5/1/07~~

- (a) ~~Impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes;~~

(b) ~~Identify precincts or otherwise place a designation on any land as an alternative, or in addition to classifying the land in accordance with the preceding paragraph; and~~

(c) ~~Indicate the permissibility of land uses within any part or all of the land in the Structure Plan,~~

~~and where a Structure Plan includes any such matter it shall have effect according to its tenor as if it were part of the Scheme, unless the provisions of Schedule 11 relating to the applicable Special Control Area are to the contrary.~~

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

#### ~~6.2.7~~ **Submission** to local government and Commission

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

~~6.2.7.2 Within **7 days** of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.~~

~~6.2.7.3 The **Commission** is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan **with or without modifications**.~~

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

#### ~~6.2.8~~ **Advertising** of Structure Plan

~~6.2.8.1 Within **60 days** of preparing or receiving a proposed structure plan that conforms with **clause 6.2.6** and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:~~

(a) ~~advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for **public inspection by one or more** of the following ways:~~

(i) ~~**notice** of the proposed structure plan published in a newspaper circulating in the Scheme area;~~

(ii) ~~a **sign** or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and~~

(these clauses renumbered - replace 6 with 5 at commencement)

- (b) ~~give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:~~
  - (i) ~~all owners whose land is included in the proposed structure plan;~~
  - (ii) ~~all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;~~
  - (iii) ~~such public authorities and other persons as the local government nominates.~~

~~6.2.8.2 The advertisement and notice are to:~~

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

6.2.8.3 The local government may advertise a proposed structure plan associated with any proposal to amend the scheme concurrently. AMD 6 GG 13/6/06

Moves to Sch A -  
supplemental  
provisions (clause 1)

#### 6.2.9 Adoption of proposed Structure Plan

~~6.2.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to:~~

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

6.2.9.2 (a) In making a determination under ~~clause 6.2.9.1~~, the local government is to have due regard to the ~~comments and advice received from the Commission in relation to the proposed structure plan.~~

- (b) ~~If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 6.2.9.1.~~

~~6.2.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may:~~



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

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

~~6.2.9.4 If within the period referred to in clause 6.2.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 6.2.9.1, the local government is deemed to have refused to adopt the proposed structure plan.~~

#### ~~6.2.10 Endorsement by Commission~~

~~6.2.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 6.2.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.~~

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

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

#### ~~6.2.11 Notification of Structure Plan~~

~~6.2.11.1 As soon as practicable after adopting a proposed structure plan under clause 6.2.9.1 and if clause 6.2.10 applies, as soon as practicable after being notified of the Commission's decision under clause 6.2.10.3, the local government is to forward a copy of the structure plan to:~~

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

#### ~~6.2.12 Operation of Structure Plan~~

~~6.2.12.1 A structure plan comes into effect:~~

- (a) ~~where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.10.2; or~~
- (b) ~~on the day on which it is adopted by the local government under clause 6.2.9.1 in all other cases.~~

~~6.2.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.~~

#### ~~6.2.13~~ **Inspection of Structure Plan**

~~6.2.13.1 The structure plan and the Commission's notification under clause 6.2.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.~~

#### ~~6.2.14~~ **Variation to Structure Plan**

~~6.2.14.1 The local government may vary a structure plan:~~

- ~~(a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;~~
- ~~(b) otherwise, in accordance with the procedures set out in clause 6.2.6 onwards.~~

~~6.2.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.~~

~~6.2.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.~~

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

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

~~6.2.14.6 A variation to a structure plan by resolution comes into effect:~~

- ~~(a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.14.4; or~~
- ~~(b) on the day on which the local government resolves to make the variation under clause 6.2.14.1 (a).~~

#### ~~6.2.15~~ **Detailed Area Plan**

~~6.2.15.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by:~~

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

6.2.15.2 ~~A detailed area plan may include details as to:~~

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

6.2.15.3 ~~Where a detailed area plan is prepared under clause 6.2.15.1 and the detailed area plan may affect land owners other than the owner of the land the subject of the plan, the local government may: AMD 6 GG 13/6/06~~

- (a) ~~advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways:~~
  - (i) ~~notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;~~
  - (ii) ~~a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and~~
- (b) ~~give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to:~~
  - (i) ~~all owners whose land is included in the proposed detailed area plan;~~



(ii) ~~all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;~~

(iii) ~~such public authorities and other persons as the local government nominates.~~

6.2.15.4 ~~The advertisement and notice are to:~~

(a) ~~explain the scope and purpose of the proposed detailed area plan;~~

(b) ~~specify when and where the proposed detailed plan may be inspected; and~~

(c) ~~invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.~~

6.2.15.5 ~~The local government is to consider all submissions received and:~~

(a) ~~approve the detailed area plan with or without conditions; or~~

(b) ~~refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.~~

6.2.15.6 ~~If within 60 days of receiving a detailed area plan prepared under clause 6.2.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 6.2.15.5, the local government is deemed to have refused to approve the detailed area plan.~~

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

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

## 6.2.16 Appeal

6.2.16.1 ~~An owner who has submitted a proposed structure plan under clause 6.2.7.1 may appeal, under Part V of the Town Planning Act:~~

(a) ~~any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 6.2.8.1;~~

(b) ~~any determination of the local government:~~

(these clauses renumbered - replace 6 with 5 at commencement)

- (i) ~~to refuse to adopt a proposed structure plan (including a deemed refusal); or~~
- (ii) ~~to require modifications to a proposed structure plan that are unacceptable to that owner.~~

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

## 6.3 Development Contribution Areas (DCA)

### 6.3.1 Interpretation

<sup>5.3</sup>

In clause ~~6.3~~ unless the context otherwise requires –

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

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

‘Cost apportionment schedule’ means a schedule prepared and distributed in accordance with clause ~~6.3.10~~ <sup>5.3.10</sup>

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

‘Development contribution area’ means an area shown on the scheme map as DCA with a number and included in ~~schedule 12~~ <sup>Table 10</sup>

‘Development contribution plan’ means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6 of the scheme (as incorporated in ~~schedule 12~~ <sup>Table 10</sup> to this scheme).

‘Development contribution plan report’ means a report prepared and distributed in accordance with clause ~~6.3.10~~ <sup>5.3.10</sup>

‘Infrastructure’ means the standard infrastructure items (services and facilities set out in appendix 1 of *State Planning Policy 3.6 Development Contributions for Infrastructure*) 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 Development Contributions for Infrastructure*.

(these clauses renumbered - replace 6 with 5 at commencement)

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

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

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

#### 6.3.2 Purpose

The purpose of having development contribution areas is to –

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that the cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of infrastructure.

#### 6.3.3 Development contribution plan required

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

#### 6.3.4 Development contribution plan part of scheme

The development contribution plan is incorporated in ~~Schedule 12~~ Table 10 as part of this scheme.

#### 6.3.5 Subdivision, strata subdivision and development

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

#### 6.3.6 Guiding principles for development contribution plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles –

##### (a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

##### (b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.



(these clauses renumbered - replace 6 with 5 at commencement)

(c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency

Development contribution should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

(h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

**6.3.7 Recommended content of development contribution plans**

6.3.7.1 The development contribution plan is to specify -

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

**6.3.8 Period of development contribution plan**

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

**6.3.9 Land excluded**

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for –

- (a) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;
- (b) existing open public open space;
- (c) existing government primary and secondary schools; and

- (d) such other land as is set out in the development contribution plan,

is to be excluded.

**6.3.10 Development contribution plan report and cost apportionment schedule**

- 6.3.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.
- 6.3.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.
- 6.3.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause ~~6.3.11~~ 5.3.11

**6.3.11 Cost contributions based on estimates**

- 6.3.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.
- 6.3.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government -
  - (a) in the case of land to be acquired, in accordance with clause ~~6.3.12~~ and 5.3.12
  - (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.
- 6.3.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested.
- 6.3.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government -
  - (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
  - (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

6.3.11.5 Where an owner's cost contribution is adjusted under [clause 5.3.11.4](#) ~~clause 6.3.11.4~~, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

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

6.3.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined -

- (a) by any method agreed between the local government and the owner; or
- (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

#### 6.3.12 Valuation

6.3.12.1 [5.3.12](#) ~~Clause 6.3.12~~ applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6.3.12.2 In clause ~~6.3.12~~ [5.3.12](#) -

'Value', in the case of development contribution plans for development contribution areas 1 to 7 and 11, means the capital sum which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require:

- (a) on the basis that there are **no buildings, fences or other improvements** of a like nature in the land;
- (b) on the assumption that **any rezoning necessary** for the purpose of development has come into force; and
- (c) taking into account the **added value of all other improvements** on or appurtenant to the land.

'Value', in all other development contribution plans, means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's 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.



(these clauses renumbered - replace 6 with 5 at commencement)

Table 11

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as ~~Schedule 13~~. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

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

6.3.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner’s expense, within 28 days after being informed of the value.

6.3.12.4 If, following a review, the valuer’s determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined -

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

#### 6.3.13 Liability for cost contributions

6.3.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause ~~6.3~~ 5.3

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

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

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

(these clauses renumbered - replace 6 with 5 at commencement)

5.3.13.2

6.3.13.3 Notwithstanding clause ~~6.3.13.2~~, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

6.3.13.4 Where a development contribution plan expires in accordance with clause ~~6.3.8~~, an owner's liability to pay the owner's cost contribution under the development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability. 5.3.8

#### 6.3.14 Payment of cost contribution

6.3.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by -

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
- (c) the provision of physical infrastructure;
- (d) some other method acceptable to the local government; or
- (e) any combination of these methods.

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

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

#### 6.3.15 Charge on land

5.3.13

6.3.15.1 The amount of any cost contribution for which an owner is liable under clause ~~6.3.13~~, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

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

5.3.15.1

(these clauses renumbered - replace 6 with 5 at commencement)

- 6.3.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause ~~6.3.15~~ 5.3.15

**6.3.16 Administration of funds**

- 6.3.16.1 The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid.
- The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.
- 6.3.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause ~~6.3.16.1~~ is to be applied in the development contribution area to which the reserve account relates. 5.3.16.1
- 6.3.16.3 The local government is to public an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts being available.

**6.3.17 Shortfall or excess in cost contributions**

- 6.3.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may -
- (a) make good the shortfall;
  - (b) enter into agreements with owners to fund the shortfall; or
  - (c) raise loans or borrow from a financial institution, but nothing in paragraph ~~6.3.17.1(a)~~ restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard. 5.3.17.1(a)
- 6.3.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.



(these clauses renumbered - replace 6 with 5 at commencement)

6.3.18 **Powers of the local government**

The local government in implementing the development contribution plan has the power to -

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

6.3.19 **Arbitration**

~~5.3.12.3 and 5.3.12.4~~

Subject to clauses ~~6.3.12.3 and 6.3.12.4~~, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

6.3.20 **Development Contribution Areas 1 to 7 and 9 to 11**

AMD 28 GG  
16/12/14

For Development Contribution Areas 1 to 7 and 9 to 11 the Cost contributions for the owners of land for which a contribution is to be made shall be the proportion that the land the subject of the contribution bears to the total area of land within the Development Contribution Area for which the Cost Contributions have yet to be made unless otherwise specified.

6.4 The Peel-Harvey Coastal Plain Catchment (PHC)

6.4.1 Purpose

- (a) The purpose of the Peel Harvey Coastal Plain Catchment is to give effect to the provisions of **Statement of Planning Policy No. 2.1 - The Peel-Harvey Coastal Plain Catchment** made under the Town Planning and Development Act 1928, which was published in the Western Australian Government Gazette on 21 February 1992, together with any amendments thereto. AMD 6 GG 13/6/06
- (b) The Peel-Harvey Coastal Plain Catchment is delineated on the Scheme Map as contained in the legend and identified by the reference "**PHC**".

6.4.2 Use and Development

- (a) The local government shall be guided by the **Objectives and Policy** Statements contained in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992 and the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended, a copy of which shall be kept and made available for public inspection at the offices of the local government.

(these clauses renumbered - replace 6 with 5 at commencement)

- (b) For the purposes of the definition of development under the Act **"Intensive Agriculture"** shall be deemed to be a material change of use requiring approval of the local government.
- (c) In considering a proposal to develop land for **Intensive Agriculture** the local government shall -
  - (i) **take account** of soil types, slope and surface water drainage and proximity to the estuary, and associated wetlands and draining and riparian vegetation.
  - (ii) **take account of the objectives** of the Peel-Harvey Coastal Plain Catchment Statement of Planning Policy, as amended, with respect to the potential impact of the proposal on the environment and surface and groundwater quality.
  - (iii) **seek advice** from the Department of Agriculture and Environmental Protection Authority and take account of that advice in making its determination or defer the decision pending a formal assessment under Part IV of the Environmental Protection Act.

#### 6.5 Jandakot Airport (JA)

##### 6.5.1 Purpose

- (a) The Jandakot Airport is **owned** by the Federal Government, is **leased** and operated by a private company and is the subject of an **airport master plan**.
- (b) The Jandakot Airport is delineated on the Scheme Map as contained in the legend and identified by the reference **"JA"**.

##### 6.5.2 Use and Development

- (a) In considering any proposal for the subdivision, use or development of land within the boundaries of the Airport, referred to the local government by the lessee, the local government shall have regard to the **Jandakot Airport Master Plan and Environmental Strategy** for the airport land, approved by the Federal Government, when providing advice on a proposal.
- (b) In considering any proposal for the airport referred to the local government for consideration and advice by the lessee, the local government shall have **regard for** the -
  - (i) recommendation made for the airport in the Darling System - **System 6** Report, reference M94;
  - (ii) **Water Catchment Reserve** under the Metropolitan Region Scheme;
  - (iii) Statement of Planning Policy No. 6 - **Jandakot Groundwater Protection Policy**;

- (iv) Perth's **Bushplan** - Regionally Significant Bushland reference 388;
  - (v) **potential impact**, if any, on the safety, convenience and amenity of the adjoining and nearby residents in proximity to the airport;
  - (vi) **any other matter** the local government considers appropriate to adequately consider the proposal.
- (c) The referral of and processing of any proposals for the airport is to be undertaken in accordance with any informal or formal protocol established and agreed between the airport lessee and the local government.
- (d) For development or land use proposals submitted to the local government for advice that part of the airport reserved under the **Metropolitan Region Scheme**, the proposal shall be referred to the Commission in accordance with **clause 3.2. 2.2**
- (e) For development or land use proposals submitted to the local government for advice for that part of the airport land **zoned under the Scheme**, the proposal shall be forwarded to the Commission with the local government's recommendation for its consideration.

6.6 Bushfire Vulnerability Area  
AMD 24 13/3/15

- 6.6.1 The purpose of the Bushfire Vulnerability Area special control area is to -
- (a) implement State Planning Policy 3.7 Planning for Bushfire Risk Management and Guidelines;
  - (b) identify land that is subject, or likely to be subject, to bushfire hazard; and
  - (c) ensure that development effectively addresses the level of bushfire hazard applying to the land.
  - (d) in accordance with the Building Code of Australia activate Australian Standard 3959 which is construction of buildings in bush fire prone areas.
- AMD 92 GG 13/3/15
- 6.6.2 For the purposes of this clause, a Bushfire Prone Area means any area located in the Bushfire Vulnerability Area special control area and shown on a Bushfire Hazard Assessment Map as bushfire prone. - AMD 92 GG 13/3/15
- 6.6.3 A Bushfire Hazard Assessment Map shall indicate bushfire prone areas. - AMD 92 GG 13/3/15
- 6.6.4 If a Local Government resolves to prepare a Bushfire Hazard Assessment Map, the Local Government -
- (a) is to notify in writing the owners and occupiers of all the properties in the affected area;



(these clauses renumbered - replace 6 with 5 at commencement)

- (b) is to publish a notice once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of -
  - a. where the draft map may be inspected;
  - b. the subject nature of the draft map; and
  - c. in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.
- (c) may publish a notice of the proposed Bushfire Hazard Assessment Map in such manner and carry out such other consultation as the local government considers appropriate. - AMD 92 GG 13/3/15

6.6.5 After the expiry of the period within which a submission may be made, the local government is to:

- (a) review the proposed Bushfire Hazard Assessment Map in light of any submission made; and
- (b) resolve to adopt the Bushfire Hazard Assessment Map with or without modification. - AMD 92 GG 13/3/15

6.6.6 If the local government resolves to adopt the Bushfire Hazard Assessment Map, the local government is to publish a notice of the Bushfire Hazard Assessment Map once in a newspaper circulating in the Scheme area. - AMD 92 GG 13/3/15

6.6.7 The Bushfire Hazard Assessment Map has effect on publication of a notice under clause ~~6.6.6~~. - AMD 92 GG 13/3/15  
5.6.6

6.6.8 A copy of the Bushfire Hazard Assessment Map, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government. - AMD 92 GG 13/3/15

6.6.9 A land owner may dispute the classification of their land as set out on the Bushfire Hazard Assessment Map in writing to the local government for consideration. - AMD 92 GG 13/3/15

- 6.6.10 In addition to development which otherwise requires approval under the Scheme, planning approval is required for any development within a bushfire prone area, that does not comply with an approved bushfire hazard assessment undertaken as part of the structure planning or subdivision of an area or is inconsistent with the WAPC's and FESA's Planning for Bush Fire Protection Guidelines (Latest Edition). - AMD 92 GG 13/3/15
- 6.6.11 In determining an application to carry out development in the Bushfire Prone Area, the Local Government may refuse the application, or impose conditions on any planning approval as to-
- (a) the provision of fire fighting water supply.
  - (b) the provision of fire services access.
  - (c) the preparation of a fire management plan in accordance with the *Planning for Bush Fire Protection Guidelines (Latest Edition)* and implementation of specific fire protection measures set out in the plan, including any requirement for buildings to be constructed in accordance with A3959;
  - (d) the requirement to register a notification under section 70A Transfer of Land Act 1893 on the certificate of titles giving notice of the bushfire hazard and any restrictions and/or protective measures required to be maintained at the landowner's cost. - AMD 92 GG 13/3/15
- 6.6.12 An application for development approval must be accompanied by:
- (a) a bushfire attack level assessment carried out in accordance with the methodology contained in the Planning for Bush Fire Protection Guidelines (Latest Edition);
  - (b) a statement or report that demonstrates that all relevant bushfire protection acceptable solutions, or alternatively all relevant performance criteria, contained in the *Planning for Bush Fire Protection Guidelines (Latest Edition)* have been considered and complied with, and effectively address the level of bush fire hazard applying to the land. - AMD 92 GG 13/3/15
- 6.6.13 If, in the opinion of the Local Government, a development application does not fully comply with the bushfire protection acceptable solutions contained in the Planning for Bush Fire Protection Guidelines (Latest Edition), the application shall be referred to the FESA for advice prior to a decision being made. - AMD 92 GG 13/3/15

Schedules 11,12 and 13 to be relocated to this Part of the Scheme and renumbered as follows:

Schedule 11 (Devt Areas/Addit requirements) now Table 9

Schedule 12 (Devt Contribution Areas) now Table 10

Schedule 13 (Statutory Static Feasibility Model ) now Table 111

## Now Table 9

### **~~SCHEDULE 11~~ ADDITIONAL REQUIREMENTS THAT APPLY TO LAND COVERED BY STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN**

REF. NO.	DESCRIPTION OF LAND	REQUIREMENT
DA 1	PACKHAM AMD 6 GG 13/6/06	<ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. DA 1 shall provide for residential development (excluded from the odour buffer surrounding Watsons or buffer to the Woodman Point WWTP, Munster Pump Station) and other appropriate land uses.</li> <li>3. Not less than seventy-five percent (75%) of all land within the Residential Zone shall be developed for the purpose of single houses.</li> </ol>
DA 2	PHOENIX ROAD	<ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. Notwithstanding any provision of this Scheme to the contrary, land within the Owner Development Scheme can be developed to a maximum R Code density of R20, however, the Council may permit the land north of Forrest Road being developed to a maximum R Code density of R40, in accordance with an approved <b>Structure Plan</b>.</li> <li>3. In the case of dwellings designed for the accommodation of aged or dependent persons, the Council shall not exercise its discretion to permit up to fifty percent (50%) greater the number of dwellings provided by the Residential Design Codes applying to the site.</li> </ol>



(now Table 9)

DA 3	BEEILIAR (DEVELOPMENT ZONE) AMD 6 GG 13/6/06	<ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall apply to the land in accordance with Cl.27(1) in order to guide subdivision and development.</li> <li>2. Subdivision of the land for single housing shall conform with the requirements of the R Code density of R20, except that the minimum lot size may be reduced to 350m<sup>2</sup>, provided the minimum average lot size remains at 500m<sup>2</sup>. Council may also permit portions of the land being developed to a maximum R Code density of R40, where provided for in the approved <b>Structure Plan</b>.</li> </ol>
DA 4	YANGEBUP (DEVELOPMENT ZONE) AMD 6 GG 13/6/06	<ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> </ol>
DA 5	MUNSTER (DEVELOPMENT ZONE)	<ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. DA 5 shall provide for residential development except within the buffers to the Woodman Point WWTP, Munster Pump Station and Cockburn Cement.</li> <li>3. The local government will not recommend subdivision approval or approve land use and development for residential purposes contrary to Western Australian Planning Commission and Environmental Protection Authority Policy on land within the Cockburn Cement buffer zone.</li> </ol>

(now Table 9)

