

# TOWN OF VICTORIA PARK

## DRAFT LOCAL PLANNING SCHEME NO. 2

### POST ADVERTISING WITH TRACK CHANGES OF RECOMMENDED MODIFICATIONS FOR COUNCIL CONSIDERATION

The following Town of Victoria Park draft Local Planning Scheme No.2 (the Scheme) has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The scheme is provided in the model scheme text format to align with the model provisions contained in Schedule 1 of the Regulations.

#### NOTES -

- Black text is from the *Planning and Development (Local Planning Schemes) Regulations 2015 model scheme template* and must remain in the final scheme text.
- Red text has been added/modified by the Town of Victoria Park in preparing the Scheme, and to assist in identifying additions and modifications to the model scheme text while this draft remains under consideration.

#### Version Control

Version #	Status / Purpose	Date
1	CONFIDENTIAL Draft LPS2 text – for legal and DPLH review	220603
2	CONFIDENTIAL Draft LPS2 text – for Council consideration to adopt for advertising	220721
3	Inclusive of DPLH recommended schedule of modifications	221130
4	Inclusive of WAPC Statutory Planning Committee approved schedule of modifications for advertising	230504
5	Post advertising with recommended modifications for Council consideration	231108
6	<u>Final attachment for Council consideration</u>	<u>231205</u>

# TOWN OF VICTORIA PARK

## DRAFT LOCAL PLANNING SCHEME NO. 2

### DISCLAIMER

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. 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.

LOCAL PLANNING SCHEME GAZETTAL DATE: **[INSERT DATE]**

**TOWN OF VICTORIA PARK - LOCAL PLANNING SCHEME NO.2 AMENDMENTS**

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

DRAFT

# **TOWN OF VICTORIA PARK**

## **DRAFT LOCAL PLANNING SCHEME NO.2**

The **Town of Victoria Park** under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

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## Part 1 - Preliminary

### 1. Citation

This local planning scheme is the **Town of Victoria Park Local Planning Scheme No 2**.

### 2. Commencement

Under section 87(4) of the **Planning and Development Act 2005 (Act)**, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

### 3. Scheme revoked

The following local planning schemes are revoked -

- (1) **Town Planning Scheme No.1 – gazetted 30 September 1998.**
- (2) **Carlisle Minor Town Planning Scheme No.3**

### 4. Notes do not form part of Scheme

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

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

### 5. Responsibility for Scheme

The **Town of Victoria Park** is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

### 6. Scheme area

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

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

Note: **This Scheme does not apply to the area defined as the "Resort Lands" as per Section 7 of the Casino (Burswood Island) Agreement Act 1985, where State and Local government planning approvals are not required.**

### 7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the **scheme text**), *this Scheme includes the following -*
  - (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
  - (b) **the supplemental provisions to the deemed provisions contained in Schedule A of this Scheme;**

- (c) the Scheme Map;
- (d) the following plans, maps, diagrams, illustrations or materials – *There are no plans, maps, diagrams, illustrations or materials that relate to this scheme*

- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## 8. Purposes of Scheme

The purposes of this Scheme are to –

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

## 9. Aims of Scheme

The aims of this Scheme are –

- (a) To contribute to the achievement of the Town's Strategic Community Plan.
- (b) To accommodate additional dwelling growth primarily within Precinct Planning Areas as identified in the Local Planning Strategy.
- (c) To protect places of cultural heritage significance and to ensure development protects and enhances the desired character and amenity of neighbourhoods and streets.
- (d) To encourage a diversity of housing, across the Town, to cater for diverse and changing housing needs.
- (e) To maintain and enhance a sustainable and viable hierarchy of activity centres and employment areas.
- (f) To promote active transport use through balancing the needs of pedestrians, cyclists and public transport users with those of private motor vehicles.
- (g) To avoid the over-supply of parking to reduce dependence on private vehicles, and facilitate development that is designed for access via active transport means.
- (h) To provide a sufficiently flexible local planning framework to facilitate business diversity, growth and community activity.