<b>DA 6</b>	<b>MARINE INDUSTRY TECHNOLOGY PARK</b>  (DEVELOPMENT ZONE) <i>AMD 6 GG 13/6/06 AMD 36 GG 4/8/06</i>	<ol style="list-style-type: none"><li>1. An approved <b>Structure Plan</b> together with all approved amendments shall subdivision and development in accordance with Cl.27(1) .</li><li>2. DA 6 shall provide for a Marine Industry Technology Park.</li><li>3. Within DA 6:<ol style="list-style-type: none"><li>(a) the following uses are not permitted within the odour buffer surrounding the Woodman Point WWTP, and the Kwinana Air Quality EPP buffer:<ul style="list-style-type: none"><li>• Residential uses, including Tourist Accommodation or mixed use buildings incorporating a residential component.</li><li>• Primary and Secondary Schools.</li></ul></li><li>(b) the following land uses are not permitted within the odour buffer surrounding the Woodman Point WWGTP:<ul style="list-style-type: none"><li>• Child Care premises;</li><li>• Restaurants, Taverns, Hotels &amp; Cafes.</li></ul></li></ol></li></ol>
-------------	--	--

(now Table 9)

REF. NO.	AREA	PROVISIONS
DA 7	<p>Lots 1, 2 and 3 on Diagram 34240 and Lot 101 on Diagram 83601 Coolbellup Avenue, Reserve 30189 and Reserve 30190 Cordelia Avenue Coolbellup and that portion of Cordelia Avenue between Coolbellup Avenue and Rosalind Way</p> <p>AMD 10 GG 6/4/04</p>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. The approved Structure Plan shall provide for an integrated town centre with a mix of residential, commercial, recreation, community and education facilities.</li> </ol>
DA 8	<p>SUCCESS LAKES (DEVELOPMENT ZONE)</p> <p>AMD 6 GG 13/6/06</p>	<ol style="list-style-type: none"> <li>1. <b>An approved Structure Plan shall</b> be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. DA 8 shall provide for Residential development.</li> <li>3. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> <li>4. No subdivision or development of incompatible use will be supported within the generic buffer area associated with the poultry on Lot 19 Hammond Road and the piggery on Pt Lot 15 Lyon Road until the use of the land ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection. Buffer areas are to be shown on the Structure Plan.</li> <li>5. No residential development will be supported within the midge buffer area or Water Corporation treatment plant buffer area.</li> <li>6. Development of Shops (retail uses) within the Development Area shall be a maximum of 1,000m<sup>2</sup> NLA for the local centre associated with the railway precinct and 200m<sup>2</sup> NLA maximum in other centres.</li> <li>7. As and when required, the local government shall initiate procedures to close portion of the existing Russell Road upon construction of the deviation of Russell Road in accordance with the Metropolitan Region Scheme and shall recommend to the Department of Land Administration that the land be amalgamated with the adjoining Lot 202 and transferred free of cost to that land owner.</li> </ol>

(now Table 9)

REF. NO.	AREA	PROVISIONS
DA 9	<p>GAEBLER ROAD</p> <p>(DEVELOPMENT ZONE)</p> <p>AMD 22 GG 11/11/05 AMD 6 GG 13/6/06 AMD 65 GG 6/1/09</p>	<ol style="list-style-type: none"> <li>1. <b>An approved Structure Plan</b> shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. DA 9 shall provide for Residential development.</li> <li>3. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> <li>4. No subdivision or development of incompatible use will be supported within the generic buffer area associated with the kennels on Pt Lot 11 Barfield Road or the piggery on Pt Lot 15 Lyon Road until the use of the ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection. Buffer requirements associated with the market gardens on Lot 37 Gaebler Road to be determined in consultation with the local government and Department of Environmental Protection. Buffer areas are to be shown on the Structure Plan.</li> <li>5. Development of Shops (retail uses) within the Development Area shall be a maximum of 5,000m<sup>2</sup> NLA within the neighbourhood centre immediately south of Russell Road and 200m<sup>2</sup> NLA maximum in other centres.</li> <li>6. Those uses which may be permitted within the Mixed Business R40/R60 and Commercial R60 Zone as set out in Table 1 – Zoning Table, and <del>the adopted Frankland Springs Neighbourhood Centre Plan</del> are to be developed in accordance with the following Design Requirements. <ol style="list-style-type: none"> <li>a. Building Location <ol style="list-style-type: none"> <li>(i) Development fronting Russell Road (other than car based development), Macquarie Boulevard and Yarra Promenade (other than residential development) is required to have a nil setback to the street front, or is to be paved and landscaped to achieve visual integration and pedestrian permeability between the building frontage and street, to provide a "main street" character to the centre.</li> </ol> </li> </ol> </li> </ol>

(now Table 9)

REF. NO.	AREA	PROVISIONS
DA 9	GAEBLER ROAD (DEVELOPMENT ZONE) AMD 22 GG 11/11/05 AMD 6 GG 13/6/06 AMD 65 GG 6/1/09	<p>b. Building Form</p> <p>(i) Buildings shall be generally contiguous, other than for pedestrian access points, alfresco dining areas and vehicular access and parking. All buildings within the centre plan area should exhibit a high degree of architectural integrity and avoid the traditional "big box" supermarket style.</p> <p>(ii) The floor plan of all buildings within the Centre (other than the residential development) shall be sufficiently robust to allow land use change to occur over time.</p> <p>(iii) Development on street corners should contain strong architectural landmark elements to reinforce the corner. In particular, development on the corners of the Russell Road intersection should provide an 'entry statement' to the Centre.</p> <p>(iv) Residential development is required to address the public streets to provide streetscape amenity and casual surveillance to the street.</p> <p>(v) Where possible, development should be two storeys in height, or where single storey, the facade should be constructed to an equivalent second storey height.</p> <p>(vi) All buildings should have pitched roofs of at least 25 degrees.</p> <p>c. Materials:</p> <p>(i) Materials may comprise a combination of masonry, render and tiles or custom orb sheeting. Façade should be designed to provide for varying textures and articulation to clearly define separate tenancies and reinforce a fine grained character for the Centre.</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
DA 9	GAEBLER ROAD (DEVELOPMENT ZONE) AMD 22 GG 11/11/05 AMD 6 GG 13/6/06 AMD 65 GG 6/1/09	<p>d. Building Frontage:</p> <p>(i) The facades of development along Russell Road, Macquarie Boulevard, Hammond Road and Yarra Promenade shall comprise an aggregate of at least 40% of the facade area below the eave line as clear windows to provide a visual connection between uses inside the building and activity on the street.</p> <p>(ii) Windows shall not be obscured by more than 25% to ensure surveillance to streets and car parks for security purposes, and to minimise adverse impacts on streetscape.</p> <p>e. Pedestrian Access/Amenity:</p> <p>(i) Primary access to all tenancies shall be provided from the street, with secondary access permissible from the rear of the development, to encourage activity along the main street, and vibrancy within the centre.</p> <p>(ii) All development shall have awnings or verandahs along public streets to provide shelter and comfort for pedestrians and encourage use of the public realm.</p> <p>f. Vehicle Access:</p> <p>(i) Vehicle accesses shall be restricted and shown on the approved Centre Plan.</p>



(now Table 9)

DA 10	<p>ATWELL SOUTH (DEVELOPMENT ZONE)</p> <p>AMD 11 GG 2/12/05 AMD 6 GG 13/6/06</p>	<ol style="list-style-type: none"> <li>1. <b>An approved Structure Plan</b> shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1)..</li> <li>2. DA 10 shall provide for Residential development.</li> <li>3. The local government may adopt Design Guidelines for any development precincts as defined on the approved Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> </ol>
DA 10	<p>ATWELL SOUTH (cont'd) (DEVELOPMENT ZONE)</p> <p>AMD 11 GG 2/12/05 AMD 6 GG 13/6/06</p>	<ol style="list-style-type: none"> <li>5. No subdivision or development of incompatible use will be supported within the generic buffer area associated with the piggery on Pt Lot 15 Lyon Road until the use of the land ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection. Buffer areas are to be shown on the approved Structure Plan.</li> <li>6. Development of Shops (retail uses) within the Development Area shall be a maximum of 5,000m<sup>2</sup> NLA for the Village Centre and 200m<sup>2</sup> NLA for the Local Centre.</li> <li>7. A strong pedestrian connection is to be provided between the proposed Success Railway Station and the Village Centre, in addition to Gibbs Road.</li> <li>8. The existing remnant vegetation in the Reserve of Beenyup Road shall be retained, unless the local government agrees in particular circumstances that some of the vegetation may be removed.</li> </ol>
DA 11	<p>LYON ROAD (DEVELOPMENT ZONE)</p> <p>AMD 6 GG 13/6/06</p>	<ol style="list-style-type: none"> <li>1. <b>An approved Structure Plan</b> shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. DA11 shall provide for Residential development.</li> </ol>

(now Table 9)

<b>DA 12</b>	<b>TROODE STREET (DEVELOPMENT ZONE)</b>	<ul style="list-style-type: none"><li>(i) An approved Structure Plan together with all approved amendments shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li><li>(ii) DA 12 shall provide for Residential development.</li><li>(iii) A bushland/wetland area shall be retained for conservation purposes as a Local Parks and Recreation Reserve.</li></ul>
--------------	---	--

(now Table 9)

REF. NO.	AREA	PROVISIONS
DA 13	HAMMOND ROAD (DEVELOPMENT ZONE)  AMD 6 GG 13/6/06	<ol style="list-style-type: none"> <li>1. <b>An approved Structure Plan shall</b> be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1)..</li> <li>2. DA 13 shall provide for Residential development..</li> </ol>
DA 14	BEENYUP ROAD (DEVELOPMENT ZONE)  AMD 6 GG 13/6/06; AMD 84 GG 13/12/11	<ol style="list-style-type: none"> <li>1. <b>An approved Structure Plan shall</b> be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1)..</li> <li>2. DA 14 shall provide for Residential development.</li> <li>3. A Detailed Area(s) is required to be approved by the local government for Lots 519 and 424 Pearson Drive prior to subdivision or development, and the Detailed Area Plan(s) shall address, but not be limited to, the following issues – <ol style="list-style-type: none"> <li>a. Development that achieves an appropriate interface with the adjacent residential development, with minimal street setbacks to Pearson Drive, facilitating the location of car parking and communal open space to the rear of the subject land (southern boundary); and the height and design of buildings maintaining a compatible scale and form with adjacent development.</li> <li>b. Development that is designed to give emphasis to the street corners, particularly the corner of Wentworth Parade and Pearson Drive.</li> <li>c. Open style fencing to Pearson Drive.</li> <li>d. Provision of safe, functional and attractive access arrangements.</li> </ol> </li> </ol>
DA 15	JERVOISE BAY (SOUTHERN HARBOUR) (DEVELOPMENT ZONE)  AMD 6 GG 13/6/06	<ol style="list-style-type: none"> <li>1. <b>An approved Structure Plan shall</b> be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1), unless the land has already been subdivided into industrial lots.(SU2)</li> <li>2. The approved structure plan shall provide for Marine Engineering, Ship Building, Ship Repair and the fabrication of components for the off shore petroleum industry.</li> </ol>

(now Table 9)

<b>DA 16</b>	<b>SOUTH BEACH</b> <b>(DEVELOPMENT ZONE)</b> <i>AMD 6 GG 13/6/06</i>	<ol style="list-style-type: none"> <li>1. <b>An approved Structure Plan</b> shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. All residential development must be designed and constructed to comply with the South Beach Village Noise Management Plan dated August 2002.</li> </ol>
<b>DA 17</b>	<b>HENDERSON (NORTHERN HARBOUR)</b> <b>(DEVELOPMENT ZONE)</b>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision, land use and development, in accordance with Cl.27(1), unless the land has already been subdivided into industrial lots. (SU 2)</li> <li>2. DA 17 shall provide for marine engineering, shipbuilding, and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry and marine industry.</li> </ol>
<b>DA 18</b>	<b>BRIGGS STREET</b> <b>(DEVELOPMENT ZONE)</b> <i>AMD 6 GG 13/6/06</i>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. DA 18 shall provide for residential development.</li> </ol>

(now Table 9)

DA 19	<p>MURIEL COURT</p> <p>(DEVELOPMENT ZONE)</p> <p>AMD 6 GG 13/6/06 AMD 62 GG 26/9/08 AMD 67 GG 7/5/10</p>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. DA 19 shall provide for residential development and mixed business development where appropriate.</li> <li>3. Access within DA 19 for landowners who front North Lake Road/Tea Tree Close between Semple and Kentucky Courts shall be determined with regard to the North Lake Road Vehicle Access Policy Plan adopted by the Local Government or such other arrangements as considered acceptable to the Local Government.</li> <li>4. The North Lake Road Vehicle Access Policy Plan sets out criteria relating to: <ul style="list-style-type: none"> <li>▪ Control over the location, design and number of crossovers.</li> <li>▪ A requirement, as a condition of development approval or subdivision, for easements in gross in the form of a public access easement on land titles.</li> <li>▪ Ensuring that, on land adjacent to North Lake Road, all traffic enters and leaves in a forward direction and is suitable for heavy rigid vehicles.</li> </ul> </li> <li>5. Notwithstanding 5 above, Council may make satisfactory arrangements for temporary access to North Lake Road where designated crossover and linking right-of-carriageways have not been created.</li> <li>6. Where temporary access to North Lake Road is agreed to the terms and conditions of such access are to be set out in a legal agreement prepared at the landowners cost.</li> <li>7. All development within the Muriel Court Development Area shall be in accordance with Design Guidelines adopted by the local government.</li> <li>8. Each subdivision and development application in the DA area shall achieve at least 75% of the potential number of dwellings achievable under the R-Code designated for the application area on the approved Structure Plan.</li> </ol>
-------	--	--

(now Table 9)

REF. NO.	AREA	PROVISIONS
DA 20	<p>SOLOMON ROAD</p> <p>(DEVELOPMENT ZONE)</p> <p>AMD 6 GG 13/6/06 AMD 62 GG 26/9/08 AMD 20 GG 19/08/11</p>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. DA 20 shall provide for light and service industrial and mixed use development, to complement the Thomsons Lake Regional Centre and mixed business development where appropriate.</li> <li>3. Landowners within DA20 who front the North Lake Road extension (Other Regional Road) between Kwinana Freeway and Armadale Road shall comply with the access requirements set out in the North Lake Road Extension Vehicle Access Policy Plan adopted by Council and the Western Australian Planning Commission.</li> <li>4. The North Lake Road Vehicle Policy Plan sets out criteria relating to: Control over the location, design and number of crossovers. <ul style="list-style-type: none"> <li>• A requirement, as a condition of development approval or subdivision, for easements in gross in the form of a public access easement on land titles.</li> <li>• A requirement, as a condition of development approval or subdivision, to provide public right-of-way to side streets and crossovers as delineated in the Access Plan.</li> <li>• Ensuring that, on land adjacent to the North Lake Road extension, all traffic enters and leaves in a forward direction.</li> </ul> </li> <li>5. Notwithstanding <del>5.4</del> above, Council may make satisfactory arrangements for temporary access to the North Lake Road extension where designated crossover and linking public right of way has not been created and hence there is no access to the land.</li> <li>6. Where temporary access to North Lake Road extension is agreed to the terms and conditions of such access are to be set out in a legal agreement prepared at the landowners cost.</li> <li>7. Landowners within DA 20 whose land is Reserved "Other Regional Road" in the MRS and TPS No. 3 for the purpose of the extension of North Lake Road shall be responsible for the following –</li> </ol>



(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>(a) Land required for the extension of North Lake Road reserved as "Other Regional Road" in the MRS is expected to be ceded as a condition of subdivision approval granted by the Western Australian Planning Commission, or as a condition of development approval where appropriate; and</p> <p>(b) Construction of North Lake Road extension as a two-lane kerbed road to be a condition of subdivision approval granted by the Western Australian Planning Commission, or as a condition of development approval where appropriate, and shall include the following –</p> <ul style="list-style-type: none"><li>• Full earthworks;</li><li>• Dual use path (one side);</li><li>• Lighting</li><li>• Landscaping;</li><li>• Traffic management devices;</li><li>• Provision of drainage infrastructure.</li></ul> <p>9. In the case of Lot 11 Solomon Road, the landowner's obligation to construct the part of the North Lake Road extension within Lot 11 in accordance with clause 87 (a) and (b) will arise upon the commencement of any works associated with Stage 2 of the development shown on Drawing 9211-00-0-100 revision C stamped approved on 7 March 2000 as an amendment to Development Approval reference 5513480, unless another condition of subdivision or development approval has first imposed that obligation in any event.</p> <p>The road extension must be completed by the landowner to the standard approved by the City prior to the commencement of the use of Stage 2, unless another arrangement satisfactory to the City is made.</p> <p>10. Where it is not practical to construct the extension of North Lake Road at the time of undertaking subdivision, development, redevelopment or the extension of an existing use, Council may enter into a legal agreement with the landowner to formalise satisfactory arrangements regarding the timing of such works. The cost of preparing an agreement shall be at the cost of the landowner.</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
DA 21	SIMPER ROAD TRIANGLE <i>AMD 6 GG 13/6/06</i>	<ol style="list-style-type: none"><li>1. <b>An approved Structure Plan</b> shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li><li>2. DA 21 shall provide for Light and Service Industrial development.</li><li>3. The Council may impose conditions it deems necessary including but not limited to:-<ol style="list-style-type: none"><li>a) the use of landscaping, siting and fencing of the light or service industrial development to screen it from view from residential areas.</li><li>b) siting of the light or service industrial development to prevent noise from impacting on the locality.</li></ol></li></ol>

(now Table 9)

<p><b>DA 22</b></p>	<p>Port Coogee</p> <p>AMD 3 GG 29/6/05</p>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall apply to the land to be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> <li>3. Development of Shops (retail uses), Commercial Uses and Tourist Facilities within the Development Area shall be guided by the approved Structure Plan.</li> <li>4. The approved Structure Plan is to provide for public access to the coast and waterways and provide for a continuous dual use path along the foreshore connecting into the existing pathway system.</li> <li>5. The approved Structure Plan should retain existing remnant vegetation within the Development Area, where possible, particularly on the primary coastal dunes adjoining Coogee Beach.</li> <li>6. Provision shall be made for accessing a possible future commuter railway station on the railway reserve on the north boundary of the Development Area.</li> <li>7. The design, construction and development within the Development Area shall have due regard for the principles, objectives and criteria contained in the Sustainability Strategy prepared by the developer for the Port Coogee Marina.</li> <li>8. The Neighbourhood Centre shown on the Structure Plan located on Cockburn Road at the southern end of the Development Area is restricted to the following uses: <ul style="list-style-type: none"> <li>▪ Fast Food Outlet (P) (subject to 11)</li> <li>▪ Health Studio (D)</li> <li>▪ Medical Centre (D)</li> <li>▪ Convenience Store (A)</li> <li>▪ Lunch Bar (P)</li> <li>▪ Shop (P)</li> <li>▪ Restaurant (P)</li> </ul> </li> </ol>
---------------------	--	---

(now Table 9)

<b>DA 22</b>	<b>Port Coogee (Cont')</b>  <i>AMD 3 GG 29/6/05</i>	<p>where the permissibility (P), (D) and (A) is in accordance with clause 4.3.3 of the Scheme.</p> <p>11. Fast food outlets are restricted to only those premises that do not include a vehicle drive-through service.</p> <p>12. No commercial fishing boats are permitted to enter or use the marina, or carry out commercial fishing operations in or from the waterways.</p> <p>13. Local Development Plans (LDPs) shall be prepared under Schedule 2, clause 48 of the Scheme to be given due regard in the assessment and determination of applications for development for a particular lot or lots within the adopted Structure Plan.</p> <p>14. Local Development Plans (LDPs) may be required for any particular lot or lots within the adopted Structure Plan, however, LDPs shall be prepared for the land designated Marina Village, Neighbourhood Centre and possible future local centre and for land coded R80 and higher density coding.</p> <p>15. The proposed future local centre adjacent to the railway line, which is approximately 4000m<sup>2</sup> in area, is to be developed for off-street public car parking with the location, design and landscaping being to the Council's satisfaction and the car parking area is to be maintained by the developer or landowner for this purpose, until the Council agrees that all or part of the area is no longer required and may be considered for a railway station or other alternative use.</p> <p>16.</p>
		<p>(a) The ground floor of all proposed development within the Marina Village shall be set aside for commercial, retail or mixed business uses and may not be used for any other purpose unless the Council decides otherwise; and</p>

(now Table 9)

DA 22	<p>Port Coogee (Cont')</p> <p>AMD 3 GG 29/6/05</p>	<p>(b) In areas immediately adjacent to the Marina Village which are coded R80 or higher density, and shown as such on the Structure Plan, where development is proposed to be two storeys or higher, the ground floor shall be set aside for commercial, retail or mixed business uses where such uses can, in the opinion of the Council, complement uses in the Marina Village, and may not be used for any other purpose unless the Council decides otherwise.</p> <p>18. Development within the R20, R25, R30 and R40 coded residential areas is restricted to two storeys in height plus a loft.</p> <p>19. The Marina Village is to be developed as a social and tourist focal point with the commercial uses centred around alfresco dining and entertainment, marine based retail and other complementary speciality facilities, with a minimum retail floorspace of 1500m<sup>2</sup> net lettable area, unless the Council decides otherwise.</p> <p>20. The Marina Village shall include a site of not less than 3500m<sup>2</sup> for the development of a hotel, located and designed to the satisfaction of the Council.</p> <p>21. Within the Marina Village, and local centre areas coded R80, development is restricted to a maximum of eight stories. The height of buildings in residential R60 and R80 areas should be limited to a maximum of five storeys (and not exceeding 21 metres) in height. Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:</p> <ul style="list-style-type: none"> <li>(a) there is broad community support for the higher buildings following a process of full consultation;</li> <li>(b) the proposed development(s) is suitable for the location taking into account the build form, topography and landscape character of the surrounding area;</li> <li>(c) the location is part of a major tourist or activity node;</li> </ul>
-------	--	---

(now Table 9)

REF. NO.	AREA	PROVISIONS
		(d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and
DA 22	Port Coogee (Cont')  AMD 3 GG 29/6/05	(e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.
DA 23	Cockburn Central  (Town Centre Precinct)  AMD 1 GG 5/1/07	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. DA 23 shall facilitate the development of a multifunctional Town Centre which shall include a range of intensive residential and commercial development, shopping, entertainment, regional sport, bushland/wetland area and cultural facilities supported by a highly interconnected transport system. Supermarkets will not be permitted within the Town Centre; for the purpose of this clause supermarkets are defined as self service retail stores or markets with a sales area of 1100 square metres (NLA) or greater, the main function of which is to sell a variety of ordinary fresh and/or packaged food and grocery items.</li> <li>3. A public transport corridor shall be provided within Development Area 23 abutting the western boundary of the Kwinana Freeway Primary Regional Roads reservation, linking the Cockburn Central Railways Station with the Gateways Precinct, and safe and efficient pedestrian connections between the Cockburn Central Railway Station, the Town Centre Precinct and the Gateways Precinct.</li> <li>4. The residential density applying to the area of the Town Centre Precinct is R160.</li> <li>5. The local government may approve Local Development Plans pursuant to Schedule 2, Clause 52 for any part of the Development Area as defined on the approved Structure Plan.</li> </ol>



(now Table 9)

REF. NO.	AREA	PROVISIONS
		76. The rate of provision and location of car parking shall be determined with reference to the approved Structure Plan.
DA 24	Cockburn Central  (Gateways Precinct)  AMD 1 GG 5/1/06	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. The combined Gross Leasable Area (GLA) of retail floor space within the Gateways Precinct shall not exceed 35,000 square metres (GLA) until a review of the shopping centre design and associated access arrangements has been undertaken to the satisfaction of Council. In this respect particular attention is to be given to access arrangements to Beeliar Drive and to the provision of a suitable public transport corridor through the Gateways Precinct to the Town Centre Precinct on advice from the Public Transport Authority.</li> <li>3. The approved Structure Plan shall facilitate the development of a Precinct that includes regional shopping, showroom, office, entertainment, and community facilities supported by a highly interconnected transport system.</li> <li>4. The local government may approve Local Development Plan(s) pursuant to Schedule 2, Clause 52 for any part of the Development Area as defined on the approved Structure Plan.</li> <li>5. The approved Structure Plan is to provide for safe and efficient pedestrian connections between the Cockburn Central Railway Station, the Town Centre Precinct and the Gateways Precinct.</li> </ol>

(now Table 9)

<p><b>DA 25</b></p>	<p>Imlah Court and Prinsep Road, Jandakot</p> <p>AMD 12 GG 31/1/06; AMD 27 GG 12/10/10</p>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. The approved Structure Plan shall provide for future Residential development along the Imlah Court frontage and Mixed Business development with co-ordinated access from Prinsep Road</li> </ol>
		<ol style="list-style-type: none"> <li>3. Building on the Mixed Business lots which abut residential lots should not be higher than 3.0m in height at the residential boundary. The wall can increase in height by 1m for every 1m it is setback from the residential boundary.</li> <li>4. Single house, grouped dwelling, multiple dwelling, lodging house and residential building uses shall not be permitted in the Mixed Business zone.</li> <li>5. No development in the Mixed Business zone shall have access to Imlah Court.</li> <li>6. The owners of Lots 19, 69, 21 and 22 Imlah Court shall pay in proportion of their land zoned Mixed Business the full cost of providing Road A shown on the Structure Plan for Development Area 25 including land, construction, drainage and all other associated costs with no contribution or reimbursement from the owner of Lot 303 Prinsep Road.</li> </ol>
<p><b>DA 26</b></p>	<p>Rowley Road (Development Zone)</p>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. To provide for residential development and compatible land uses.</li> </ol>
<p><b>DA 27</b></p>	<p>Wattleup Road (Development Zone)</p>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan/s shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li> <li>2. DA 27 shall provide for residential development and compatible land uses.</li> </ol>

(now Table 9)

<b>DA 28</b> AMD 18 19/2/2010	Success – Bartram / Hammond Roads	<ol style="list-style-type: none"><li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).</li><li>2. Within the portion of the Residential and Local Centre zones contained between the <math>1 \times 10^{-6}</math> and <math>5 \times 10^{-7}</math> contours, as indicated on the approved structure plan, the following land uses are not permitted:<ul style="list-style-type: none"><li>• Child Care Premises</li><li>• Aged or Dependant Persons Dwellings</li><li>• Education Establishments</li><li>• Hospitals.</li></ul></li></ol>
		<ol style="list-style-type: none"><li>3. Within the Mixed Business Zone area, caretakers Dwellings, Grouped Dwellings, Multiple Dwellings, Single House, Residential Building, Lodging House and Tourist Accommodation are not permitted.</li><li>4. The development of shops (retail uses) within the Development Area shall be limited to a maximum of <math>1600\text{m}^2</math> NLA.</li></ol>

(now Table 9)

<p><b>DA 29</b></p>	<p>Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson</p> <p><i>AMD 50 GG 20/6/08</i></p>	<ol style="list-style-type: none"> <li>1. Subdivision, land use and development shall be guided by an approved Structure Plan in accordance with Cl.27(1)..</li> <li>2. The objectives of the Development Area are to: <ol style="list-style-type: none"> <li>(a) promote the purposes and functions of the Technology Development Act 1983 (as amended);</li> <li>(b) ensure that uses within the Development Area are directly related to or incidental to ship design, ship building, the offshore petroleum, chemical and mining industries, ship repair and marine engineering in accordance with the provisions of Special Use zone No. 22;</li> <li>(c) encourage research and development relative to marine related industry, the offshore petroleum, chemical and mining industries;</li> <li>(d) encourage attractive and efficient facilities;</li> <li>(e) provide for the safe movement of vehicular and pedestrian traffic; and</li> <li>(f) protect the amenity of areas adjacent to the zone.</li> </ol> </li> <li>3. Development Standards <p>The following provisions apply to all land included in the SU22 zone and DA29 area in addition to any provisions which are more specifically applicable to that land under the Scheme:</p> <ol style="list-style-type: none"> <li>(a) <b>Building Setbacks</b> <p>A person shall not erect or cause or permit to be erected any building or any portion of a building nearer to a street alignment than as follows;</p> <p><b>Front boundary</b></p> <p>Buildings shall be setback a minimum of 15 metres from the front boundary. This area shall be used for landscaping and car parking.</p> </li> </ol> </li> </ol>
---------------------	---	---

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>The setback shall apply to any structure greater than 1 metre in height other than approved signage, retaining walls or displays.</p> <p><b>Secondary street boundaries</b></p> <p>For corner lots, buildings shall be setback a minimum of 7.5 metres from the secondary street.</p> <p><b>Side and rear boundaries</b></p> <p>Setbacks shall comply with Building Code of Australia.</p> <p>(b) Landscaping</p> <p>(i) a minimum of 5% of the total area of each lot must be landscaped between the lot boundary and the building line (excluding verge areas) or as varied under the provisions of <u>Clause 5.9.24.9.2</u> of the Scheme.</p> <p>(ii) Notwithstanding sub-clause (i) above, lots with a boundary to Cockburn Road shall set aside a 3 metre wide landscape strip along the road frontage and this area shall be landscaped and maintained to the satisfaction of the local government;</p> <p>(iii) A landscape plan detailing the mix of hard and soft surfaces shall accompany any application for planning consent. Landscaping shall be provided in accordance with the approved plan and maintained to the satisfaction of the local government;</p> <p>(c) Vehicle Parking and Servicing Facilities</p> <p>(i) Vehicle parking shall be provided in accordance with Tables 2, 3 and 4 - Vehicle Parking Provisions;</p> <p>(iii) Vehicle parking and servicing areas shall be screened from the street and either located behind the building or a landscape strip;</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>(iii) Where vehicle parking and servicing facilities are proposed between the building and street alignment, they shall be designed in such a way as to complement the building and be screened from the street.</p>
<p><b>DA 29</b></p>	<p>Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson (Cont'd)</p> <p>AMD 50 GG 20/6/08</p>	<p>(d) Building Design</p> <p>Buildings shall be designed to accord with the principles of the Support Industry Precinct Design Guidelines;</p> <p>(e) Signage</p> <p>(i) A plan or description of all signs for the proposed development, including signs painted on a building, shall be submitted to and approved by the local government as a separate application;</p> <p>(ii) Signage is to complement the architectural proportion and scale of the building.</p> <p>(iii) Roof signs will not be permitted.</p> <p>(f) Prohibited Uses</p> <p>No storage, transport, handling, use and disposal of chemicals or toxic and hazardous substances shall occur within 100 metres of the wetland boundary.</p> <p>(g) Sustainability</p> <p>Development is to incorporate energy and water use efficient design, material and products wherever practical.</p> <p>(h) Fencing</p> <p>Security fencing will be permitted along side and rear boundaries; front fencing to any street frontage should be limited to a minimum. Where security fencing is required to a street frontage, the fence line is preferably to be set back to the building line.</p> <p>The minimum standard for fencing is black PVC coated galvanised link mesh with black support members.</p>



(now Table 9)

REF. NO.	AREA	PROVISIONS
DA 29	Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson (Cont'd)  AMD 50 GG 20/6/08	(i) Stormwater Management  All stormwater is to be managed on site to ensure no significant runoff from the lots onto roads will occur with the exception of lots located within the "Groundwater Protection Zone" (see Structure Plan). These lots will drain into a designated drainage swale to avoid direct discharge to the adjacent wetlands.
DA 30	Lot 5 on Diagram 66412 and Lot 1 on Diagram 63519 and Pt Lot 50 on Diagram 78591 (Loc 630) Farrington Road  AMD 13 GG 22/6/07	1. An approved Structure shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).
DA 31	Packham North (Development Zone)  AMD 70 GG 05/11/10	1. <b>An approved Structure Plan</b> shall be given due regard in the assessment and determination of applications for subdivision, land use and development in accordance with Cl.27(1).  2. DA 31 shall provide for residential development and compatible land uses.  3. Each subdivision and development application in the Development Area shall achieve at least 85% of the potential number of dwellings achievable under the designated RCode.

(now Table 9)

<p><b>DA 32</b></p>	<p>Cockburn Road (Development Zone) <i>AMD 74 GG 04/02/11</i></p>	<ol style="list-style-type: none"> <li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>2. DA 32 shall provide for residential development and may include the sympathetic adaptation of the Heritage places for commercial and tourist related uses that are compatible with residential amenity and consistent with the Conversation Plan.</li> <li>3. DA 32 shall facilitate the conversion and protection of the cultural heritage significance of the Heritage Places of the cultural heritage significance of the Heritage Places and their setting, consistent with a Conservation Plan.</li> </ol>
		<ol style="list-style-type: none"> <li>4. No subdivision or development will be supported within the Development Area until the Structure Plan has been approved in accordance with Schedule 2, Part 4.</li> <li>5. The maximum building height of any development shall be in accordance with the City of Cockburn's Local Planning Policy <u>1.7 ADP53</u> – Coogee Residential Height Requirements.</li> </ol>

(now Table 9)

<p><b>DA 33</b></p>	<p>Cockburn Coast AMD 89 GG 23/4/13</p>	<p><b>1.1 Objectives of the Cockburn Coast Development Area</b></p> <p>The purpose and intent of the Development Area is expressed in the following objectives. These objectives are to guide the preparation of Local Structure Plans for the Cockburn Coast Development Area—</p> <ul style="list-style-type: none"> <li>(a) Responsive to context—regionally and the immediate environment.</li> <li>(b) Establish a sustainability framework for future detailed planning and design.</li> <li>(c) Transit orientated development with appropriate density.</li> <li>(d) Establish an urban development framework that provides guidance for implementation.</li> <li>(e) Inclusive/participatory planning and consultation framework.</li> <li>(f) Create a place with a mix of people, housing, land uses, experiences and lifestyle.</li> </ul> <p><i>Land use and zoning objectives</i></p> <ul style="list-style-type: none"> <li>(g) Creation of an integrated mix of land uses—a place to live, work, play, where people have a choice of activities throughout the day and night.</li> <li>(h) Maintenance of the integrity of the existing land uses where appropriate and desired.</li> <li>(i) Promotion of a general transition and intensification of land uses within the Development Area.</li> <li>(j) Facilitation of an urban typology for residential development, and provide extensive opportunities for live/work within the Development Area.</li> </ul>
---------------------	---	---

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>(k) Use of the natural landform, different character and roles of individual streets to create varied land use and built form character precincts.</p> <p>(l) Provision for the revitalisation and enhancement of the Development Area through the combined framework of land use controls, design guidelines and public works.</p> <p>(m) Encouragement of new land uses within the Development Area, but seek to carefully manage the inter-relationship of such land uses with existing and future non-residential land uses.</p> <p><i>Movement network</i></p> <p>(n) The need to balance the function and impacts of regional and local transport.</p> <p>(o) Development of an internal road network with connections to the wider regional network which disperses traffic.</p> <p>(p) Production of a highly connected and amenable pedestrian and cyclist network providing access to the regional network.</p> <p>(q) Promotion of an efficient public transport system providing connections to Fremantle and the wider regional network with the potential for expansion to the south and east in the future.</p> <p>(r) Development of a transit oriented community.</p> <p><i>Public Open Space</i></p> <p>(s) Provide for a range of passive and active recreation opportunities throughout the streets and public spaces.</p> <p>(t) Create an urban typology for open spaces while respecting the natural landform and characteristics of the Cockburn Coast area.</p> <p>(u) Develop a hierarchy of open spaces at a regional, district and local scale offering a range of uses and experiences.</p> <p>(v) Foster multi-purpose open spaces, including integrated water management.</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p><i>Public realm</i></p> <p>(w) Ensuring attractive, interactive and interesting street environments for pedestrians and cyclists.</p> <p>(x) Ensuring safety in the public realm, particularly at night.</p> <p>(y) Create strong legibility and enhancement of the Development Area's entries, focal points, movement networks, open spaces and activity nodes.</p> <p>(z) Establish a sense of place through interesting and interactive streetscapes and built form that reflect the history and coastal influences of the site.</p> <p><i>Built form</i></p> <p>(aa) Creation of a variety of building types, with a key focus on sustainable design.</p> <p>(bb) Developing landmark buildings in key locations.</p> <p>(cc) Stipulating adaptable mixed use buildings in appropriate locations.</p> <p>(dd) Promoting traditional 'main street' forms of building design within commercial areas.</p> <p>(ee) Facilitating development of commercial and mixed use buildings to street edges.</p> <p>(ff) Encouraging active building edges fronting the public realm, particularly at the ground floor level.</p> <p>(gg) Retaining a sense of the area's industrial heritage through the built form, while ensuring that the architectural design is contemporary and not 'faux industrial'.</p> <p><b>2.0 Hierarchy of Plans</b></p> <p>Subdivision and development within the Development Area shall be guided by an approved Structure Plan, Design Guidelines and Local Development Plans as appropriate. An approved Structure Plan(s) together shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p><b>3.1 District Structure Plan(s)</b></p> <ul style="list-style-type: none"> <li>(a) The following District Structure Plans have been prepared for the Development Area— <ul style="list-style-type: none"> <li>(i) Cockburn Coast District Structure Plan (2009)</li> <li>(ii) District Structure Plan Part 2</li> </ul> </li> <li>(b) The District Structure Plans provide guidance for the preparation of the subsequent Local Structure Plans</li> <li>(c) Local Structure Plans shall have regard to both the Cockburn Coast District Structure Plan and the District Structure Plan Part 2.</li> </ul> <p><b>4.1 General Development Area Provisions</b></p> <ul style="list-style-type: none"> <li>(a) An approved Local Structure Plan be given due regard in the assessment and determination of applications for subdivision and development.</li> <li>(b) Within the Development Area, Design Guidelines adopted by the Local Government shall apply.</li> <li>(c) In determining any application for approval to commence development, the Local Government may utilise the Design Guidelines, in conjunction with the Local Structure Plan, the Scheme and any relevant Local Government Local Planning Policy.</li> </ul>