- (i) To ensure development contributes to a high-quality public realm, appropriate infrastructure and good accessibility.
- (j) To maintain and enhance open spaces and improve access to open space areas to meet the needs of current and future populations.
- (k) To encourage a network of community facilities that are co-located with other activity generators and/or contribute to the desired activation of a place.
- (l) To protect and enhance the natural environment with due regard to: maintaining biodiversity, minimising non-renewable resource use and greenhouse gas emissions, increasing tree canopy, reducing urban heat island effects and minimising waste and pollution.
- (m) To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of the Town.
- (n) To ensure planning at the local level is consistent with the Metropolitan Region Scheme and wider State and regional planning strategies and objectives.

**10. Relationship with local laws**

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

**11. Relationship with other local planning schemes**

There are no other local planning schemes of the Town of Victoria Park which apply to the Scheme area.

**12. Relationship with region planning scheme**

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

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

## Part 2 - Reserves

### 13. Regional Reserves

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

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

### 14. Local reserves

- (1) In this clause -
  - Department of Main Roads** means the department principally assisting in the administration of the *Main Roads Act 1930*;
  - Western Australian Road Hierarchy** means the document of that name available on the website maintained by the Department of Main Roads.
- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows -

**Table 1 Reserve objectives**

Reserve name	Objectives
Civic and Community	<ol style="list-style-type: none"> <li>1. To provide for a range of community facilities which are compatible with surrounding development.</li> <li>2. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.</li> <li>3. <b>To provide for ancillary and complementary commercial land uses which have the potential to support, enhance or activate the civic and community use and amenity of the reserve.</b></li> </ol>
Public Open Space	<ol style="list-style-type: none"> <li>1. To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.</li> <li>2. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> <li>3. <b>To provide for ancillary and complementary commercial and/or community land uses that have the potential to support, enhance or activate the recreational use and amenity of the reserve.</b></li> </ol>

Reserve name	Objectives
Education	1. Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	1. Public Purposes which specifically provide for a range of essential emergency services.
Environmental conservation	1. To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. 2. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
<u>Drainage / Waterway</u>	<u>1. To set aside land required for significant waterways and drainage.</u>
Local Road	1. To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy. 2. To provide low vehicle speed environments that encourage local trips via active transport modes through high amenity, convenient and safe spaces for walking, cycling and micro-mobility. 3. To balance space for vehicles with the need for local social and recreational space. 4. To form part of the Town's green network providing for street trees, verge landscaping and water sensitive urban design that minimise the impacts of climate change, urban heat and improve biodiversity.
Local Distributor Road	1. To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy. 2. To facilitate multimodal transport options while maximising local trips via active transport modes. 3. To form part of the Town's green network providing for street trees, verge landscaping and water sensitive urban design that minimise the impacts of climate change, urban heat and improves biodiversity.
District Distributor Road	1. To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy. 2. To facilitate multimodal transport options, including district and local cycle routes and safe and convenient pedestrian crossings. 3. To balance regional and district through movement with local access to key destinations and the creation of high quality, comfortable and vibrant activity centres. 4. To form part of the Town's green network providing for street trees, verge landscaping and water sensitive urban design that minimise the impacts of climate change, urban heat and improves biodiversity.

15. **Additional** uses for local reserves

There are no additional uses for land in local reserves that apply to this Scheme.

### Part 3 - Zones and use of land

#### 16. Zones

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

**Table 2 Zone objectives**

Zone name	Objectives
Residential	<ol style="list-style-type: none"> <li>1. To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>2. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>3. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ol>
Mixed Use	<ol style="list-style-type: none"> <li>1. To provide for a wide variety of active uses at street level which are compatible with residential and other non-active uses on upper levels.</li> <li>2. To allow for the development of a mix of varied but compatible land uses such as housing, offices, shops and eating establishments and other appropriate land uses that can exist in harmony with residential uses.</li> </ol>
Local Centre	<ol style="list-style-type: none"> <li>1. To facilitate a mix of land uses that service the day to day needs of the immediate neighbourhood.</li> <li>2. To facilitate developments of a scale that contribute to the desired local character of the local centre, and which do not adversely impact on adjoining residential areas.</li> <li>3. To encourage high quality, pedestrian friendly, street orientated developments.</li> <li>4. To provide a focus for medium density housing.</li> <li>5. To ensure the design and landscaping of developments provide a high standard of safety, convenience and amenity, and contribute towards a sense of place and community.</li> </ol>
District Centre	<ol style="list-style-type: none"> <li>1. To facilitate a mix of land uses that focus on the weekly needs of the wider district catchment.</li> <li>2. To provide a community focal point for people, services, employment and leisure that are highly accessible, and do not adversely impact on adjoining residential areas.</li> </ol>