(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>(e) Local Development Plans must be prepared by the landowner and approved by the Local Government prior to the subdivision or development of land within the Activity Centres, and may be required for any other particular lot or lots where deemed necessary by the Local Government.</p> <p>(f) Each subdivision (excluding amalgamation proposals) and development application shall achieve at least 85% of the potential number of dwellings achievable under the R-code designated for the application area on the adopted Local Structure Plan. In calculating the potential number of dwellings for the purposes of this provision, the following average lot sizes will apply unless specified by the adopted Local Structure Plan—</p> <ul style="list-style-type: none"><li>• R30 = 300m<sup>2</sup></li><li>• R40 = 220m<sup>2</sup></li><li>• R50 = 180m<sup>2</sup></li><li>• R60 = 180m<sup>2</sup></li><li>• R80 = 125m<sup>2</sup></li><li>• R100 = 100m<sup>2</sup></li><li>• R160 = 62.5m<sup>2</sup></li></ul> <p>(g) Where appropriate the Local Government may require that proposals be accompanied by a report prepared by a qualified acoustical consultant, certifying that the design features of the development will achieve a satisfactory level of noise attenuation to enable the mixing of residential and non-residential land uses to occur; and/or demonstrate mitigation of impacts associated with freight noise and vibration.</p> <p><b>5.1 Local Structure Plans</b></p> <p><b>5.2 Content of Local Structure Plan Report(s)</b></p> <p>In addition to the required details set out in Schedule 2, Clause 16 of the Scheme, all Structure Plans shall be accompanied by the following supplementary information for the Cockburn Coast area—</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p><b>5.1.1 Affordable Housing Strategy</b></p> <p>The proponent shall prepare an Affordable Housing Strategy which identifies measures to achieve the affordable housing targets as set out in the Cockburn Coast District Structure Plan to the satisfaction of the Local Government.</p> <p><b>5.1.2 Local Water Management Strategy</b></p> <p>The proponent shall submit to the Local Government a Local Water Management Strategy which is consistent with the approved District Water Management Strategy as an additional detail of the Local Structure Plan(s).</p> <p><b>5.1.3 Noise and Vibration Management Plan</b></p> <p>The proponent shall submit to the Local Government a Noise and Vibration Management Plan for approval as an additional detail of the Local Structure Plan(s).</p> <p><b>5.1.4 Cultural Heritage Strategy (Historic Cultural heritage and Indigenous Cultural Heritage)</b></p> <p>(i) The proponent shall submit to the Local Government a Cultural Heritage Strategy for approval as an additional detail of the Local Structure Plan(s). The Strategy shall demonstrate how matters of cultural heritage significance will be addressed across the local Structure Plan area and shall—</p> <ul style="list-style-type: none"><li>• Identify the places of cultural heritage significance within and adjacent to the Development Area;</li><li>• Outline methods of conserving places of cultural heritage significance;</li><li>• Identify significant zones whereby there should be further guidance on development within and/or adjacent to places of cultural heritage significance;</li><li>• Include recommendations for heritage interpretation.</li><li>• Include an implementation plan setting out responsibilities.</li></ul> <p>(ii) The proponent shall submit to the Local Government Heritage Interpretation Plan(s) for approval as an additional detail of development applications as determined by the Local Government.</p> <p>(iii) Heritage Interpretation Plan(s) may be required for development in the following areas (but not be limited to)—</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<ul style="list-style-type: none"><li>• South Beach Horse Exercise Area</li><li>• Robb Jetty Precinct</li><li>• South Fremantle Power Station</li><li>• Robb Jetty camp and Indian Ocean sites (Aboriginal Heritage Site 3707—Robb Jetty camp).</li></ul> <p><i>5.1.5 Public Art Strategy</i></p> <p>(i) The proponent shall submit to the Local Government a Public Art Strategy for approval as an additional detail of the Local Structure Plan(s).</p> <p>(ii) The Public Art Strategy shall set out the framework to enhance each precinct through the appropriate integration of public art within the Development Area by detailing the following—</p> <ul style="list-style-type: none"><li>• Influences for public art and possible public art themes for each precinct;</li><li>• Indicative locations for artworks where they will enhance the amenity and the interpretation of the public realm, contribute to way-finding, and enhance the sense of place; and</li><li>• Management arrangements and responsibilities for public art.</li></ul> <p><i>5.1.6 Coastal Hazard Risk Assessment</i></p> <p>A Coastal Hazard Risk Assessment is required to be prepared for the full length of coastline adjacent to the Development Area as an additional detail of the Local Structure Plan(s) to the satisfaction of the Local Government</p> <p><i>5.1.7 Foreshore Management Plan</i></p> <p>(i) A Foreshore Management Plan is required to be prepared for the full length of coastline adjacent to the Development Area as an additional detail of the Local Structure Plan(s) to the satisfaction of the Local Government.</p> <p>(ii) The Foreshore Management Plan shall be informed by the Coastal Hazard Risk Assessment and shall demonstrate measures to mitigate potentially adverse impacts by coastal processes (including climate change induced sea level rise) on the proposed development (including public, private and Local Government infrastructure).</p> <p>(iii) The Foreshore Management Plan shall be consistent with State Planning Policy No.</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>2.6 and shall address the following place specific matters—</p> <ul style="list-style-type: none"><li>• Integration with the North Coogee and Coogee Beach Management Plans.</li><li>• Improvement of pedestrian and cycling links with South Beach and Port Coogee.</li><li>• Improvement of east-west links across the railway reserve and connect people with the foreshore.</li><li>• Consideration of ecological linkages across the railway line to the Beeliar Regional Park.</li><li>• Identification of measures to recognize and interpret historic cultural heritage and indigenous cultural heritage.</li><li>• Potentially conflicting recreational activities, including the use of the coastline as a designated horse exercise area which is a unique characteristic of the Cockburn coast, and the use of the beach as a dog exercise area.</li><li>• A comprehensive response to the future management of the Port Coogee sand bypassing operations to ensure that the sand bypassing works do not produce detrimental effects on the marine environment and public safety, and sediment outcomes for accretion and erosion between Catherine Point and Coogee Beach to the south.</li><li>• Assessment of the need to upgrade the South Fremantle power station groynes.</li></ul> <p><i>Fire Management Plans (s)</i></p> <p>Where the Bushfire Hazard Assessment undertaken as part of the Local Structure Plans identify a bushfire hazard risk, the proponent shall submit to the Local Government a Fire Management Plan for each Local Structure Plan area demonstrating compliance with Planning for Bushfire Protection Guidelines, to the satisfaction of the Local Government on the advice of DFES.</p> <p><b>5.2 Matters to be addressed by Local Structure Plans</b></p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>All Local Structure Plans shall address, but not be limited to the following matters—</p> <p><i>5.2.1 Public Open Space</i></p> <p>Local Structure Plans shall identify public open space that—</p> <ul style="list-style-type: none"> <li>(i) meets the recreational needs of the whole community by including a diverse range of open spaces of suitable dimensions, both in size and character to offer formal and informal opportunities for active and passive recreation and community interaction, flora and fauna connectivity and urban water management, and a setting for other uses and activities;</li> <li>(ii) is accessible and attractive to users, including local residents, workers or visitors to the area;</li> <li>(iii) assists legibility and may play a landmark role;</li> <li>(iv) includes logical and interesting routes for pedestrians and cyclists, and act as links and hubs in pedestrian and cycle networks;</li> <li>(v) is located and designed to be safe, serviceable and well lit in a sustainable manner;</li> <li>(vi) provides the opportunity to conserve and enhance natural values, including the function of ecological corridors; and</li> <li>(vii) is provided in accordance with Western Australian Planning Commission policy.</li> </ul> <p><i>5.2.2 Movement Network</i></p> <p>Local Structure Plans shall achieve a street pattern that serves the needs of pedestrians, cyclists and vehicles equitably, provides good pedestrian connections to local activities and offers a memorable layout for way-finding and legibility.</p> <p><i>5.2.3 Environmental Sustainability</i></p> <p>Local Structure Plans shall identify the applicable measures to demonstrate how the environmental sustainability targets set out in the Cockburn Coast District Structure Plan (2009) for each Local Structure Plan area will be achieved, to the satisfaction of the Local Government.</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p><i>5.2.4 Building Heights</i></p> <p>Local Structure Plans shall identify and justify the appropriate location of iconic, landmark, and gateway sites consistent with the Cockburn Coast District Structure Plan (2009) and District Structure Plan Part 2.</p> <p><i>5.2.5 Affordable Housing</i></p> <p>Local Structure Plans shall identify applicable measures, outlined in the Affordable Housing Strategy required by Clause 5.1.1, to demonstrate how the affordable housing targets set out in the Cockburn Coast District Structure Plan (2009) for each Local Structure Plan area will be achieved, to the satisfaction of the Local Government and the Western Australian Planning Commission.</p> <p><i>5.2.6 Employment</i></p> <p>(i) Local Structure Plans shall identify the applicable measures to demonstrate how the employment self sufficiency targets set out in the Cockburn Coast District Structure Plan (2009) for each Local Structure Plan area will be facilitated, to the satisfaction of the Local Government.</p> <p>(ii) To meet the requirements of Clause 5.2.6 (i), Local Structure Plans shall include an assessment of the likely employment requirements of the population residing within the Local Structure Plan area, measures proposed to establish a framework to encourage and retain local employment, location of these areas, estimates of retail floor space, and estimates of future employment opportunities.</p> <p><i>5.2.7 Environmental Feasibility</i></p> <p>The Local Structure Plan shall discuss impacts of any proposed marina or similar modifications upon the marine environment including relationship to other coastal features .</p> <p><i>5.2.8 Social Feasibility</i></p> <p>Any Local Structure Plan proposing the inclusion of a marina or similar modifications to the coastline shall discuss the social feasibility of such a proposal in contrast to the opportunities afforded by the existing coastline.</p>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p><b>5.2.9 Transition of Land Uses</b></p> <ul style="list-style-type: none"> <li>(i) The Local Structure Plan shall identify and describe any existing lawful development within the development area which has associated offsite impacts.</li> <li>(ii) The Local Structure Plan shall identify and describe how future land use and development will be managed so that areas experiencing offsite impacts from existing lawful development are either avoided or managed.</li> </ul> <p><b>5.2.10 Contaminated Sites</b></p> <ul style="list-style-type: none"> <li>(i) While recognising the obligations for landowners under the <i>Contaminated Sites Act 2003</i>, identify lots contained within the whole Local Structure Plan area that are known or suspected to be contaminated and the status of contamination investigations for those lots.</li> <li>(ii) Describe how the land use plan responds to issues of contamination across the whole Local Structure Plan area.</li> </ul> <p><b>5.3 Design Guidelines</b></p> <p><b>5.3.1</b> Local Structure Plans shall have associated Design Guidelines. These shall be adopted by the Local Government prior to or as a part of the formal consideration of the associated Local Structure Plan.</p> <p><b>5.3.2</b> Design Guidelines shall incorporate and provide guidance on the following key design principles which are applicable to the Development Area—</p> <p><i>General Development Guidelines</i></p> <ul style="list-style-type: none"> <li>(i) All development should facilitate close interaction with the pedestrian activity along footpaths. Buildings should be designed to focus on pedestrian and cyclist amenity and safety, while accommodating on street parking and slow vehicle speeds in certain locations.</li> <li>(ii) Buildings should be located and designed to form an interesting and attractive urban edge to the street; to define and enclose the public street space at an appropriate scale;</li> <li>(iii) Achieving an appropriate built form interface with public open space and public areas which provides passive surveillance.</li> </ul>



(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>(iv) Minimisation of the width and number of driveways and crossovers to assist in the achievement of attractive, pedestrian friendly environments.</p> <p>(v) Management of car parking to ensure the objectives of the Integrated Transport Plan and District Structure Plans are achieved.</p> <p>(vi) Provision of bicycle parking and end of trip facilities for mixed use and commercial buildings, and larger scale residential developments.</p> <p>(vii) All proposals that include residential development are required to demonstrate diversity in dwelling types, through the incorporation of different sized and designed dwellings. There is an expectation that a number of different types (size and design) comprise every proposal that includes residential development.</p> <p>(viii) All development should be designed to maximise passive solar heating, cooling and natural ventilation, and to reduce energy and resource consumption wherever possible.</p> <p>(ix) Development of sites adjacent to a Heritage Place shall be respectful of the recognised cultural heritage significance, and should not adversely affect the heritage significance.</p> <p><i>Guidelines for Mixed Use/Activity Centres</i></p> <p>(x) Buildings that front a public street should be constructed in a robust way that will allow for retrofitting to occur at a later date (e.g. residential capacity on the ground floor with the ability to retrofit into the future to intended commercial land uses).</p> <p>(xi) Buildings and their activities are to present an active front to public streets and open space.</p> <p>(xii) The Development Guidelines shall include measures to facilitate sustainable mixed land use urban environments where a diverse range of carefully designed and constructed land uses can successfully co-exist with noise sensitive and noise emitting premises. The guidelines are to—</p> <ul style="list-style-type: none"><li>• Achieve appropriate acoustic environments within residential and other noise sensitive premises.</li></ul>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<ul style="list-style-type: none"> <li>Facilitate a diversity of businesses and services including dining, entertainment, culture and creativity industries, and ensure appropriate noise emission mitigation for these and other non-residential land uses.</li> <li><input type="checkbox"/> Ensure mechanical, industrial and service equipment is appropriately designed, located and installed to minimise noise disturbance.</li> </ul>
<b>DA 34</b>	<p><b>COOLBELLUP SCHOOL SITES</b></p> <p>Reserve 38242; Lot 2719 Hilory Street, Coolbellup</p> <p>Reserve 38243; Lot 2718 Benedick Road, Coolbellup</p> <p>Part of Lot 255 pedestrian access way connecting Rosalind Way and Benedick Road, Coolbellup</p> <p><i>AMD 55 GG 23/09/11</i></p>	<ol style="list-style-type: none"> <li>An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li> <li>Structure plans will be required to fulfil the following design objectives to the satisfaction of Council – <ol style="list-style-type: none"> <li>Provide for a range of densities, dwelling types and lot sizes.</li> <li>Provide for medium to higher density development on the former Koorilla Primary School site, taking advantage of its location adjoining the Coolbellup Town Centre.</li> <li>Provide for medium density development on the former Coolbellup and North Lake Primary School sites.</li> <li>Ensure the layout and urban form of structure plans responds appropriately to the surrounding neighbourhood environment. Structure plans must specifically be seen to facilitate a 'natural' extension to the surrounding neighbourhood environment, through providing for appropriate integration with the neighbourhood layout and pattern of residential development.</li> <li>Ensure the layout and urban form of structure plans responds appropriately to existing and planned areas of public open space.</li> <li>Ensure that the layout and urban form of structure plans provides for the practical retention of significant trees/vegetation. This shall include the appropriate allocation of public open space areas, as well as opportunities to retain significant trees/vegetation within road reserves.</li> </ol> </li> </ol>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<p>vii. Ensure environmentally sustainable design approaches are achieved in terms of solar orientation of lots.</p> <p>viii. Ensure general consistency with the findings of the Coolbellup Enquiry By Design Workshop Outcomes Report.</p> <p>3. The Local Government may adopt a Local Development Plan pursuant to Schedule 2, Clause 47 for any part of the Development Area as defined on the approved structure plan(s)..</p> <p>4. A total of 3.79 hectares shall be provided across the three former school sites for the purposes of public open space and/or community purposes.</p>
DA 35	<p>Hammond Road North (Development Zone) AMD 90 GG 17/10/14</p>	<p>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</p> <p>2. The purpose of DA 35 is to provide for future commercial, retail and mixed business development and compatible uses incidental thereto. The extent of such uses will be subject to the preparation and approval by Council of an economic/retail impact assessment prepared in accordance with State Planning Policy 4.2.</p> <p>3. Detailed Area Plans and/or Design Guidelines shall be prepared and approved by Council to guide and assess development.</p> <p>4. The approved Structure Plan must be accompanied by a comprehensive traffic assessment, including a Vehicle Access and Parking Strategy.</p>

(now Table 9)

DA 36	Bartram road (Development Zone)  AMD 93 GG 06/05/14	1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).
		<p>2. The purpose of DA 36 is to provide for residential development and associated protection and enhancement of the Conservation Category Wetland and associated natural environment of the subject land.</p> <p>3. In addition to the minimum requirement of 10% Public Open Space, any proposed Structure Plan shall include the provision of an additional 7240m<sup>2</sup> of Public Open Space which represents the balance of Public Open Space required for the Thomsons Lake residential development.</p> <p>The 7240m<sup>2</sup> balance of additional POS comprises the following sites which were previously not included in the calculation of the gross subdivisible area for the Thomsons Lake residential development –</p> <ul style="list-style-type: none"> <li>• Lot 585 Bannigan Avenue, Success which was originally zoned Local Centre and comprised a 2000m<sup>2</sup> area of open space, which was to be dedicated free of cost as a community purposes site to coexist with the local shopping centre. In 2005, the site was rezoned from Local Centre to Residential R40 subject to the provision of the previously deducted Public Open Space contributions of 10% of the subject site being 1240m<sup>2</sup> and 2000m<sup>2</sup> for the area no longer provided for community purposes.</li> <li>• Lot 810 Wentworth Parade, Success which was 4000m<sup>2</sup> of land originally ceded for a police station to which a public open space credit was received. The site is no longer required for a police station and in accordance with a Deed of Covenant between the Western Australian Planning Commission, GSC Gold Pty Ltd, Gold Estates of Australia (1903) Ltd and Minister for Lands Gold Estates will provide 4000m<sup>2</sup> of Public Open Space within DA 36.</li> </ul> <p>4. Any Proposed Structure Plan shall include a Wetland Management and Rehabilitation Plan covering the Conservation Category Wetland and portions of the adjoining transmission line area to the satisfaction of the City of Cockburn. The Wetland Management and Rehabilitation Plan shall address the following requirements:</p> <ul style="list-style-type: none"> <li>• Delineation of management plan boundaries;</li> <li>• Description of existing environment and the environmental values of the management areas;</li> <li>• Description of proposed land ownership and management arrangements;</li> </ul>

(now Table 9)

REF. NO.	AREA	PROVISIONS
		<ul style="list-style-type: none"> <li>Description of management recommendations for the management areas such as: fencing, access, signage, fire management, weed control, revegetation and rehabilitation;</li> <li>Suitable pedestrian linkage to the western adjacent active open space; and</li> <li>Description of an implementation schedule detailing, timing, responsibilities, funding arrangements, for recommended actions.</li> </ul> <p>5. Any Proposed Structure Plan shall include a Bushfire Management Plan detailing appropriate Bushfire mitigation measures and design responses in respect of the Proposed Structure Plan.</p> <p>6. Any Proposed Structure Plan shall include a Mosquito and Midge Management Plan.</p> <p>7. Any Proposed Structure Plan shall include a Local Water Management Strategy detailing appropriate urban water management and water sensitive urban design measures in respect of the Proposed Structure Plan.</p>
DA 37	Banjup Quarry Redevelopment AMD 95 GG 29/10/13	<p>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</p> <p>2. The purpose of DA 37 is to provide for an appropriate mix of residential and non-residential land uses, in order to support the objective for a mixed use neighbourhood. Non-residential land uses may include compatible commercial and industrial (light and service industry) land uses, as a means to provide an appropriate interface and transition to the western adjoining Solomon Road Development Area 20.</p> <p>3. The Structure Plan is to provide for safe and efficient pedestrian connections between DA37 and the Cockburn Central Railway Station.</p>

(now Table 9)

DA 39	Rockingham Road AMD 100 GG 9/9/14	<ol style="list-style-type: none"><li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li><li>2. The purpose of DA 39 is to:<ol style="list-style-type: none"><li>(a) Provide for medium to high density residential development; and</li><li>(b) Ensure the layout and urban form provides an appropriate interface to adjacent roads, the Primary Regional Road Reservation, existing public open space, and any proposed areas of public open space.</li></ol></li></ol>
DA 40	Blackwood Avenue AMD 100 GG 9/9/14	<ol style="list-style-type: none"><li>1. An approved Structure Plan shall be given due regard in the assessment and determination of applications for subdivision and development in accordance with Cl.27(1).</li><li>2. The purpose of DA 40 is to:<ul style="list-style-type: none"><li>• Provide for medium density residential development; and</li><li>• Ensure the layout and urban form provides an appropriate interface to adjacent roads and the Primary Regional Road Reservation.</li></ul></li></ol>

Table 10

**SCHEDULE 12 DEVELOPMENT CONTRIBUTION PLAN**

1.

Ref No:	DCA 1
Area:	Success North
Provisions:	<p>All landowners within DCA 1 shall make a proportional contribution to the widening and upgrading of Hammond Road between Beeliar Drive and Bartram Road, Success.</p> <p>The proportional contribution is to be determined in accordance with the provisions of <b>clause 5.3</b> and contained on the Development Contribution Plan. 5.3</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> <li>• Land reserved for Hammond Road under the Metropolitan Region Scheme;</li> <li>• Full earthworks;</li> <li>• Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided;</li> <li>• Dual use path (one side only);</li> <li>• Pedestrian crossings (where appropriate at the discretion of the local government);</li> <li>• Drainage;</li> <li>• Costs to administer cost sharing arrangements - preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs;</li> <li>• Servicing infrastructure relocation where necessary.</li> </ul>
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 1.



(now Table 10)

2.

Ref No:	DCA 2
Area:	Success Lakes
Provisions:	<p>All landowners within DCA 2 with the exception of Lot 500 Hammond Road shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of <b>clause 5.3</b> and contained on the Development Contribution Plan. <sup>5.3</sup></p> <p>Contributions shall be made towards the following items:-</p> <p>1. Land and works for Hammond Road between Bartram Road and Russell Roads; and</p> <p>50% of Russell Road between Hammond Road/ Frankland Avenue and Kwinana Freeway.</p> <p>This comprises the following:</p> <ul style="list-style-type: none"> <li>• Land reserved for Hammond and Russell Roads under the Metropolitan Region Scheme;</li> <li>• Full earthworks;</li> <li>• Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway should be provided;</li> <li>• Dual use path (one side only);</li> <li>• Pedestrian crossings (where appropriate at the discretion of the local government);</li> <li>• Drainage;</li> <li>• Costs to administer cost sharing arrangements - preliminary engineering design and costings, valuations, annual reviews and audits and administration costs;</li> <li>• Servicing infrastructure relocation where necessary.</li> </ul>
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 2.

(now Table 10)

3.

Ref No:	DCA 3
Area:	Gaebler Road
Provisions:	<p>All landowners within DCA 3 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of <b>clause 6.3</b> and contained on the Development Contribution Plan. 5.3</p> <p>Contributions shall be made towards the following items:</p> <ol style="list-style-type: none"> <li>Land and works for Hammond Road/ Frankland Avenue between Russell Road and Gaebler Road; and 50% of Russell Road between Hammond Road/ Frankland Avenue and Kwinana Freeway. This comprises the following: <ul style="list-style-type: none"> <li>Land reserved for Hammond Road/Frankland Avenue and Russell Road under the Metropolitan Region Scheme;</li> <li>Full earthworks;</li> <li>Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided;</li> <li>Dual use path (one side only);</li> <li>Pedestrian crossings (where appropriate at the discretion of the local government);</li> <li>Drainage;</li> <li>Costs to administer cost sharing arrangements - preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs;</li> <li>Servicing infrastructure relocation where necessary;</li> </ul> </li> <li>The cost of a set of traffic signals at the intersection of Russell and existing Hammond Road.</li> <li>In the event that a high school site is included on the Southern Suburbs District Structure Plan within the area south of Gibbs Road and east of the Kwinana Freeway, a proportional contribution shall be made to the provision of a pedestrian / cyclist bridge across the Freeway in the vicinity of Gaebler Road.</li> </ol>
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 3.

(now Table 10)

4.

Ref No:	<b>DCA 4</b>
Area:	<b>Yangebup West</b>
Provisions:	<p>All landowners within DCA 4 and DCA5 with the exception of Lots 500 and 600 Shallcross Street and Lots 500 and 504 Storey Place within DCA 4 shall make a proportional contribution of 40.88% of the total cost of constructing Beeliar Drive between Stock Road and Spearwood Avenue.</p> <p>The proportional contribution is to be determined in accordance with the provisions of <del>clause 6.3</del> and contained on the Development Contribution Plan. <sup>5.3</sup></p> <p>The contribution shall include the following:-</p> <ul style="list-style-type: none"> <li>• Land requirements for the other Regional Road Reservation between Watson Road and Spearwood Avenue under the MRS;</li> <li>• Land requirements for an average 45 metre wide road reserve between Watson Road and Stock Road and where necessary to accommodate channelisation at intersections and drainage;</li> <li>• Full earthworks;</li> <li>• Construction of a four lane median divided kerbed road;</li> <li>• Dual use path (both sides);</li> <li>• Pedestrian Crossings (where appropriate at the discretion of the Local Government);</li> <li>• Lighting</li> <li>• Landscaping;</li> <li>• Traffic signals and roundabouts at major intersections;</li> <li>• Drainage</li> <li>• Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs;</li> <li>• Servicing infrastructure relocation where necessary;</li> </ul> <p>Costs for the repayment of any loans raised by the local authority for the purchase of any land for Beeliar Drive or for any of the abovementioned works.</p>
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 4.

(now Table 10)

5.

Ref No:	DCA 5
Area:	Yangebup East
Provisions:	<p>All landowners within DCA5 and DCA4 with the exception of Lots 500 and 600 Shallcross Street and Lots 500 and 504 Storey Place within DCA4 shall make a proportional contribution of 40.88% of the total cost of constructing Beeliar Drive between Stock Road and Spearwood Avenue and all landowners within DCA5 south of Beeliar Drive shall make a proportional contribution of 30.65% of the cost of Spearwood Avenue between Beeliar Drive and Fancote Avenue and all landowners north of Beeliar Drive shall make a proportional contribution to 100% of the cost of closing Yangebup Road at the Railway Line.</p> <p>The proportional contribution is to be determined in accordance with the provisions of <b>clause 6.3</b> and contained on the cost contribution schedule. <sup>5.3</sup></p> <p>Contributions shall be made towards the following items for Beeliar Drive:</p> <ul style="list-style-type: none"> <li>• Land requirements for the Other Regional Road Reservation between Watson Road and Stock Road;</li> <li>• Land requirements for an average 45 metre wide road reserve between Watson Road and Stock Road and where necessary to accommodate channelisation at intersections and drainage;</li> <li>• Full earthworks;</li> <li>• Construction of a four lane median divided kerbed road;</li> <li>• Dual use path (both sides);</li> <li>• Pedestrian Crossings (where appropriate at the discretion of the Local Government);</li> <li>• Lighting;</li> <li>• Landscaping;</li> <li>• Traffic signals and roundabouts at major intersections;</li> <li>• Drainage;</li> <li>• Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs;</li> <li>• Servicing infrastructure relocation where necessary;</li> </ul> <p>Costs for the repayment of any loans raised by the local government for the purchase of any land for the road reserve or any of the abovementioned works.</p> <p>Contributions shall be made towards the following items for Spearwood Avenue:</p> <ul style="list-style-type: none"> <li>• Land requirements for a 25 metre wide road reserve;</li> <li>• Full earthworks;</li> <li>• Construction of a two lane kerbed road with channelisation at intersections;</li> <li>• Dual use path (one side only);</li> <li>• Traffic Management devices;</li> <li>• Drainage;</li> <li>• Servicing infrastructure relocation where necessary;</li> <li>• Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs.</li> </ul>
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 5.

(now Table 10)

6.

Ref No.:	<b>DCA 6</b>
Area:	<b>Munster</b>
Provisions:	<p>All landowners within DCA6 shall make a proportional contribution to 23.4% of the cost of widening and upgrading of Beeliar Drive (Mayor Road) between Stock Road and Cockburn Road, Munster.</p> <p>The proportional contribution is to be determined in accordance with the provisions of <b>clause 6.3</b>—and contained on the Development Contribution Plan. 5.3</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> <li>• Land requirements for the Other Regional Road Reservation between Stock Road and Cockburn Road as reserved in the Metropolitan Region Scheme;</li> <li>• Additional land where necessary to accommodate channelisation at intersections and drainage;</li> <li>• Full earthworks;</li> <li>• Construction of a two lane kerbed road;</li> <li>• Dual use path(both sides);</li> <li>• Pedestrian Crossings (where appropriate at the discretion of the Local Government);</li> <li>• Lighting;</li> <li>• Landscaping;</li> <li>• Traffic management devices;</li> <li>• Drainage;</li> <li>• Servicing infrastructure relocation where necessary;</li> <li>• Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits.</li> <li>• Costs for the repayment of any loans raised by the local government for the purchase of any land for the road reserve or any of the abovementioned works.</li> </ul>
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 6.

(now Table 10)

AMD 17 GG 15/2/05

7.

Ref No:	<b>DCA 7</b>
Area:	<b>Aubin Grove</b>
Provisions:	<p>All landowners within DCA 7 with the exception of Part of Lot 199 Gaebler Road identified as Bush Forever Site No. 492 and the Water Corporation bore sites shall make a proportional contribution to the cost of regional drainage infrastructure in accordance with the Russell Road Arterial Drainage Scheme.</p> <p>In relation to Lo 448 Lyon Road, Aubin Grove which has been identified for a primary school, if this site is not developed for a primary school in the future a proportional contribution to the cost of regional drainage infrastructure will be required.</p> <p>There may be such other land owners as agreed to, in Development Contribution Area No. 3 (DCA 3) located between Barfield Road and Kwinana Freeway that shall also make proportional contributions towards the regional drainage infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause <del>6.3</del> and contained on the Development Contribution Plan. 5.3</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> <li>• Costs associated with the provision of regional drainage infrastructure including the cost of the Freeway Swale area and connection to Lake Kopulup;</li> <li>• Costs associated with boring under the Kwinana Freeway to provide the pipe channel to the Freeway swale outlet;</li> <li>• Costs associated with the relocation of servicing infrastructure resulting from the implementation of this scheme, where appropriate;</li> <li>• Costs associated with the landscaping of the linear swale;</li> <li>• Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs.</li> </ul>
Participants and Contributions:	In accordance with the cost Contribution Schedule adopted by the local government for DCA 7.

(now Table 10)

8.

Ref No:	DCA 8
Area:	Solomon Road
Provisions: AMD 20 GG 19/08/11	<p>Landowners within DCA 8 shall make a proportional contribution to the cost of common infrastructure for the Solomon Road Arterial Drainage System.</p> <p style="text-align: center;">5.3</p> <p>The proportional contribution is to be determined in accordance with the provisions of <b>Clause 6.3</b> of TPS 3 and contained on the Development Contribution Plan. The Council in its discretion may exclude properties from the DCA area which it deems to have no development or subdivision potential.</p> <p>Contributions shall be made towards the following items associated with the proposed Solomon Road Arterial Drainage System –</p> <ul style="list-style-type: none"> <li>(a) Full earthworks;</li> <li>(b) Provision of drainage infrastructure;</li> <li>(c) Supply and boring of a pressure main under the Kwinana Freeway and works associated with the proposed pump station;</li> <li>(d) Servicing infrastructure relocation where necessary;</li> <li>(e) Landscaping works around the drainage basin;</li> <li>(f) Cost of land required for the Arterial Drainage basin;</li> <li>(g) Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs.</li> </ul>
Participation and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 8.



(now Table 10)

Ref No:	<b>DCA 9</b>
Area:	<b>Hammond Park</b>
Relationship to other planning instruments	The development contribution plan generally conforms to the following endorsed plans: <ul style="list-style-type: none"> <li>• Southern Suburbs District Structure Plan 3</li> <li>• Strategic Community Plan.</li> </ul>
Infrastructure and administrative items to be funded:  <i>AMD 28 GG 16/12/14</i>	Contributions shall be made towards the following items: <ul style="list-style-type: none"> <li>▪ Proportional (61.6%) cost of widening and upgrading of Hammond Road between Gaebler Road and Rowley Road including: <ul style="list-style-type: none"> <li>○ Construction of one carriage way comprised of two lanes for Hammond Road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided;</li> <li>○ The purchase of land reserved for Hammond Road under the Metropolitan Region Scheme;</li> <li>○ Full earthworks;</li> <li>○ Dual use path (one side only);</li> <li>○ Pedestrian crossings (where appropriate at the discretion of the local government);</li> <li>○ Land and infrastructure associated with the drainage of Hammond Road;</li> <li>○ Costs associated with the relocation of servicing infrastructure resulting from the implementation of this scheme, where appropriate;</li> <li>○ Traffic management devices (traffic lights to the intersection of Hammond Rd and the realigned Wattleup Road to facilitate traffic and pedestrian/cyclist movement).</li> </ul> </li> <li>• Costs associated with the provision of regional drainage infrastructure;</li> <li>• Costs to administer cost sharing arrangements – preliminary engineering design and costing's, valuations, annual reviews and audits and administration costs.</li> </ul>
Method for calculating contributions:	<p>All landowners within DCA 9 shall make a proportional contribution to 61.6% of the cost of widening and upgrading of Hammond Road between Gaebler Road and Rowley Road.</p> <p>All landowners except Lot 51 Rowley Road and Lot 301 Barfield Road within DCA 9 shall make a proportional contribution to the cost of regional drainage infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause <del>6.3</del> 5.3 and contained on the Development Contribution Plan.</p> <p>Contributions shall be calculated on a per hectare basis.</p>
Period of Operation:	Until 30 June 2027. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.
Priority and Timing:	In accordance with the City of Cockburn DCA9 and DCA10 Capital Expenditure Plan.
Review Process:	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs contained in the Hammond Park Cost Contribution 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 an appropriately qualified independent person.</p>
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 9.

(now Table 10)

Ref No:	<b>DCA 10</b>
Area:	<b>Wattleup</b>
Relationship to other planning instruments	The development contribution plan generally conforms to the following endorsed plans: <ul style="list-style-type: none"> <li>• Southern Suburbs District Structure Plan 3</li> <li>• Strategic Community Plan.</li> </ul>
Infrastructure and administrative items to be funded:  AMD 28 GG 16/12/14	Contributions shall be made towards the following items: <ul style="list-style-type: none"> <li>▪ Proportional (38.4%) cost of widening and upgrading of Hammond Road between Gaebler Road and Rowley Road including: <ul style="list-style-type: none"> <li>○ Construction of one carriage way comprised of two lanes for Hammond Road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided;</li> <li>○ The purchase of land reserved for Hammond Road under the Metropolitan Region Scheme;</li> <li>○ Full earthworks;</li> <li>○ Dual use path (one side only);</li> <li>○ Pedestrian crossings (where appropriate at the discretion of the local government);</li> <li>○ Land and infrastructure associated with the drainage of Hammond Road;</li> <li>○ Costs associated with the relocation of servicing infrastructure resulting from the implementation of this scheme, where appropriate;</li> <li>○ Traffic management devices (traffic lights to the intersection of Hammond Rd and the realigned Wattleup Road to facilitate traffic and pedestrian/cyclist movement).</li> </ul> </li> <li>• Costs associated with the provision of regional drainage infrastructure;</li> <li>• Costs to administer cost sharing arrangements – preliminary engineering design and costings, valuations, annual reviews and audits and administration costs.</li> </ul>
Method for calculating contributions:	All landowners within DCA 10 shall make a proportional contribution to 38.4% of the cost of widening and upgrading of Hammond Road between Gaebler Road and Rowley Road.  The landowners of Lots 1, 2, 110, and 111 Wattleup Road shall make a proportional contribution towards regional drainage infrastructure.  The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan. 5.3  Contributions shall be calculated on a per hectare basis.
Period of Operation:	Until 30 June 2027. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.
Priority and Timing:	In accordance with the City of Cockburn DCA9 and DCA10 Capital Expenditure Plan.
Review Process:	The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.  The estimated infrastructure costs contained in the Wattleup Cost Contribution 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 an appropriately qualified independent person.
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 10.

(now Table 10)

11.

Ref No:	<b>DCA 11</b>
Area:	Muriel Court
Provisions	<p>All landowners within DCA 11 shall make contribution to land and infrastructure works required as part of the development of the Muriel Court Development Contribution Area.</p> <p>With the exception of existing lots 3 and 21 Verna Court and lots 52 and 150 Semple court, the contribution is to be calculated on the potential number of dwellings that can be constructed on each lot or lots and calculated in accordance with the following:</p> <ul style="list-style-type: none"> <li>• R20 lots – 450m<sup>2</sup></li> <li>• R25 lots – 350m<sup>2</sup></li> <li>• R40 lots – 220m<sup>2</sup></li> <li>• R60 lots – 166m<sup>2</sup></li> <li>• R80 lots – 125m<sup>2</sup></li> <li>• R160 lots – calculated by dividing the lot area (m<sup>2</sup>) by 62.5 to give the number of dwellings.</li> </ul> <p>No contribution is required in respect to land and lots required for public open space, drainage, the widening and extension of Muriel Court and Kentucky Court and the widening and realignment of Semple Court.</p> <p>Contributions shall be made towards the following items by all landowners within DCA 11.</p> <ul style="list-style-type: none"> <li>• Pro-rata contribution to the upgrading of North Lake Road between Kentucky Court and Semple Court including upgrading the existing carriageway, construction of the future carriageway, drainage, lighting, landscaping and service relocation where necessary.</li> <li>• The cost of land and works for the widening and realignment of Semple Court between Verna Court and North Lake Road as shown on the Muriel Court Structure Plan. The cost of works is the cost over and above that of providing a normal subdivision road with drainage, lighting, footpaths and parking embayments which will be a cost to the owners of the adjoining land.</li> <li>• The cost of land and works for the realignment of Semple Court shown on the Muriel Court Structure Plan between Berrigan Drive and Verna Court. Works are to include the cost of the carriageways, median landscaping, drainage, lighting and paths.</li> <li>• Traffic management devices along realigned Semple Court and traffic lights at the intersection of Semple Court with Berrigan Drive and North Lake Road.</li> <li>• Modifications to existing Semple Court including closures and pavement modifications shown on the Muriel Court Structure plan.</li> <li>• Cost of land and works for the realignment of Elderberry Drive between Berrigan Drive and Jindabyne Heights.</li> <li>• The cost of land and works for the widening of Muriel court and Kentucky Court between realigned Semple Court and North Lake Road as shown on the Muriel Court Structure plan. The cost of works is the cost over and above that of providing a normal subdivision road with drainage, lighting, footpaths and parking embayments which will be a cost to the owners of the adjoining land.</li> </ul>

(now Table 10)

11.

Ref No:	<b>DCA 11</b>
	<ul style="list-style-type: none"> <li>• Traffic management devices along Muriel Court and traffic lights at the intersection of Kentucky Court and North Lake Road.</li> <li>• Provision of land for public open space area shown on the Muriel Court Structure Plan and the cost of landscaping and bushland/wetland restoration.</li> <li>• Land and works for internal and off site groundwater control and drainage infrastructure including detention basins, gross pollutant traps, nutrient stripping and land scaping.</li> <li>• Preliminary professional services including drainage, services, geotechnical, site contamination, traffic and planning.</li> <li>• Further detailed studies and design including design guidelines and engineering design of drainage and major roads.</li> <li>• Costs to administer cost sharing arrangements of the DCA including detailed engineering design of drainage and roads the subject of the DCA provisions, cost estimates and schedules, valuations, annual reviews of land and works, audits and administrative costs.</li> <li>• Cost including fees and interest of any loans raised by the local government to undertake any of the works associated with DCA 11.</li> </ul> <p>The following lots shall make a contribution to the cost to administer cost sharing arrangements of the DCA and a proportional contribution to the road and drainage works listed above unless rezoned to residential in which case all the above requirements will apply.</p> <ul style="list-style-type: none"> <li>• Lot 52 Semple Court 1.25% of the total cost</li> <li>• Lot 3 Verna Court 7.6% of the total cost</li> <li>• Lot 21 Verna Court 1.5% of the total cost</li> </ul>
Participants and Contributions	<p>In accordance with the Cost Contribution Schedule adopted by the local government for DCA 11.</p> <p><i>AMD 67 GG 7/5/10</i></p>

(now Table 10)

12.

Ref No: AMD 87 GG 24/7/12	<b>DCA 12</b>
Area	<b>Packham North</b>
Infrastructure and administrative items to be funded	<p>Contributions shall be made towards the following items:</p> <p>Landowners shall generally be required to contain drainage on their own site. However, where a landowner(s) is required to provide additional capacity within their subdivision or development that is to serve adjoining landowners then all landowners whose land is to be serviced by designated drainage area shall make a proportional contribution to the required drainage land and works. Such proportion is to be calculated on the basis of the area of land within the drainage catchment areas.</p> <p>Drainage works referred to above include internal and offsite arterial groundwater control and drainage infrastructure including detention basins, gross pollutant traps, nutrient stripping and landscaping. Infrastructure within subdivision roads and development sites is the responsibility of the land developer and is not a DCA responsibility.</p> <p>Landowners(s) are required to provide 10% of their landholding(s) for public open space (POS) in accordance with Element 4 of Liveable Neighbourhoods. The structure plan will generally locate POS such that the 10% requirement is satisfied on each owner or group of owners land holdings. However, where the adopted structure plan requires landowners(s) to provide more than their required 10% POS within their subdivision then the over and above POS land area shall be a DCA cost item which is contributed to by those landowners not providing 10% of their land. The above liability for POS is to be based on the value of the POS being over provided which is determined in accordance with clause 6.3.9 of the Scheme and apportioned to under providing owners on the basis of the area of a landowner(s) shortfall in meeting the 10% requirement.</p> <p>The cost of landscaping public open space including wetland restoration.</p> <p>The costs of any traffic management device on Integrator or Neighbourhood Connector roads as defined by Element 2 of Liveable Neighbourhoods which are required as part of the development of the DCA area. This includes existing and proposed internal and abutting roads.</p> <p>Preliminary professional services prefunded by the City including drainage, engineering, environmental, servicing, traffic and planning which relate to the DCA area.</p> <p>Costs to implement and administer cost sharing arrangements of the DCA including design, cost estimates and schedules, valuations, annual reviews of land and works, audits, legal advice and administrative costs.</p> <p>The DCA costs shall not apply to Lot 6 Rockingham Road or Lots 16, 17 and 18 Mell Road unless they are the subject of further development in addition to that which already exists or is the subject of a current approval.</p> <p>Cost including fees and interest on any loans raised by the local government to purchase land or undertake any of the DCA12 works.</p>

5.3.9

(now Table 10)

Method for calculating contributions	<p>All landowners within DCA 12 shall make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Packham North Development Contribution Area.</p> <p>The proportional contribution is to be determined in accordance with the provisions of Clause <del>6-3</del> and this Development Contribution Plan.</p> <p style="text-align: right;">5.3</p> <p>Contributions shall be calculated on a per hectare basis.</p> <p>Lots 480-482 Mell Road and Lot 483 Rockingham Road will be required to make only a pro-rata contribution toward the District/Local Water Management Strategy (35.5% for the District level portion of the Strategy only) and Ocean Road/Hamilton Road Traffic Management Device (30%) and no contribution toward the Vegetation Survey and Rare and Priority Flora Search Ocean Road Wetland Study. The pro-rata contributions have been calculated based on locational factors and differences in demand and forecast usage of infrastructure.</p>
Period of Operation	<p>Until 30 June 2027. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.</p>
Priority and Timing	<p>In accordance with the City of Cockburn Capital Expenditure Plan.</p>
Review Process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs contained in the Packham North Cost Contribution 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 an appropriately qualified independent person.</p>
Participants and Contributions	<p>In accordance with the Cost Contribution Schedule adopted by the local government for DCA 12.</p>

(now Table 10)

13.

Ref No: AMD 81 GG 30/08/11 AMD 98 GG 12/9/14 AMD 103 GG 06/05/16	<b>DCA 13</b>
Area:	As shown on sheet 26 says (DCA 13 is shown on map sheets 1 – 11, 13, 14, 15, 17, 18 and 19 on the WAPC's version of the maps) of the Scheme Map.
Relationship to other planning instruments	The Development Contribution Plan generally conforms to the Plan for the District (2010-2020), Bibra Lake Landscape, Recreation and Environmental Management Plan (2009), Bicycle Network and Footpath Plan (2010), the Sport and Recreation Plan (2010) and the review of COC Library Services (2007) which have been adopted by Council.
Infrastructure and administrative items to be funded – AMD 98 GG 12/9/14	<p><b>Regional</b>  Coogee Surf Club  Wetland Education Centre/Native Ark  Cockburn Central Recreation and Aquatic Centre  Cockburn Central Community Facilities  Visko Park Bowling and Recreation Club  Coogee Golf Complex (excluding the pro shop and restaurant components)  Bibra Lake Management Plan Proposals  Atwell Oval  Cockburn Coast Foreshore Reserve (excluding coastal protection measures)  Cockburn Coast Beach Parking</p> <p><b>Sub Regional—East</b>  Cockburn Central Library and Community Facilities  Cockburn Central Playing Fields  Anning Park Tennis  Cockburn Central Heritage Park  Bicycle Network—East</p> <p><b>Sub Regional—West</b>  North Coogee Foreshore Management Plan Proposals (excluding rebuilding of the groyne)  Phoenix Seniors and Lifelong Learning Centre  Beale Park Sports Facilities  Western Suburbs Skate Park  Bicycle Network—West  Dixon Reserve/Wally Hagen Facility Development (excluding the café component)</p> <p><b>Local</b>  Lakelands Reserve  Southwell Community Centre  Hammond Park Recreation Facility  Frankland Reserve Recreation and Community Facility  Munster Recreation Facility  Banjup Playing Field  Banjup Community Centre  Cockburn Coast Sport Oval and Clubroom (including land cost)</p> <p><b>Administrative costs including –</b>  Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan).</p>



(now Table 10)

13.

Ref No: AMD 81 GG 30/08/11 AMD 98 GG 12/9/14 AMD 103 GG 06/05/16	<b>DCA 13</b>
	<p>Cost to prepare and review estimates including the costs for appropriately qualified independent persons.</p> <p>Costs to prepare and update the Community Infrastructure Cost Contribution Schedule.</p> <p><b>Costs including fees and interest of any loans raised by the local government to undertake any of the works associated with DCA13.</b></p>
Method for calculating contributions AMD 97 GG 12/2/13	<p>The City's Plan for the District identifies the needs that impact on the Development Contribution Plan. The contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the demand for a facility that is generated by the current population in existing dwellings.</p> <p>Contributions shall be calculated on the basis of the number of new lots and/or dwellings created. Existing dwellings on a lot or lots to be subdivided or developed will be exempt from the contribution. Land required for public roads, public open space, drainage and other uses not including residential development will not be assessable. Where a lot may have further subdivision potential, for example as a grouped dwelling site, contributions will be sought at the next development approval stage where additional dwellings or lots are created.</p> <p>Contributions applying to development of aged or dependant persons dwellings or single bedroom dwellings shall be calculated on the number of dwelling units permitted prior to the application of the variations permissible under clause 6.1.3.A3i of State Planning Policy - Residential Design Codes. 5.1.3.A3i</p> <p>Notwithstanding the definitions of 'lot' listed Schedule 1, for the purposes of calculating cost contribution liability within DCA13, the term lot will be inclusive of green title, survey strata and built strata subdivisions.</p>
Period of operation	Until 30 June 2031. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.
Priority and timing	In accordance with the Plan for the District 2010-2020 and subsequent revisions of this document.
Review process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs contained in the Community Infrastructure Cost Contribution 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 an appropriately qualified independent person.</p>
Participants and contributions	In accordance with sheet 26 of the Scheme Map and the Community Infrastructure Cost Contribution Schedule adopted by the local government for DCA 13.

(now Table 10)

14.