	<p>3. To facilitate developments of a scale and design that contribute to the desired character of the district centre, and to a high quality public realm through fine grained active frontages and building design that encourage public interaction.</p> <p>4. To provide a broad range of employment opportunities to encourage diversity within the centre.</p> <p>5. To ensure a mix of commercial and residential developments, which provide for activity and accessibility at the street level and support provision of public transport and pedestrian links.</p> <p>6. To provide for a wide range of residential accommodation, including high density residential, to meet the diverse needs of the community.</p>
Light Industry	<p>1. To provide for a range of industrial uses and service industries generally compatible with urban areas, but not generally appropriate for centres or mixed use areas.</p> <p>2. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</p>
Special Use	<p>1. To facilitate special categories of land uses which do not sit comfortably within any other zone.</p> <p>2. To enable the Council to impose specific conditions associated with the special use.</p>
Urban Development	<p>1. To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.</p> <p>2. To provide for a range of residential densities to encourage a variety of residential accommodation.</p> <p>3. To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.</p>

17. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning table

USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Mixed Use	Local Centre	District Centre	Light Industry	Special Use	Urban Development
amusement parlour	X	D	D	P	D		
animal establishment	X	X	X	X	A		
art gallery	A	P	D <sup>3</sup>	P	A		
betting agency	X	P	D	D	X		
brewery	X	A	A	A	D		
bulky goods showroom	X	D	X	D	D		
caretaker's dwelling	X	X	X	X	I		
car park	X	D	X	D	D		
childcare premises	A	A	A	A	X		
cinema/theatre	X	D	<del>X</del> D	<del>D</del> D	X		
civic use	X	D	D	P	D		
commercial vehicle parking	X	A	X	A	P		
community purpose	A	P	D	P	A		
consulting rooms	A	P	P	P	X		
convenience store	X	P	P	P	D		
corrective institution	X	X	X	X	X		
educational establishment	A	D	D	D	D		
exhibition centre	X	D <sup>3</sup>	D <sup>3</sup>	D <sup>3</sup>	A		
family day care	D <sup>3</sup>	D <sup>3</sup>	D <sup>3</sup>	D <sup>3</sup>	X		
fast food outlet / lunch bar	X	P	P	P	P		
fast food outlet – drive through	X	A	X	A	X		
fuel depot	X	X	X	X	A		
funeral parlour	X	A	X	D	D		
garden centre	X	<del>X</del> D	<del>X</del> D	<del>X</del> D	P		
grouped dwelling	P	D <sup>1</sup>	D <sup>1</sup>	D <sup>1</sup>	X		
holiday house	A	A	A	A	X		
holiday unit	A	A	A	A	X		
holiday apartment	A	A	A	A	X		
home business	A	A	A	A	X		
home occupation	P	P	P	P	X		
home office	P	P	P	P	X		
home store	A	A	A	A	X		
hospital	X	A	X	A	X		
hotel	X	A	X	P	X		

Refer to Clause 21 (1)

Refer to Clause 18 (76)

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USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Mixed Use	Local Centre	District Centre	Light Industry	Special Use	Urban Development
hosted accommodation	P	P	P	P	X		
independent living complex	P	P	P	D	X		
industry	X	X	X	X	D		
industry – light	X	A	A	A	P		
liquor store-large	X	X	X	D	X		
liquor store-small	X	P	P	P	X		
market	X	D	P	P	D		
medical centre	X	D	D	P	X		
motor vehicle, boat or caravan sales	X	X	X	X	P		
motor vehicle repair	X	X	X	X	P		
motor vehicle wash	X	X	X	A	P		
multiple dwelling	P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	X		
nightclub	X	X	X	A	X		
office	X	P	P	P	I		
place of worship	A	A	A	A	A		
reception centre	X	A	A	D	X		
recreation - private	X	D <sup>2</sup>	D <sup>2</sup>	P	A		
renewable energy facility	A	A	A	A	A		
residential aged care facility	D	A	X <del>A</del>	D	X		
resource recovery centre	X	X	X	X	D		
restaurant/café	X	P	P	P	I		
restricted premises	X	A	X	A	X		
serviced apartment	A	D	D	P	X		
service station	X	X	A	A	D		
shop	X	P	P	P	I		
single house	P	D <sup>1</sup>	D <sup>1</sup>	D <sup>1</sup> <sup>x</sup>	X		
small bar	X	D <sup>2</sup>	D <sup>2</sup>	D <sup>2</sup>	X		
tavern	X	A	X	A	X		
telecommunications infrastructure	A	A	A	A	A		
tourist development	X	A	A	A	X		
trade display	X	D	X	D	P		
trade supplies	X	X	X	A	P		
transport depot	X	X	X	X	D		
veterinary centre	X	A	A	A	X		
warehouse/storage	X	X	X	X	P		
waste storage facility	X	X	X	X	D		
<u>winery</u>	<u>X</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>D</u>		