Ref No:	<b>DCA 14 – added by AMD 94 GG 17/3/15</b>
Area:	Cockburn Coast: Robb Jetty Precinct and Emplacement Precincts
Relationship to other planning instruments	<p>The development contribution plan generally conforms to the following endorsed plans –</p> <ul style="list-style-type: none"> <li>• Cockburn Coast District Structure Plan 2009</li> <li>• Cockburn Coast District Structure Plan – Part 2</li> <li>• Strategic Community Plan</li> <li>• Robb Jetty Local Structure Plan</li> <li>• Emplacement Local Structure Plan</li> </ul>
Infrastructure and administrative items to be funded	<p>Contributions shall be made towards the following items by all landowners within DCA 14 -</p> <ul style="list-style-type: none"> <li>• Contribution to the upgrading of Cockburn Road between Rollinson Road and MacTaggart Cove including the cost of land required for road widening, verge and median landscaping between Rollinson Road and MacTaggart Cove, construction of the Robb Jetty Main Street signalised intersection, construction of drainage and service relocation where necessary. Earthworks, service relocation and construction of dual carriageways will be funded and constructed by Main Roads Western Australia.</li> <li>• The cost of land and works (including landscaping) associated with the construction of the proposed Robb Jetty Main Street between the Cockburn Road intersection and Robb Road intersection. The works include construction of an at-grade rail crossing including vehicle and pedestrian signalisation associated with the new Robb Road intersection (including sufficient fencing to deter pedestrians from unsafe crossing). The cost of works is the cost over and above that of providing a normal 20m wide local subdivision road whereby drainage, lighting, footpaths, lower specification landscaping and parking embayment's provided at the cost of adjoining landowners.</li> <li>• The cost of land and works (including landscaping) associated with the construction of the proposed Bus Rapid Transit (BRT) route which extends between the Rollinson Road / Cockburn Road intersection and the intersection of MacTaggart Cove and the proposed BRT route. The cost includes acquisition of Lot 18 Garston Way and provision of bus stops and associated infrastructure. The cost of works is the cost over and above that of providing a normal 20m wide local subdivision road whereby drainage, lighting, footpaths, lower specification landscaping and parking embayment's provided at the cost of adjoining landowners.</li> <li>• Provision of pedestrian signals at the Rollinson Road railway crossing (including sufficient fencing to deter pedestrians from unsafe crossing).</li> <li>• Provision of land for public open space area as detailed in the Robb Jetty and Emplacement Precinct Local Structure Plan(s) and the cost of landscape construction (including minor earthworks and drainage).</li> </ul>

(now Table 10)

14.

Ref No:	<b>DCA 14 – added by AMD 94 GG 17/3/15</b>
	<ul style="list-style-type: none"> <li>• The cost of land and construction of a multistorey local community building and associated landscaping, play equipment and car parking areas.</li> <li>• Costs to administer cost sharing arrangements of the DCA including detailed engineering design and project management POS, drainage, roads, rail crossings and the community building the subject of the DCA provisions, cost estimates and schedules, valuations, annual reviews of land and works, audits and administrative costs.</li> <li>• Cost including fees and interest of any loans raised by the local government to undertake any of the works associated with DCA 14.</li> </ul>
Method for calculating contributions	<p>All landowners within DCA 14 shall make a contribution to land and infrastructure works required as part of the development of the Robb Jetty and Emplacement Precinct Development Contribution Area (with the exception of the Mixed Business Zone).</p> <p>The proportional contribution is to be determined in accordance with the provisions of Clause <del>6.3</del> of the Scheme and this Development Contribution Plan. 5.3</p> <p><b>Cost Apportionment for the Mixed Business Zone</b></p> <p>Owners of land within the Mixed Business zone are not required to contribute towards the cost of land for public open space, public open space construction, or local community facilities, however are required to contribute towards the costs of upgrading all DCP roads, service infrastructure and DCP administration costs.</p> <p>Cost contributions for the owners of land in the Mixed Business zone shall be based on the proportion that the land the subject of the contribution bears to the total area of land within the Development Contribution Area for which the Cost Contributions have yet to be made unless otherwise specified. Contributions shall be calculated on a per metre square basis in accordance with the Cost Apportionment Schedule in the Development Contribution Plan Report.</p>

(now Table 10)

14.

Ref No:	DCA 14 – added by AMD 94 GG 17/3/15															
	<p><b><i>Development Potential and Cost Apportionment Calculation for all other Zones and R-Codes</i></b></p> <p>A landowner's contribution will be calculated based on the proportion of potential dwellings that can be constructed on the land the subject of the contribution bears to the total number of potential dwellings within the DCA. The calculation incorporates the 'potential dwelling' methodology in the Development Contribution Plan and the 'contribution summary per landholding' methodology in the Cost Apportionment Schedule in the Development Contribution Plan Report.</p> <table><tr><th>Zone/R-Code</th><th>Method for Calculating No. of Dwellings</th></tr><tr><td>District Centre R-ACO (R160 equivalent)</td><td>1x equivalent dwellings per 62. 5m<sup>2</sup> of net land area</td></tr><tr><td>Mixed Use (R100 equivalent)</td><td>1x equivalent dwellings per 100m<sup>2</sup> of net land area</td></tr><tr><td>R40</td><td>1x dwellings per 220m<sup>2</sup> of net land area</td></tr><tr><td>R80</td><td>1x dwellings per 125m<sup>2</sup> of net land area</td></tr><tr><td>R100</td><td>1x dwellings per 100m<sup>2</sup> of net land area</td></tr><tr><td>R160</td><td>1x dwellings per 62. 5m<sup>2</sup> of net land area</td></tr></table> <p>5.3.13 Notwithstanding Clause <del>6.3.13</del> of Town Planning Scheme No. 3 Text, applications for continuance or extension of existing non-conforming uses will be exempt from development contributions.</p>		Zone/R-Code	Method for Calculating No. of Dwellings	District Centre R-ACO (R160 equivalent)	1x equivalent dwellings per 62. 5m <sup>2</sup> of net land area	Mixed Use (R100 equivalent)	1x equivalent dwellings per 100m <sup>2</sup> of net land area	R40	1x dwellings per 220m <sup>2</sup> of net land area	R80	1x dwellings per 125m <sup>2</sup> of net land area	R100	1x dwellings per 100m <sup>2</sup> of net land area	R160	1x dwellings per 62. 5m <sup>2</sup> of net land area
Zone/R-Code	Method for Calculating No. of Dwellings															
District Centre R-ACO (R160 equivalent)	1x equivalent dwellings per 62. 5m <sup>2</sup> of net land area															
Mixed Use (R100 equivalent)	1x equivalent dwellings per 100m <sup>2</sup> of net land area															
R40	1x dwellings per 220m <sup>2</sup> of net land area															
R80	1x dwellings per 125m <sup>2</sup> of net land area															
R100	1x dwellings per 100m <sup>2</sup> of net land area															
R160	1x dwellings per 62. 5m <sup>2</sup> of net land area															
Period of Operation	Until 30 June 2034. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.															
Priority and Timing	In accordance with the City of Cockburn Capital Expenditure Plan for Robb Jetty and Emplacement Precincts.															
Review Process	The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the development contribution area since the last review and the degree of development potential still existing.															

Table 11

**SCHEDULE 13**

AMD 81 GG 30/08/11

**STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL**

Gross realisation			
Net lot yield @ average market value per lot "X" lots @ "\$Y" per lot	\$		(1)
<b>Less GST @ standard/normal rates</b>			
(1) Multiplied by GST rate / (100 + GST rate)	\$		(2)
(1 - 2)		\$	(3)
Less selling, marketing, advertising & settlement fees			
@ market % multiplied by (1)	\$		(4)
Add back Input Tax Credit on selling fees (4) Multiplied by GST rate / (100 + GST rate)	\$		(5)
(4 - 5)		\$	(6)
Balance after selling costs etc & Input Tax Credit (3 - 6)		\$	(7)
<b>Less adjusted profit &amp; risk allowance as per SPP 3.6</b>			
Market determined profit & risk allowance %			(8)
Less fixed profit allowance per SPP3.6			(9)
Risk rate applied (8 - 9)		$\frac{10\%}{= \%}$	(10)
EXPLANATION: (10) to be expressed as a whole number			
e.g. 15% = 15			
i.e. Risk = (7) multiplied by (10)/(10) + (100)		\$	(11)
Balance after profit & risk factor (7 - 11)		\$	(12)
<b>Less development costs @ "X" lots multiplied by "\$Z" per lot</b>	\$		(13)
Add back Input Tax Credit on (13)			
(13) Multiplied by GST rate / (100 + GST rate)	\$		(14)
Development cost after Input Tax Credit (13 - 14)	\$		(15)
<b>Add interest on net development costs (15)</b>			
For ½ development ½ selling term.			
@ Applicable market rates			
(15) Multiplied by % rate	\$		(16)
(15 + 16)		\$	(17)
Balance after deduction of development costs & interest (12 - 17)		\$	(18)
<b>Less interest on land value, rates &amp; taxes and stamp duty</b>			
Assessed over ½ development and ½ selling term			
@ Applicable market rates			
(18) multiplied by % rate (100 + % rate)		\$	(19)
Balance after interest on the land (18 - 19)		\$	(20)
<b>Less rates and taxes</b>		\$	(21)
Balance after rates & taxes (20 - 21)		\$	(22)
<b>Less Stamp Duty @ current statutory rates</b>			
(22) Multiplied by stamp duty rate / (100 + stamp duty rate)		\$	(23)
Residual Land Value prior to GST considerations (22 - 23)		\$	(24)
Add GST (24) + GST at prevailing statutory rate		\$	(25)
<b>ASSESSED STATORY CONTRIBUTION PER SPP 3.6 (22 + 23)</b>			

## PART 6 - TERMS REFERRED TO IN SCHEME

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

#### 1.      GENERAL DEFINITIONS

In this Scheme -

	GENERAL DEFINITIONS
<b><del>advertisement:</del></b>	<del>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.</del>
<b><del>amenity:</del></b>	<del>means all those factors which combine to form the character of an area and include the present and likely future amenity.</del>
<b>building:</b>	has the same meaning as is given to it in the Residential Design Codes.
<b>building envelope:</b>	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.
<b>building setback:</b>	means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.
<b>buffer area:</b>	means an area which has been prescribed by the local government or other competent Government Agency around land and buildings which because of the nature of their use may generate pollution within which sensitive uses are either restricted or prohibited.
<b>classification:</b>	means the designation of land use on a Structure Plan which uses the same description and objectives as provided for in the Scheme for each zone under <b>Part 4</b> .
<b>commercial vehicle:</b>	means any vehicle used or intended to be used in a business or trade which has a tare weight in excess of 3.5 tonnes, and excludes vehicles directly associated with the conduct of a rural pursuit, business or trade on the lot for which the vehicle or vehicles are used.
<b>conservation:</b>	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> .
<b>conservation management plan:</b>	means a plan which sets out how a conservation area is to be managed to ensure that the purpose of a conservation area will be achieved and maintained.
<b>constraints map:</b>	means a map that shows the physical and man-made constraints that affect the land the subject of a Structure Plan and shall be used as the basis for preparing the plan and establishing any design criteria to guide subdivision and development.
<b>contamination:</b>	means the pollution of the environment to an extent which exceeds the standards adopted by the Environmental Protection Authority.



(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	GENERAL DEFINITIONS
<b>convenience:</b>	means the accessibility of the facilities and services provided within a neighbourhood or an employment centre which are dispersed at acceptable travel distances within their respective catchments and operate at times and at a level of service appropriate to the people they serve.
<b>cultural heritage significance:</b>	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> .
<b>Development Area:</b>	means an area designated as "Development Area (DA)" on the Scheme Map.
<b>Detailed Area Plan:</b>	means a plan which enhances, elaborates and expands on the details or provisions contained in a Proposed Structure Plan or Structure Plan and has been approved by the local government under <b>clause 6.2.7</b> .
<b>district:</b>	means the Municipal District of the City of Cockburn.
<b>edible goods:</b>	has the same meaning given to 'food' defined in the Health Act 1911.
<b>environment:</b>	has the same meaning as in the Environmental Protection Act 1986.
<b>eco-system:</b>	means living things, their physical, biological and social surroundings and interactions between them.
<b>existing vegetation:</b>	means native and exotic vegetation existing on land within the district.
<b>facilities:</b>	means the amenities other than services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing may include such items as public open space and community purposes sites.
<b>floor area:</b>	has the same meaning as in the <i>Building Code of Australia 1996</i> published by the Australian Building Codes Board.
<b>frontage:</b>	when used in relation to a building that is used for -  (a) residential purposes, has the same meaning as in the <i>Residential Design Codes</i> ; 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.
<b>Gazettal date:</b>	in relation to a scheme, means the date on which the Scheme is published in the <i>Gazette</i> under section 7(3) of the <del>Town Planning Act</del> .
<b>gross lettable area (gla):</b>	means in relation to a building the area of all floors capable of being exclusively occupied and used by a tenant, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

Planning and  
Development Act



(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	GENERAL DEFINITIONS
<b>height:</b>	when used in relation to a building that is used for -  (a) residential purposes, has the same meaning as in the <i>Residential Design Codes</i> ; or  (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;
<b>incidental use:</b>	means a use of premises which is ancillary and subordinate to the predominant use.
<b>landscaped area:</b>	means an area set aside on a lot exclusively for the purpose of the installation and maintenance of landscaping.
<b>landscaping:</b>	means grass, groundcover, plants, shrubs, and trees, installed and irrigated in accordance with plans approved by the Council.
<del><b>local government:</b></del>	<del>means the City of Cockburn.</del>
<b>Local Government Inventory:</b>	Has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> . AMD 86 GG 14/9/12
<del><b>Local Planning Strategy:</b></del>	<del>means the Local Planning Strategy of the local government prepared as the Scheme Report for the purposes set out in Regulation 12A of the Town Planning Regulations 1967.</del>
<b>lot:</b>	has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot.
<b>minerals:</b>	has the same meaning as in the <i>Mining Act 1978</i> .
<b>minimum development height:</b>	means the lowest height datum at which the floor of a building may be constructed.
<b>native fauna:</b>	means terrestrial fauna native to Australia.
<b>nature reserve:</b>	means an area of land reserved for the conservation and protection of flora and fauna and where public access may be permitted or prohibited, depending upon the statutory purpose of the reserve.
<b>native species:</b>	means plants and animals indigenous to a given locality.
<b>non-conforming use:</b>	has the same meaning as it has in section 12(2)(a) of the <del>Town Planning Act</del> .
<b>net-lettable area (nla):</b>	means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas -  (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;  (b) lobbies between lifts facing other lifts serving the same floor;  (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;

Planning and  
Development A

(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	GENERAL DEFINITIONS
	(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.
<b>non-conforming use:</b>	has the same meaning as it has in section 12(2)(a) of the <del>Town Planning Act</del> .
<b>owner:</b>	<del>in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity</del>  <del>(a) is entitled to the land for an estate in fee simple in possession;</del>  <del>(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;</del>  <del>(c) is a lessor or licensee from the Crown; or</del>  <del>(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.</del>
<b>permitted height contours:</b>	means a contour line defined on a plan of subdivision lodged with the local government which specifies the height above the natural surface of the land above which buildings or structures may not be erected.
<b>place:</b>	in <b>Part 7</b> (Heritage Protection) has the same meaning as it has in the <i>Heritage of Western Australia Act 1990</i> .
<b>plot ratio:</b>	in the case of residential dwellings has the same meaning as in the Residential Design Codes.
<b>pollution:</b>	means the alteration of the environment to its detriment due to the condition of the air, land or water or other aspect of the environment, so as to make it harmful or potentially harmful to the health, welfare, safety and sustainability of all plants and animals dependent upon the condition of the environment for their survival and well being.
<b>potable water:</b>	means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water - Third Edition, World Health Organisations".
<b>precinct:</b>	means a definable area where particular planning policies, guidelines or standards apply.
<b>predominant use:</b>	means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.
<b>premises:</b>	<del>means land or buildings.</del>
<b>public authority:</b>	has the same meaning given to it in the <del>Town Planning Act</del> .
<b>Region Scheme - Metropolitan:</b>	means the Metropolitan Region Scheme within the meaning of the <i>Metropolitan Region Town Planning Scheme Act 1959</i> .

Planning and  
Development Act

Planning and  
Development Act



(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	GENERAL DEFINITIONS
<b>rehabilitation:</b>	means the restoration of an area of land to support native ecosystems typical of the locality and the recreation of similar land forms and the reclamation of altered land forms to re-establish native ecosystems occurring in the locality of similar topography and soil characteristics.
<del><b>Residential Design Codes:</b></del>	<del>means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time.</del>
<b>retail:</b>	means the sale or hire of goods or services to the public.
<b>revegetation:</b>	means the re-establishment of vegetation on land which has been excavated, cleared, eroded or otherwise despoiled in order to recreate vegetation communities existing prior to their removal and that the vegetation so established is protected and maintained to assure their survival.
<b>services:</b>	means the services reasonably required or expected to be provided in a fully developed area of the kind in question and without limiting the generality of the foregoing may include such items as sewerage, drainage, water supply, power supply, telecommunications, roads and ways, and transport services.
<b>setback:</b>	means the distance a building, structure or use is located from the lot boundary on which the building, structure or use is located.
<b>shade tree:</b>	means a tree which will grow to at least 5 metres in height and develop a natural canopy which will provide shade to at least 25m <sup>2</sup> on the ground at some time during the day, between the months of December and February of each year.
<b>shop-local:</b>	means the use of land and buildings less than 1000m <sup>2</sup> net lettable area wherein the only goods or services offered for sale are foodstuffs, toiletries, stationery or goods or services of a similar domestic nature, intended for day to day consumption or use by persons living or working in the locality of the shop and which may include a delicatessen, greengrocery, general smallgoods, butcher's shop, newsagency, hairdressers, chemist, but not a supermarket, and any other shop which in the opinion of the local government serves the day to day shopping needs of the immediate locality.
<b>shopping centre - district:</b>	means a group of shops, offices and community facilities with a net lettable area of between 10,000 m <sup>2</sup> and 20,000 m <sup>2</sup> which serves the needs of the surrounding district of approximately 25,000 to 50,000 catchment population, is serviced by a district distributor road, public transport services, and located between 3 kilometres and 5 kilometres from another District Shopping Centre.
<b>shopping centre - neighbourhood:</b>	means a group of local shops and offices with a net lettable area of between 1000m <sup>2</sup> and 5000m <sup>2</sup> which serves the needs of the immediate locality of approximately 6000 catchment population, is serviced by a local distributor road, a public transport route and located between 1.5 kilometres and 3.0 kilometres from another neighbourhood shopping centre.

(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	GENERAL DEFINITIONS
<b>shopping centre regional:</b>	means a group of shops, offices, community facilities and other related multi purpose facilities and services with a net lettable area of 30,000 m <sup>2</sup> or more which serves the needs of the surrounding region of between 50,000 to 100,000 catchment population, is served by a primary road and regional public transport services, and located between 5 kilometres and 10 kilometres from another Regional Shopping Centre.
<b>shopping centre regional strategic:</b>	means a group of shops, offices, community facilities and other related multi purpose facilities and services with a net lettable area of 50,000 m <sup>2</sup> or more which functions as a major employment centre for the surrounding region with a catchment population of 100,000 people or more, is served by a primary road and regional public transport services and located between 5 kilometres and 10 kilometres from another Strategic Regional Shopping Centre.
<b>sign:</b>	means a sign as defined under the local government's Signs, Hoardings and Bill Postings By-laws.
<b>site improvement</b>	means reclamation of land by drainage or filling, the construction of a retaining wall or other structures or walls appertaining thereto, the excavation, grading, levelling, filling or compaction of land, the removal of rock, stone, sand and soil and the clearing of timber, scrub or other vegetation.
<b>stable:</b>	means any building in which a horse is stabled or kept and includes any shed, loose box, stall or shelter used for the keeping, stabling, feeding, watering, grooming, sheltering, shoeing or veterinary treatment of a horse.
<b><del>substantially commenced:</del></b>	<del>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</del>
<b>streetscape:</b>	means the visual quality of a street depicted by road width, street verge planting, characteristics and features, public utilities constructed within the road reserve, the setback of the buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.
<b>street verge:</b>	means the publicly owned land located between the edge of the road pavement and the boundary of the lot and comprises part of the road or right of way reserve.
<b>Town Planning Act:</b> AMD 99 GG 17/10/14	means the <i>Planning and Development Act 2005</i> .
<b>Vehicle – Disused:</b>	Means a railway carriage or other railway rolling stock, a tram, caravan, truck, trailer, pantechicon, or any other vehicle whatsoever and any sea container or freezer unit or the like, or any other thing of a kind similar to any of the things herein before mentioned, which is not actively in use for the purpose for which has been stored or left stationary on land in the Scheme Area for more than thirty days.  AMD 07 GG 20/09/10
<b>wholesale:</b>	means the sale of goods or materials to be sold by others.

(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

<b><del>works:</del></b>	<del>means any activity undertaken to prepare land, by way of clearing vegetation, the excavation and levelling of land, the demolition of existing buildings and structures on land or any other site preparations undertaken in readiness for development, but excludes the marking out and pegging of land by measurement or survey, soil testing or other site investigations undertaken as a preliminary to development.</del>
<b><del>zone:</del></b>	<del>means a portion of the Scheme Area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.</del>

(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

2. LAND USE DEFINITIONS

In this Scheme -

	LAND USE DEFINITIONS
<b>agriculture - extensive:</b>	means premises used for the raising of stock or crops but does not include agriculture - intensive or animal husbandry - intensive.
<b>agriculture - intensive:</b>	means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following -  (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;  (b) the establishment and operation of plant or fruit nurseries;  (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or  (d) aquaculture, whereby any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.
<b>agroforestry:</b>	means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.
<b>airport:</b>	means the Jandakot Airport used for light aircraft and pilot training, including airport operations, aircraft storage and maintenance, associated offices, facilities and accommodation planned and developed in accordance with an adopted Airport Master Plan.
<b>amusement parlour:</b>	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.
<b>animal establishment:</b>	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre, cattery or dog kennels
<b>animal husbandry - intensive:</b>	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.
<b>bank:</b>	a shop where money is exchanged and business is transacted.
<b>bed and breakfast:</b>	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.
<b>betting agency:</b>	means an office or totalisator agency established under the <i>Totalisator Agency Board Betting Act 1960</i> .
<b>caravan park:</b>	has the same meaning as in the <i>Caravan Parks and Camping Grounds Act 1995</i> .
<b>caretaker's dwelling:</b>	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.