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Footnotes:

1. Multiple dwellings, grouped dwellings and single houses in District Centre, Local Centre and Mixed Use zones are subject to Clause 32.
2. Use exempt from development approval if conditions of deemed clause 61(3) of the deemed provisions are satisfied.
3. Exemptions may apply in accordance with local planning policy.

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## 18. Interpreting zoning table

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

Note:

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

to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table.

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
  - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
- (a) a structure plan;
  - (b) a local development plan;

#### 19. Additional uses

- (1) Schedule B sets out -
- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.
- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

#### 20. Restricted uses

- (1) Table 4 sets out -
- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that restricted use.

#### Table 4 - Restricted uses for land in Scheme area

No.	Description of land	Restricted use	Conditions
1.	Lot 12 (No.30) and, Lot 13 (No.19) The Circus, Burswood (Mixed Use Zone)	child care premises - A consulting room - P fast food outlet/lunch bar – P multiple dwelling - P office - P restaurant/café – P serviced apartment – D shop - P small bar - D  All other uses - X	1. Restricted uses are permitted at the ground floor only. 2. Condition 1 does not apply to: <ul style="list-style-type: none"> <li>multiple dwellings</li> <li>serviced apartments</li> </ul>
2.	Lot 9 (No.1-5) Bow River Crescent, Burswood (on DP 53689, CT: 2657/999)  Lot 25 (No.60) Victoria Park Drive, Burswood (on DP 54958, CT: 2716/679)	child care premises - A community purpose - P consulting room - P convenience store – P education establishment - D family day care - D fast food outlet/lunch bar - P home office - P home occupation – P hospital - A hosted accommodation - P independent living complex - P hotel - A <sup>1</sup> /X multiple dwelling – P office - P place of worship – A recreation private - D restaurant/café - P residential aged care facility - A serviced apartment - A shop – P <sup>2</sup> small bar - D  All other uses - X	1. The discretionary 'A' use 'Hotel' applies to Lot 25 only. 2. The maximum net leasable area of retail floor space for 'Shop' shall not exceed a combined area of 2,400m <sup>2</sup> , with a maximum single tenancy size of 400m <sup>2</sup> retail net leasable area.

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

Note: the symbols used to determine the permissibility of restricted land uses have the same meaning as given in clause 18.

## 21. Special use zones

- (1) Schedule D sets out -
- special use zones for specified land that are in addition to the zones in the zoning table; and
  - the classes of special use that are permissible in that zone; and

(c) the conditions that apply in respect of the special uses.

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

## 22. Non-conforming uses

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

## 23. Changes to non-conforming use

- (1) A person must not, without development approval -
- (a) alter or extend a non-conforming use of land; or
  - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
  - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
  - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use -
  - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
  - (b) is closer to the intended purpose of the zone in which the land is situated.

#### **24. Register of non-conforming uses**

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

## Part 4 - General development requirements

### 25. R-Codes

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

### 26. Modification of R-Codes

Notwithstanding any provision of the R-Codes to the contrary, the following provisions apply –

- (1) The minimum number of on-site car parking spaces to be provided for each dwelling, as per the car parking ratio contained in Table 3.9 of the R-Codes Vol.2 and the deemed-to-comply requirements of C3.1 in Part 5 of the R-Codes Vol.1, do not apply within the Scheme area.
- (2) Maximum on-site car parking requirements may be imposed as outlined in the relevant activity centre plan, structure plan, local development plan or local planning policy.
- (3) Where land is developed at a density and/or with a plot ratio exceeding that provided for under the relevant density coding, then provided such development has been lawfully established, the local government may permit a variation to the minimum site area and/or the plot ratio requirements under this Scheme, in order to enable re-development to take place up to the same dwelling density and/or plot ratio as the pre-existing development.

Note: This clause allows the redevelopment of existing residential buildings with densities greater than those set out in the Scheme map to facilitate appropriate demolition and redevelopment of such buildings.

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

- (1) *State Planning Policy 3.6 - Infrastructure Contributions*, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure State Planning Policy 3.6 is published in

accordance with clause 87 of the deemed provisions.

- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

**28. Modification of State Planning Policy 3.6**

There are no modifications to State Planning Policy 3.6 Infrastructure Contributions.

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

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

**30. Modification of State planning policies**

There are no modifications to any other State planning policy that, under clause 29, may be read as part of this Scheme.

**31. Environmental conditions**

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

**32. Additional site and development requirements**

(1) Schedule C Table 5 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

Table 5 – Additional requirements that apply to land in Scheme area

<u>No.</u>	<u>Description of land</u>	<u>Requirement</u>
<u>1.</u>	<u>All land zoned Mixed Use, Local Centre or District Centre</u>	<b><u>Site and development requirements</u></b> <u>Multiple dwellings, grouped dwelling and single houses are not permitted at the ground floor unless:</u> <u>a) located behind non-residential uses at the street's primary commercial frontage; or</u> <u>b) designed for future adaptation to non-residential uses.</u> <u>c) designed to provide residents with security and privacy while maintaining passive surveillance and activation of adjoining public domain areas.</u>
<u>2.</u>	<u>All land zoned Residential, Mixed Use.</u>	<b><u>Site and development requirements</u></b> <u>(1) In the absence of an approved precinct structure plan, structure plan, local development plan or</u>

	<u>Local Centre or District Centre</u>	<u>local planning policy, non-residential buildings shall be designed in accordance with the building height, plot ratio, street and side setback requirements of the R-Codes with regard to the assigned density code.</u>												
<u>3.</u>	<u>All land zoned Light Industry</u>	<p><b>Site and development requirements</b></p> <p>(1) In the absence of an approved precinct structure plan, structure plan, local development plan or local planning policy, non-residential buildings shall be designed in accordance with the following:</p> <table border="1"> <tr> <td><u>Plot Ratio</u></td> <td><u>Maximum 1.0</u></td> </tr> <tr> <td><u>Building Height</u></td> <td><u>Maximum 3 storeys or 12 metres</u></td> </tr> <tr> <td><u>Street Setback</u></td> <td><u>Minimum of Nil</u></td> </tr> <tr> <td><u>Secondary Street Setback</u></td> <td><u>Minimum of Nil</u></td> </tr> <tr> <td><u>Side and Rear Setback</u></td> <td><u>Minimum of Nil</u></td> </tr> <tr> <td><u>Landscaping</u></td> <td> <p>1. <u>Where a street setback is provided, a minimum of 25% of the street setback area between the site boundary and the building(s) shall be landscaped.</u></p> <p>2. <u>Where parking bays are provided between the site boundary and the buildings shade trees shall be provided at a rate of one tree per four bays.</u></p> </td> </tr> </table>	<u>Plot Ratio</u>	<u>Maximum 1.0</u>	<u>Building Height</u>	<u>Maximum 3 storeys or 12 metres</u>	<u>Street Setback</u>	<u>Minimum of Nil</u>	<u>Secondary Street Setback</u>	<u>Minimum of Nil</u>	<u>Side and Rear Setback</u>	<u>Minimum of Nil</u>	<u>Landscaping</u>	<p>1. <u>Where a street setback is provided, a minimum of 25% of the street setback area between the site boundary and the building(s) shall be landscaped.</u></p> <p>2. <u>Where parking bays are provided between the site boundary and the buildings shade trees shall be provided at a rate of one tree per four bays.</u></p>
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<u>4.</u>	<u>Land set out in Schedule C of this Scheme</u>	<p><b>Site and development requirements</b></p> <p>(1) <u>Development shall comply with any site or development requirement set out in Schedule C of this Scheme</u></p>												

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



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

[There are no additional requirements that apply to this Scheme.](#)

~~Schedule E sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.~~

**34. Variations to site and development requirements**

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

**35. Restrictive covenants**

- (1) A restrictive covenant affecting land in the Scheme area that would have the

effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

- (2) If subclause (1) operates to extinguish or vary a restrictive covenant -
- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
  - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with deemed clause 64.