(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	LAND USE DEFINITIONS
<b>carpark:</b>	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.
<b>cattery:</b>	means the use of an approved outbuilding constructed in accordance with the Health Act Model By-laws Series "A" Part One - General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.
<b>child care premises:</b>	has the same meaning as in the <i>Community Services (Child Care) Regulations 1988</i> .
<b>cinema/theatre:</b>	means premises where the public may view a motion picture or theatrical production.
<b>civic use:</b>	means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes.
<b>club premises:</b>	means premises used by a legally constituted club or association or other body of persons united by a common interest.
<b>commercial vehicle parking:</b>	means the parking of any vehicle used or intended to be used in the course of a business or trade which has a tare weight of 3.5 tonnes or more.
<b>community purpose:</b>	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.
<b>consulting rooms:</b>	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.
<b>convenience store:</b>	means premises -  (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;  (b) operated during hours which include, but may extend beyond, normal trading hours;  (c) which provide associated parking; and  (d) the floor area of which does not exceed 300 square metres net lettable area.
<b>convention centre:</b>	means land and buildings used and designed for the conduct of conferences, seminars and other similar uses for the dissemination of information and educational purposes.
<b>corrective institution:</b>	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
<b>distribution centre:</b>	means land and buildings used for the storage of goods, the breaking down and making up of lots of goods for transfer onto commercial vehicles for distribution to other warehouses, showrooms, shops or other retail outlets, but does not include the display or sales of goods.



(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	LAND USE DEFINITIONS
<b>dog kennels:</b>	means land and buildings used for the boarding and breeding of dogs where the premises are registered or required to be registered by the local government and includes the sale of dogs where that use is incidental to the predominant use.
<b>educational establishment:</b>	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.
<b>exhibition centre:</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature, and includes a museum or art gallery.
<b>family day care:</b>	means premises used to provide family day care within the meaning of the <i>Community Services (Child Care) Regulations 1988</i> .
<b>farm supply centre:</b>	<p>means the use of land and buildings for the supply of:</p> <ul style="list-style-type: none"> <li>(a) vegetable seeds,</li> <li>(b) fertilisers,</li> <li>(c) agricultural chemicals,</li> <li>(d) stock foods,</li> <li>(e) tractors,</li> <li>(f) farm machinery, farm implements or components, or</li> <li>(g) irrigation equipment</li> </ul> <p>and includes the maintenance, repair and servicing of those items.</p>
<b>fast food outlets:</b>	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises but does not include a lunch bar.
<b>fuel depot:</b>	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a petrol filling station or service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.
<b>funeral parlour:</b>	means premises used to prepare and store bodies for burial or cremation.
<b>garden centre:</b>	means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings but in any land use area other than an industrial land use area does not include the sale or display in bulk of sand, gravel, rocks, blue metal, cement, firewood, sleepers or other items for use in a house or garden.
<b>hardware store:</b>	means land and buildings used for the storage, display and sale of building products, construction equipment and other similar items used primarily for domestic purposes.
<b>health studio:</b>	means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	LAND USE DEFINITIONS
<b>hobby farm:</b>	means the use of land for rural living, the agistment of horses, the growing of vegetables, fruit and flowers and the keeping of domestic poultry for private use only and not for commercial purposes or sale and shall include any building normally associated therewith.
<b>Holiday Home (standard):</b> AMD 99 GG 17/10/14	means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).
<b>Holiday Home (large):</b> AMD 99 GG 17/10/14	means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.
<b>home business:</b>	means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which - <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>
<b>home occupation:</b>	means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which - <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;</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> </ul>



(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	LAND USE DEFINITIONS
	(g) does not involve the use of an essential service of greater capacity than normally required in the zone.
<b>home office:</b>	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.
<b>home store:</b>	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.
<b>hospital:</b>	means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital.
<b>hotel:</b> AMD 99 GG 17/10/14	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.
<b>industry:</b>	means premises used for the manufacture, dismantling, processing, assembly, testing, servicing, maintenance or repairing of goods or products 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.
<b>industry - cottage:</b>	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.
<b>industry - extractive:</b>	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.
<b>industry - general:</b>	means an industry other than a cottage, extractive, general (licensed), light, mining, noxious, rural or service industry, or motor vehicle repair or motor vehicle wrecking.

(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	LAND USE DEFINITIONS
<b><i>industry - general (licensed)</i></b>	means an industry which is a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, notwithstanding the production or design capacity for each category of prescribed premises specified in the Schedule, but where a prescribed premises is also included in Schedule 2 of the Health Act, the Health Act prevails, for the purpose of the Scheme.
<b><i>industry - light:</i></b>	means an industry - <ul style="list-style-type: none"> <li>(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;</li> <li>(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.</li> </ul>
<b><i>industry - mining:</i></b>	means land used commercially to extract minerals from the land.
<b><i>industry - noxious:</i></b>	means an industry which is an offensive trade within the meaning of Schedule 2 of the Health Act but where an offensive trade is also included as a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, Schedule 2 of the Health Act prevails and includes a landfill site, but does not include a fish shop, dry cleaning premises, laundromat, piggery, poultry farm or rabbit farm.
<b><i>industry - rural:</i></b>	means - <ul style="list-style-type: none"> <li>(a) an industry handling, treating, processing or packing rural products; or</li> <li>(b) a workshop servicing plant or equipment used for rural purposes.</li> </ul>
<b><i>industry - service:</i></b>	means - <ul style="list-style-type: none"> <li>(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</li> <li>(b) premises having a retail shop front and used as a depot for receiving goods to be serviced.</li> </ul>
<b><i>liquor store:</i></b>	means a building the subject of a Store Licence granted under the provisions of the Liquor Act.
<b><i>lodging house:</i></b>	has the same meaning as is given to it in and for the purposes of the Health Act.
<b><i>lunch bar:</i></b>	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.
<b><i>marine engineering:</i></b>	means the carrying out of any process for and incidental to the fitting out, maintenance and repair of ships, including the construction of boats, but excluding all blasting other than wet slurry blasting operations as defined by Clean Air Act Regulations.



(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	LAND USE DEFINITIONS
<b>marine filling station:</b>	means premises used for the storage and supply of liquid fuels and lubricants for marine craft.
<b>market:</b>	means premises used for the display and sale of goods from stalls by independent vendors.
<b>masonry production:</b>	means land and buildings used in the production of slabs, blocks, paving and construction bricks, manufactured from the sand and minerals extracted from the land on which the manufacturing plant is located or from elsewhere.
<b>medical centre:</b>	means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).
<b>motel:</b>	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 Licensing Act 1988</i> .
<b>motor vehicle, boat or caravan sales:</b>	means premises used to sell or hire motor vehicles, boats or caravans.
<b>motor vehicle repair:</b>	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.
<b>motor vehicle wash:</b>	means premises where the primary use is the washing of motor vehicles.
<b>motor vehicle wrecking:</b>	means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second hand motor vehicles accessories and spare parts.
<b>night club:</b>	means premises - (a) used for entertainment with or without eating facilities; and (b) licensed under the <i>Liquor Licensing Act 1988</i> .
<b>nursery</b>	means land and buildings used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticultural and garden decor.
<b>office:</b>	means premises used for administration, clerical, technical, professional or other like business activities.
<b>park home park:</b>	has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> .

(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	LAND USE DEFINITIONS
<b><i>petrol filling station:</i></b>	means land and buildings used for the retailing of fuel and petroleum products and may include a convenience store with a floor area not exceeding 300 square metres, but does not include a workshop for mechanical repairs or the servicing of vehicles or machinery.
<b><i>place of worship:</i></b>	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.
<b><i>public amusement:</i></b>	means land and buildings used for the amusement or entertainment of the public, with or without charge.
<b><i>reception centre:</i></b>	means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.
<b><i>recreation - private:</i></b>	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge.
<b><i>residential building:</i></b>	has the same meaning as in the Residential Design Codes and does not include a lodging house.
<b><i>restaurant:</i></b>	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 Licensing Act 1988</i> .
<b><i>restricted premises:</i></b>	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>Censorship Act 1996</i> ;  (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
<b><i>rural pursuit:</i></b>	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;  (d) the sale of produce grown solely on the lot,  but does not include agriculture - extensive or agriculture - intensive, and a hobby farm.
<b><i>service station:</i></b>	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 transport depot, panel beating, spray painting, major repairs or wrecking, petrol filling station.



(PART 6 - TERMS REFERRED TO IN SCHEME cont.)

	LAND USE DEFINITIONS
<b>shop:</b>	means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store and nursery.
<b>showroom:</b>	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.
<b>Small Bar:</b> AMD 99 GG 17/10/14	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 not including the sale of packaged; and with the number of persons who may be on the licensed premises limited to a maximum of 120.
<b>storage:</b>	means premises used for the storage of goods, equipment, plant or materials.
<b>tavern:</b> AMD 99 GG 17/10/14	means premises licensed as a tavern under the <i>Liquor Control Act 1988</i> and used to sell liquor for consumption on the premises.
<b>telecommunications infrastructure:</b>	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.
<b>tourist accommodation:</b>	means land and buildings used for the purpose of short term accommodation primarily for tourists visiting the district and includes cabins, chalets, camping grounds, caravan parks, short stay self contained accommodation and similar forms of tourist accommodation, together with uses ancillary to the primary use, but does not include a caravan park, hotel, bed and breakfast or motel.
<b>trade display:</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement.
<b>transport depot:</b>	means land or buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, including management, maintenance and repair of the vehicles used and includes the garaging or parking of such vehicles associated with this use, but does not include the parking of a commercial vehicle in the residential and rural land use areas.
<b>veterinary centre:</b>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders and includes the accommodation of sick animals.
<b>veterinary consulting rooms:</b>	Deleted AMD 99 GG 17/10/14
<b>warehouse:</b>	means premises used to store or display goods and may include sale by wholesale.



## (PART 6 - TERMS REFERRED TO IN SCHEME cont.)

### Notes:

1. Where there is a difference between a definition contained in **Schedule 1** to the Scheme and a definition contained in the **Model Scheme Text** the Scheme prevails.
2. Where there is a difference between a definition contained in **Schedule 1** to the Scheme and a definition contained in the **Statement of Planning Policy No. 2.3** - Jandakot Groundwater Protection Policy or the **Statement of Planning Policy No. 2.1** - Peel Harvey Coastal Plain Catchment Policy the Policies prevail, and where there is a difference between the Policies, the Statement of Planning Policy No. 2.3 prevails.  
AMD 6 GG 13/6/06.

## ~~PART 7 HERITAGE PROTECTION~~

### ~~7.1 Heritage List~~

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

~~Note:~~

~~1. The purpose and intent of the heritage provisions are:~~

~~(a) to facilitate the conservation of places of heritage value;~~

~~(b) to ensure as far as possible that development occurs with due regard to heritage values.~~

~~7.1.2 In the preparation of the heritage List the local government is to:-  
AMD 86-GG-14/9/12~~

~~(a) have regard to the **Local Government Inventory** prepared by the local government pursuant to Section 45 of the Heritage of Western Australia Act 1990; and~~

~~(b) include on the **Heritage List** such of the entries on the Local Government Inventory it considers to be appropriate.~~

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

~~7.1.3 In considering a proposal to include a place on the **Heritage List**, the local government shall-~~

~~(a) **notify** in writing the owner and occupier of the place and provide them with a copy of the description referred to in **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 date specified in the notice;~~

~~(c) carry out such other **consultations** as it thinks fit; and~~

~~(d) consider any submissions made and resolve to enter the place on the **Heritage List** with or without modification or reject the proposal after **consideration** of the submissions.~~

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

~~7.1.5 The local government shall keep copies of the **Heritage List** with the Scheme documents for **public inspection**.~~

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

### ~~7.2 Designation of a Heritage Area~~

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

~~7.2.2 The local government is to~~

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

~~7.2.3 If a local government proposes to designate an area as a Heritage Area, the local government is to~~

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

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

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

~~7.2.5 After the **expiry of the period** within which a submission may be made, the local government is to~~

- ~~(a) **review** the proposed designation in the light of any **submissions** made; and~~

- (b) ~~resolve to adopt~~ the designation with or without modification, or ~~not to proceed~~ with the designation.

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

~~7.2.7 The local government may modify or revoke a designation of a Heritage Area.~~

~~7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes to amendment of a designation of a Heritage Area.~~

### ~~7.3 Heritage Agreements~~

~~7.3.1 The local government may, in accordance with the Heritage of Western Australia Act 1990, enter into a Heritage Agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building in so far as the interest of that owner or occupier permits.~~

Note:

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

### ~~7.4 Heritage Assessment~~

~~7.4.1 Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a Heritage Area or in respect of a heritage place listed on the Heritage List.~~

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

### ~~7.5 Variations to Scheme provisions for a Heritage Place or Heritage Area~~

~~Where desirable to~~

~~(a) facilitate the conservation of a Heritage Place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 7.1.1; or~~

~~(b) enhance or preserve heritage values in a Heritage Area designated under clause 7.2.1,~~

~~the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.~~

~~AMD 6 GG 13/6/06~~

7.6 Planning approval is required prior to the removal, destruction of and/or interference with any tree included on the Local Government Inventory Significant Tree list. AMD 86 GG 14/9/12

← has moved to  
4.18 under Gen  
Devt Reqts



## ~~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 and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under **Part 9**.~~

### ~~8.2 Permitted Development~~

~~8.2.1 Except as otherwise provided in the Scheme, the following development does not require the planning approval of the local government~~

~~(a) the carrying out of any building or works which affect only the interior of a building and which do not materially affect the external appearance of the building except where the building is~~

~~(i) located in a place that has been entered in the **Register of Places** under the Heritage of Western Australia Act 1990;~~

~~(ii) the subject of an **Order** under Part 6 of the Heritage of Western Australia Act 1990;~~

~~(iii) included on the **Heritage List** under **clause 7.1** of this Scheme;~~

~~(b) the erection on a lot of a **single house** including any extension, ancillary outbuildings and swimming pools, except where~~

~~(i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the acceptable development requirements of the Residential Design Codes; **AMD 6 GG 13/6/06**~~

~~(ii) the proposal is inconsistent with the provisions of a Structure Plan prepared and adopted under Part 6 of the Scheme or a Policy prepared and adopted under Part 2 of the Scheme; **AMD 6 GG 13/6/06**~~

~~(iii) the development will be located in a Heritage Area designated under the Scheme; **AMD 6 GG 13/6/06**~~

~~(iv) **clause 8.2.1 (i) or (j)** applies; **AMD 6 GG 13/6/06**~~

~~(v) the proposal is located on a place that is included on the **Heritage List**. **AMD 86 GG 14/9/12**~~

(vi) the development is included in a Bushfire Prone Area, as defined by clause 6.6.2 of the Scheme; - **AMD 92 GG 13/3/15**

~~Note:~~

~~1. The planning approval of the local government is required for both the development of land (subject of this **Part**) and the use of land (subject of **Part 4**).~~

~~2. Development includes the erection, placement and display of any advertisements.~~

~~3. Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme.~~

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

8.2.1(b)(vi) has moved  
(reworded) to SCA -  
Part 5

(c) the **demolition** of any building or structure **except** where the building or structure is -

- (i) located in a place that has been entered in the **Register of Places** under the Heritage of Western Australia Act 1990;
- (ii) the subject of an order under **Part 6** of the Heritage of Western Australia Act 1990;
- (iii) included on the **Heritage List** under the Scheme;
- (iv) located within a **Heritage Area** designated under the Scheme;
- (v) included on the Local Government Inventory.

AMD 86 GG 14/9/12

8.2.1(c) has now moved into Sch A - Supplemental Provisions clause 2 (a)

~~(d) a home office;~~

~~(e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;~~

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

(f) any of the exempted classes of advertisements listed in **Schedule 5** except in respect of a place included on the **Heritage List** or in a **Heritage Area**; and

(g) the erection of a **fence**;

(h) the erection on a single lot of two grouped dwellings (included extensions and ancillary outbuildings) where a grouped dwelling is designated with the symbol 'P' in the cross-reference to that Use Class and a Zone in the Zoning Table, and where the development is consistent with Local Planning Policy No. APD58 (Residential Design Guidelines) and the Residential Design Codes.  
AMD 76 GG 31/08/10; AMD 99 GG 17/10/14

(i) the erection on a lot of a single house, including extensions and ancillary outbuilding with an area:-

- (i) of 100 square metres or less and a wall height of 2.4 metres or less in the Development and Residential Zone. AMD 6 GG 13/6/06; AMD 99 GG 17/10/14
- (ii) of less than 100 square metres and a wall height not exceeding 4.5 metres in the Rural Zone and Rural Living Zone; AMD 6 GG 13/6/06
- (iii) of 200 square metres or less with a wall height of 4.5 metres in the Resource Zone; AMD 6 GG 13/6/06
- (iv) and the single house addition or outbuilding are located within a building envelope applying to the lot, where a single house is designated with the symbol 'P' in the cross-reference to that Use Class and the respective zones in the Zoning Table, in the case of the Rural Zone and the Rural Living Zone, and in the case of the Resource Zone, Table 1 and 2 of Statement of Planning Policy No. 2.3.  
AMD 6 GG 13/6/06

8.2.1 (f) - (i) has now moved into Sch A - Supplemental Provisions clause 2 (b) -(h)

- (j) the erection of a **single house and two grouped dwellings including any ancillary outbuildings and swimming pools** which comply with the provisions of a Detailed Area Plan;
- (k) Family Day Care Centre.
- (l) The **parking of commercial vehicles** in accordance with **clause 5.10.8(a), 5.10.8(b) and clause 5.10.8(c).**

AMD 6 GG 13/6/06

### ~~8.3 Amending, Revoking or Refusing a Planning Approval~~

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

~~8.3.2 Where planning approval has been granted subject to conditions, and one or more of the conditions and/or approved plans have not been complied with to the satisfaction of the local government, the local government may refuse to issue approval for the further use or development of the land to which the conditions of a previous approval are outstanding. AMD 00 GG 17/10/14~~

### ~~8.4 Unauthorised Existing Developments~~

Note:

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

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

~~8.4.2 Development which was **unlawfully commenced** shall not be 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 development upon the grant of planning approval.~~

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



## ~~PART 9 APPLICATION FOR PLANNING APPROVAL~~

### ~~9.1 Form of Application~~

Note:

#### ~~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**;~~
- ~~(e) alteration or extension of a non-conforming use under **clause 4.9.1**;~~
- ~~(f) a change of a non-conforming use under **clause 4.9.3**;~~
- ~~(g) continuation of a non-conforming use under **clause 4.12**;~~
- ~~(h) variation of a site or development requirement under **clause 5.6**; AMD 6 GG 13/6/06~~
- ~~(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 under an approval under **clause 10.8.1**;~~
- ~~(l) the erection, placement or display of an advertisement having regard to **clause 8.2.1(f)**; AMD 6 GG 13/6/06~~

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

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

#### ~~9.1.3 Where an application for a Single House involves the exercise of discretion by the local government under the Scheme to vary the Residential Design Codes or a Policy prepared and adopted under Part 2 of the Scheme, the application may be in the form of an Application for Building Licence. AMD 6 GG 13/6/06~~

#### ~~9.1.4 Despite **clause 9.1.3**, an application must be submitted to the Council for referral to the Commission for determination in accordance with the Metropolitan Region Scheme or the Metropolitan Region as Scheme Act 1959 if the land the subject of the application is wholly or partly: AMD 6 GG 13/6/06~~

~~1. An application for approval for one or more of the following:~~

- ~~• the clearing of vegetation under **clause 5.9.12**;~~
- ~~• the filling of land, other than as a pre-requisite for development or land use; and~~
- ~~• demolition of a building, structure or place on the Heritage List under **clause 7.1.1**;~~

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

~~2. Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land which is wholly within a region reserve shall be referred by the local government to the Commission for determination. No separate determination is made by the local government.~~

~~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, or~~

- (a) ~~affected by a gazetted notice of a resolution by the Commission under clause 32 of the Metropolitan Region Scheme; or AMD 6 GG 13/6/06~~
- (b) ~~within an area duly declared by the Commission to be a Planning Control Area. AMD 6 GG 13/6/06~~

## 9.2 Accompanying Material

9.2.1 ~~Unless the local government waives any particular requirement every application for planning approval shall be accompanied by~~

- (a) ~~a plan or plans to scale of not less than 1:500 showing~~
    - (i) ~~the location of the site including street names, lot number(s), north point and the dimensions of the site;~~
    - (ii) ~~the existing and proposed ground levels over the whole of the land subject of the application and the location, height and type of all existing 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 these areas;~~
    - (vii) ~~the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and~~
    - (viii) ~~the nature and extent of any open space and landscaping proposed for the site.~~
  - (b) ~~plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;~~
  - (c) ~~any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and~~
  - (d) ~~any other plan or information that the local government may require to enable the application to be determined.~~
- (b) ~~within or partly within a Planning Control Area duly declared by the Commission pursuant to Section 35C of the Scheme Act or Section 37B of the Commission Act, or~~
  - (e) ~~affected by a Notice of Delegation published in the Government Gazette by the Commission under Section 20 of the Commission Act and is not of a type which may be determined by the local government under that Notice, is to be referred by the local government to the Commission in accordance with the Notice of Delegation. Separate determinations are made by the local government under this Scheme and the Commission under the Region Scheme.~~



### 9.3 ~~Additional Material for Heritage Matters~~

9.3.1 ~~Where an application relates to a place entered on the **Heritage List** or within a **Heritage Area**, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application~~

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

### 9.4 ~~Advertising of Applications~~

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

- (a) ~~an '**A**' use as referred to in **clause 4.3.2**; or~~
- (b) ~~a **use not listed** in the Zoning Table;~~

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

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

~~AMD 72 GG 07/00/10~~

9.4.3 ~~The local government may give notice or **require** the applicant to give notice or decide 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 shall be served on **nearby owners and occupiers** who, in the opinion of the local government, are likely to be affected by the granting of planning approval stating, that submissions may be made to the local government by a specified date being not less than **14 days** from the date specified in the notice;~~
- (b) ~~**notice** of the proposed use or development shall be published in a **newspaper** circulating in the Scheme Area stating that submissions may be made to the local government by a specified date being not less than **14 days** from the day the notice is published;~~
- (c) ~~**sign** or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.~~

- ~~9.4.4 The Notice referred to in **clause 9.4.3 (a) and (b)** is to be in the form prescribed in **Schedule 8** with such modifications as considered appropriate by the local government.~~
- ~~9.4.5 Any person may **inspect** the application for planning approval referred to in the notice and material accompanying that application at the offices of the local government.~~
- ~~9.4.6 After the **expiration** of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.~~

## ~~PART 10 PROCEDURE FOR DEALING WITH APPLICATIONS~~

### ~~10.1 Consultations with Other Authorities~~

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

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

### ~~10.2 Matters to be Considered by Council~~

~~10.2.1 The local government in considering an application for planning approval shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application—~~

- ~~(a) the aims and provisions of this Scheme and any other relevant town planning scheme(s) 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 or any relevant planning policy adopted by the Government of the State;~~
- ~~(f) any local planning policy adopted by the local government under clause 2.5, any heritage policy statement for any designated Heritage Area adopted under clause 7.2.2 and any other plan or guideline adopted by the local government under the Scheme;~~
- ~~(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;~~
- ~~(h) the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under Clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;  
AMD 6 GG 13/6/06; AMD 86 GG 14/9/12~~
- ~~(i) the compatibility of a use or development within 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 that application relates is unsuitable for the proposal by reason of it being, or 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 planning 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; and~~
- (za) ~~any other consideration the Local government considers relevant.~~



### ~~10.3 Determination of Applications~~

~~10.3.1 In determining an application for planning approval the local government may~~

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

### ~~10.4 Form and Date of Determination~~

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

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

### ~~10.5 Term of Planning Approval~~

~~10.5.1 Where the local government grants planning approval for development of land~~

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

~~10.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1 (a).~~

### ~~10.6 Temporary Planning Approval~~

~~10.6.1 Where a local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.~~

### ~~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 of land, except for a specified part or aspect of that use or development; or~~
- ~~(c) for a specified part or aspect of that use or development.~~

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

~~10.8.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local governments; and may include~~

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

- ~~(a) the siting, design, external appearance of the buildings;~~
- ~~(b) means of access;~~
- ~~(c) landscaping; or~~
- ~~(d) such other matters as the local government thinks fit.~~

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

~~10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than **two (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 shall be **deemed** to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within **60 days** of the receipt of the application by the local government, or within such further time as agreed in writing between the applicant and the local government.~~

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

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

#### ~~10.10 Appeals~~

~~10.10.1 An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may apply for a review to the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. AMD 99 GG 17/10/14~~

## ~~PART 11 ENFORCEMENT AND ADMINISTRATION~~

### ~~11.1 Powers of the Local Government~~

~~11.1.1 The local government in implementing the Scheme has the power to—~~

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

~~11.1.2 An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, **enter any building or land** for the purpose of ascertaining whether the provisions of the Scheme are being observed.~~

~~11.1.3 The local government employee may by Warrant obtained pursuant to s.3.33 of the Local Government Act enter any building or land, together with any other persons described in the Warrant, or a police officer using such force as is necessary where:—~~

- ~~(a) entry has been refused or is opposed or prevented; AMD 6 GG 13/6/06~~
- ~~(b) entry cannot be obtained; or AMD 6 GG 13/6/06~~
- ~~(c) notice cannot be given under s.3.32 of the Local Government Act without unreasonable difficulty or without unreasonably delaying entry. AMD 6 GG 13/6/06~~

### ~~11.2 Removal and Repair of Existing Advertisements~~

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

~~11.2.2 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in **conflict with the aims** of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice **require the advertiser to—** AMD 6 GG 13/6/06~~

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



(b) ~~remove the advertisement.~~

~~11.2.3 For the purpose of **clauses 11.2.1 and 11.2.2** any notice is to be served upon the advertiser and shall specify~~

(a) ~~the advertisement(s) the subject of the notice;~~

(b) ~~full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and~~

(c) ~~the period, not being less than **60 days** from the date of the local government's determination, within which the action specified shall be completed by the advertiser.~~

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

### ~~11.3 Delegation of Functions~~

~~11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, **delegate to a committee** or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.~~

~~11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under **clause 11.3.1**.~~

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

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

~~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.~~

(a) ~~a town planning scheme; or~~

(b) ~~any condition imposed with respect to a development by a responsible authority pursuant to its powers under a town planning scheme; commits an offence.~~

### ~~11.4 Person must comply with provisions of Scheme~~

~~11.4.1 A person must not~~

(a) ~~contravene or fail to comply with the provisions of the Scheme;~~

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

(b) ~~use any land or commence or continue to carry out any development within the Scheme Area~~

AMD 6 GG 13/6/06

(i) ~~otherwise than in accordance with the **provisions** of 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;~~

- (iv) ~~otherwise than in accordance with any standards laid down and all requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.~~

## ~~11.5 Compensation~~

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

- (a) ~~in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the Town Planning Regulations 1967; or~~

- (b) ~~where the land has been reserved for a public purpose and~~

- (i) ~~an application made under the Scheme for approval to carry out development on the land is refused; or~~

- (ii) ~~an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,~~

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

Note:

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

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

~~11.5.2 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**.~~

## ~~11.6 Purchase or Taking of Land~~

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

Note:

~~Section 13 of the Town Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a Scheme.~~

~~11.6.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.~~

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

~~11.7.1 Under **section 10(3)** of the Act, the local government may give written notice to the owner of the land or person who undertook the development to remove a building or other work referred to in that section.~~

~~AMD 6 CG 13/6/06~~

~~11.7.2 The local government may **recover expenses** under **section 10(8)** of the Town Planning Act in a court of competent jurisdiction.~~

~~AMD 6 CG 13/6/06~~



11.8 Heritage Advisory Committee

11.8.1 The local government may establish a Heritage Advisory Committee to **advise** it on any matter arising under this clause.

11.8.2 The **membership** of the Committee may include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the conservation or adaptation of places of cultural heritage significance, and a person representing the community with an interest in heritage conservation.

11.8 moved to  
Sch A -  
supplemental  
provisions clause 3

11.9 Advisory Committees

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

11.9.2 The **membership** of an Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the local government have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.

11.9.3 The Advisory Committee shall **comprise** no more than 5 members appointed by the local government and shall be **chaired** by a person elected by the Committee.

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

11.9.5 When dealing with any matter involving an application for planning **approval or Structure Plans** or when dealing with any other matter involving a development or land use proposal, the local government shall have **due regard** to any relevant recommendation of any Advisory Committee.

11.9 moved to  
Sch A -  
supplemental  
provisions clause 4

11.10 Reference Committees

11.10.1 The local government may from time to time establish Reference Committees to **advise** it on any matters of community interest subject to such terms, procedures and conditions of office as the local government thinks fit.

11.10.2 The local government shall determine which if any **matters** are referred to the Reference Committee for consideration and advice.

11.10.3 Reference Committees shall **represent** the community of a specified locality within the district and comprise residents and ratepayers from that locality.

11.10.4 A Reference Committee shall **comprise** no more than 7 residents and/or ratepayers appointed by the Local government and shall be **chaired** by a person elected by the Committee.

11.10.5 A member of the Reference Committee shall not discuss or **vote** on any matter before the Committee in which that member has a **pecuniary interest**.

11.10 moved to  
Sch A -  
supplemental  
provisions clause 5



11.10.6 When dealing with any matter of community interest including Applications for planning **approval, Structure Plans** or when dealing with any matter involving a development or land use proposal referred to it by the local government, the local government shall have **due regard** to any relevant recommendation of any Reference Committee.

#### ~~11.11 Site Notification~~

~~11.11.1 Where the development of land is to be delayed for any reason the local government may **require** the owner of the land to erect a sign on the site advising the public of the proposed use of the land and if known the likely date of commencement or anticipated completion.~~

~~11.11.2 Any sign erected under **clause 11.11.1**, shall be of a size and erected in a location specified by the local government and shall include the name, address and contact telephone number of the owner or a representative of the owner for the **purpose** of receiving enquiries from the public.~~

~~11.11.3 The local government may under any circumstances that it sees fit **require** the landowner of any public or private land to erect a sign to provide advice to the public about the ownership of the land, the responsibility for the care and maintenance of the land and any development thereon and the names and telephone numbers of the authority which have been responsible for the approval of the use or development of the land or the name and telephone numbers of the owner or the owner's representative of the land for the **purpose** of receiving enquiries from the public.~~

#### ~~11.12 Arbitration on Value~~

~~11.12.1 Where for any purpose under the Scheme land is required to be valued and there is a **dispute** or difference between the local government and a landowner regarding that value, the dispute or difference shall be resolved as follows—~~

- ~~(a) by **arbitration** in accordance with the Commercial Arbitration Act 1985; or~~
- ~~(b) by some other **method** agreed upon by the local government and the landowner; and~~
- ~~(c) in any case **mediation** may be attempted without prejudice to the use of any other method of determination,  
and the value shall be determined—~~
- ~~(d) as at the date of **acquisition** of the land by the Local government or the date of election to purchase or acquire if that occurs earlier, unless the Scheme stipulates some other date as the date of valuation; and~~
- ~~(e) without regard to any increase or decrease in value **attributable** wholly or in part to the Scheme.~~

(now Part 7)

## PART 12 SCHEDULES

SCHEDULE 1	<b>DICTIONARY OF DEFINED WORDS AND EXPRESSIONS</b> - GENERAL DEFINITIONS (moved to become a new Part 6 - Terms referred to in Scheme) - LAND USE DEFINITIONS
SCHEDULE 2	<b>ADDITIONAL USES</b> (moved to Part 4 - General Devt Requirements)
SCHEDULE 3	<b>RESTRICTED USES</b> (moved to Part 4 - General Devt Requirements)
SCHEDULE 4	<b>SPECIAL USE ZONES</b> (moved to Part 4 - General Devt Requirements)
<del>SCHEDULE 5</del>	<del><b>EXEMPTED ADVERTISEMENTS</b></del>
<del>SCHEDULE 6</del>	<del><b>FORM OF APPLICATION FOR PLANNING APPROVAL</b></del>
<del>SCHEDULE 7</del>	<del><b>ADDITIONAL INFORMATION FOR ADVERTISEMENTS</b></del>
<del>SCHEDULE 8</del>	<del><b>NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL</b></del>
<del>SCHEDULE 9</del>	<del><b>NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL</b></del>
SCHEDULE 10	<b>ENVIRONMENTAL CONDITIONS</b>
SCHEDULE 11	<b>DEVELOPMENT AREAS</b> (moved to Part 5 - Special Control Areas)
SCHEDULE 12	<b>DEVELOPMENT CONTRIBUTION AREAS</b> (moved to Part 5 - Special Control Areas)
SCHEDULE 13	STATIC FEASIBILITY MODEL (moved to Part 5 - Special Control Areas)

Renumbered schedule list =

(new) Schedule A: Supplemental Provisions to the Deemed Provisions

Schedule B: Environmental Conditions

## Schedule A – Supplemental Provisions to the Deemed Provisions

### Structure plan advertised with scheme amendments

1. The local government may advertise a proposed structure plan associated with any proposal to amend the scheme concurrently.

*Previously 6.2.8.3*

### Exemptions

2. Except as otherwise provided in the Scheme, the following development does not require the planning approval of the local government-

*Previously  
8.2.1(c)*

- a) the demolition of any building or structure except where the building or structure is -

- i. located in a place that has been entered in the Register of Places under the Heritage of Western Australia Act 1990;
- ii. the subject of an order under Part 6 of the Heritage of Western Australia Act 1990;
- iii. included on the Heritage List under the Scheme;
- iv. located within a Heritage Area designated under the Scheme;
- v. included on the Local Government Inventory.

- b) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area; and

*Previously  
8.2.1(f)*

- c) the erection of a fence;

*Previously 8.2.1(g)*

- d) the erection on a single lot of two grouped dwellings (included extensions and ancillary outbuildings) where a grouped dwelling is designated with the symbol 'P' in the cross-reference to that Use Class and a Zone in the Zoning Table, and where the development is consistent with Local Planning Policy No. **APD58** **LPP1.2** (Residential Design Guidelines) and the Residential Design Codes. AMD 76 GG 31/08/10; AMD 99 GG 17/10/14

*Previously  
8.2.1(h)*

- e) the erection on a lot of a single house, including extensions and ancillary outbuilding with an area:-

*Previously  
8.2.1(i)*

- i. of 100 square metres or less and a wall height of 2.4 metres or less in the Development and Residential Zone.



- ii. of less than 100 square metres and a wall height not exceeding 4.5 metres in the Rural Zone and Rural Living Zone;
  - iii. of 200 square metres or less with a wall height of 4.5 metres in the Resource Zone;
  - iv. and the single house addition or outbuilding are located within a building envelope applying to the lot, where a single house is designated with the symbol 'P' in the cross-reference to that Use Class and the respective zones in the Zoning Table, in the case of the Rural Zone and the Rural Living Zone, and in the case of the Resource Zone, Table 1 and 2 of Statement of Planning Policy No. 2.3.
- f) the erection of a single house and two grouped dwellings including any ancillary outbuildings and swimming pools which comply with the provisions of a Detailed Area Plan;
- g) Family Day Care Centre. Previously 8.2.1(k)
- h) The parking of commercial vehicles in accordance with clause ~~5.10.8(a)~~4.10.8(a), ~~5.10.8(b)~~4.10.8(b) and clause ~~5.10.8(c)~~4.10.8(c). Previously 8.2.1(l)

#### Exempted Advertisements

Land Use and/ or Development	Exempted Sign	Maximum Size
In all zones except in the Residential Zone	Advertising. Relating directly to advising the name, address, telephone number and purpose of the service provided on the property on which it is located. (Refer to <del>clause 8.2.1 (f)</del> <u>Schedule A, Clause 2(b)</u> )	4 square metres
In all zones	Property for sale or auction sign.	6 square metres
In all zones	Advisory signs. About future development or proposal	6 square metres
In all zones	Temporary sign. Advertising	4 square metres

	a coming event within the district where it will not be erected for more than 4 weeks.	
In all zones except the Residential Zone.	Advertising signs. Displayed on walls, windows or verandah facades which do not project above the wall or roof on which it is attached.	6 square metres

## Committees

### 3 HERITAGE ADVISORY COMMITTEE

*Previously 11.8*

- 3.1 The local government may establish a Heritage Advisory Committee to advise it on any matter arising under this clause.
- 3.2 The membership of the Committee may include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the conservation or adaptation of places of cultural heritage significance, and a person representing the community with an interest in heritage conservation.

### 4 ADVISORY COMMITTEES

*Previously 11.9*

- 4.1 The local government may from time to time establish Advisory Committees to advise it on any matters in the Scheme, subject to such terms of reference, procedures and conditions of office as the local government thinks fit.
- 4.2 The membership of an Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the local government have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.

- 4.3 The Advisory Committee shall comprise no more than 5 members appointed by the local government and shall be chaired by a person elected by the Committee.
- 4.4 A member of an Advisory Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.
- 4.5 When dealing with any matter involving an application for planning approval or Structure Plans or when dealing with any other matter involving a development or land use proposal, the local government shall have due regard to any relevant recommendation of any Advisory Committee.

## 5 REFERENCE COMMITTEES

Previously 11.10

- 5.1 The local government may from time to time establish Reference Committees to advise it on any matters of community interest subject to such terms, procedures and conditions of office as the local government thinks fit.
- 5.2 The local government shall determine which if any matters are referred to the Reference Committee for consideration and advice.
- 5.3 Reference Committees shall represent the community of a specified locality within the district and comprise residents and ratepayers from that locality.
- 5.4 A Reference Committee shall comprise no more than 7 residents and/or ratepayers appointed by the Local government and shall be chaired by a person elected by the Committee.
- 5.5 A member of the Reference Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.
- 5.6 When dealing with any matter of community interest including Applications for planning approval, Structure Plans or when dealing with any matter involving a development or land use proposal referred to it by the local government, the local government shall have due regard to any relevant recommendation of any Reference Committee.



~~SCHEDULE 6~~

~~FORM OF APPLICATION FOR PLANNING APPROVAL MRS  
FORM 1~~

~~AMD 6 GG 13/6/06~~

~~APPLICATION FOR PLANNING APPROVAL~~

**OWNER DETAILS:**

Name.....

Address..... Post Code.....

Phone (work)..... (home)..... Fax..... E Mail.....

Contact Person.....

Signature..... Date.....

Signature..... Date.....

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

**APPLICANT DETAILS:**

Name.....

Address..... Post Code.....

Phone (work)..... (home)..... Fax..... E Mail.....

Contact person for correspondence.....

Signature..... Date.....

**APPLICANT DETAILS:**

Lot No..... House/Street No..... Location No.....

Diagram or Plan No..... Certificate of Title No..... Folio.....

Diagram or Plan No..... Certificate of Title No..... Folio.....

Title Encumbrances (eg, easements, restrictive covenants).....

Street Name..... Suburb.....

Nearest Street Intersection.....

Existing Building/Land Use.....

Description of proposed development and/or use.....

Nature of any existing buildings and/or use.....

Approximate cost of proposed development.....

Estimated time of completion.....

**OFFICE USE ONLY**

Acceptance Officer's Initials..... Date Received.....

Council Reference No.....

## ~~SCHEDULE 7      ADDITIONAL INFORMATION FOR ADVERTISING~~

~~NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM~~

- ~~1.      Description of property upon which advertisement is to be displayed including full details of its proposed position within that property.~~

.....

.....

- ~~2.      Details of Proposed Sign:~~

- ~~(a)      Type of structure on which advertisement is to be erected (ie freestanding, wall mounted, other):~~

.....

- ~~(b)      Height: ..... Width: ..... Depth: .....~~

- ~~(c)      Colours to be used: .....~~

- ~~(d)      Height above ground level (to top of advertisement): .....~~

~~(to underside): .....~~

- ~~(e)      Materials to be used: .....~~

~~Illuminated: Yes / No      If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:~~

.....

- ~~3.      Period of time for which advertisement is required: .....~~

- ~~4.      Details of signs (if any) to be removed if this application is approved: .....~~

.....

.....

.....

~~Note:      This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.~~

~~Signature of Advertiser(s): .....~~  
~~(if different from land owners)~~

~~Date: .....~~

~~SCHEDULE 8~~

~~NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING  
APPROVAL~~

~~TOWN PLANNING ACT 1928 (as amended)~~

~~City of Cockburn~~

~~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 .....~~

~~SIGNED:~~

~~DATED:~~

~~.....~~

~~for and on behalf of the City of Cockburn.~~

~~SCHEDULE 9~~

~~NOTICE OF DETERMINATION ON APPLICATION FOR  
PLANNING APPROVAL - MRS FORM 2~~

~~AMD 6 GG 13/6/06~~

~~TOWN PLANNING ACT 1928 (as amended)~~

~~City of Cockburn~~

~~DECISION 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 reasons(s):~~

~~CONDITIONS / REASONS FOR REFUSAL:~~

~~.....~~

~~.....~~

~~.....~~

~~.....~~

~~.....~~

~~Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, 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 decision there is a right of appeal pursuant to the provisions of Part V of the Town Planning Act. An appeal must be lodged within 60 days of the Council's decision.~~

~~SIGNED:~~

~~DATED:~~

~~.....~~

~~.....~~

~~for and on behalf of the City of Cockburn.~~

Schedule B

~~SCHEDULE 10~~ ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS
Town Planning Scheme No. 3		There are no environmental conditions imposed by the Minister for the Environment which apply to the Scheme.

ADOPTION

(Regulation 13(1) )

ADOPTED BY RESOLUTION OF THE COUNCIL OF THE CITY OF COCKBURN AT THE GENERAL MEETING OF THE COUNCIL HELD ON THE TWENTY FIRST DAY OF DECEMBER 1999.

\_\_\_\_\_  
MAYOR

DATE 26 NOVEMBER 2002

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

DATE 26 NOVEMBER 2002

**FINAL APPROVAL**

1. ADOPTED BY RESOLUTION OF THE COUNCIL OF THE CITY OF COCKBURN AT THE GENERAL MEETING OF THE COUNCIL HELD ON THE TWENTY SIXTH DAY OF NOVEMBER, 2002 AND THE SEAL OF THE MUNICIPALITY WAS PURSUANT TO THAT RESOLUTION HEREUNTO AFFIXED IN THE PRESENCE OF :

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE  
26 NOV 2002

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
DATE  
26 NOV 2002

SEAL

2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL BY THE WESTERN AUSTRALIAN PLANNING COMMISSION.

\_\_\_\_\_  
DELEGATED UNDER S20 OF  
WAPC ACT 1985

\_\_\_\_\_  
DATE

3. FINAL APPROVAL GRANTED

\_\_\_\_\_  
MINISTER FOR PLANNING & INFRASTRUCTURE

\_\_\_\_\_  
DATE