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## Part 5 - Special control areas

### 36. Special control areas

There are no special control areas which apply to this Scheme

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

**Table 5 – Special control areas in Scheme area**

<b>SCA1 Burswood Lakes Environmental and Geotechnical Special Control Area</b>	
<b>Purpose</b>	<ol style="list-style-type: none"> <li>1. <del>To identify areas that have had environmental hazards and have now been remediated.</del></li> <li>2. <del>To highlight the need for development applications to include a geotechnical assessment appropriate for the proposed development.</del></li> </ol>
<b>Objectives</b>	<ol style="list-style-type: none"> <li>1. <del>To ensure that development that involves excavation in these areas takes into account the state of remediation.</del></li> </ol>
<b>Additional Provisions</b>	<p><b>Application Requirements</b>  <del>Planning approval is required for any excavation of land in the Special Control Area.</del></p> <p><del>The following requirements apply for all applications for development approval that involve excavation under these provisions—</del></p> <ol style="list-style-type: none"> <li>1. <del>The application shall be accompanied by:               <ol style="list-style-type: none"> <li>a) <del>A plan showing the depths of excavation with reference to Australian Height Datum.</del></li> <li>b) <del>Where the proposed development would cause any excavation below the warning barrier where cement kiln dust has been recorded, a Cement Kiln Dust Environmental Management Plan is required in the statement to Implement the Proposal.</del></li> <li>c) <del>A geotechnical assessment report, appropriate for the proposed development, prepared by a qualified geotechnical engineering consultant.</del></li> </ol> </del></li> <li>2. <del>With the exception of piles that do not bring contaminated material to the surface or the excavation for lift shafts in accordance with an asbestos management plan, all applications that would cause any excavation within 500 millimetres of the warning barrier or cause any disturbance of asbestos on a lot where greater than one percent by volume asbestos has been recorded, shall be referred to the Environmental Protection Authority for advice prior to granting approval.</del></li> </ol> <p><b>Relevant Considerations</b>  <del>In considering any application for development approval for excavation under these provisions, the Council must have regard to:</del></p>

- ~~1. The Asbestos Environmental Management Plan and the Cement Kiln Dust Environmental Management Plan prepared pursuant to the statement that a proposal be implemented under the *Environmental Protection Act 1986*;~~
- ~~2. The need for all buildings and hardstand areas to be connected to a positive drainage system for the collection of stormwater;~~
- ~~3. That no soakwells are proposed.~~

**Referral Applications**

- ~~1. Any development application under these provisions will be referred to the Environmental Protection Authority for advice where the Council is not satisfied that the proposal meets the performance standards set out in the Environmental Management Plan.~~
- ~~2. Any development application under these provisions may be referred for adjudication to the WA President of the Institute of Engineers Australia, in the event that the Town of Victoria Park considers the geotechnical assessment and associated recommendations are not appropriate for the proposed development.~~

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## Part 6 - Terms referred to in Scheme

### Division 1 - General definitions used in Scheme

#### 37. Terms used

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

<b>building envelope</b>	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
<b>commercial vehicle</b>	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
<b>floor area</b>	has meaning given in the Building Code.
<b>plot ratio</b>	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
<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 incidental.
<b>retail</b>	means the sale or hire of goods or services to the public.
<b>Scheme commencement day</b>	means the day this Scheme comes into effect under section 87(4) of the Act.
<b>short-term accommodation</b>	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.
<b>wholesale</b>	means the sale of goods or materials to be sold by others.

- (2) A word or expression that is not defined in this Scheme -
- (a) has the meaning it has in the *Planning and Development Act 2005*, or
  - (b) if it is not defined in that Act, has the same meaning as it has in the R-Codes.

## Division 2 - Land use terms used in Scheme

### 38. Land use terms used

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

- amusement parlour** means premises –
- (a) that are open to the public; and
  - (b) that are used predominantly for amusement by means of amusement machines including computers; and
  - (c) where there are 2 or more amusement machines.
- animal establishment** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.
- art gallery** means premises –
- (a) that are open to the public; and
  - (b) where artworks are displayed for viewing or sale.
- betting agency** means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003.
- brewery** means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988.
- bulky goods showroom** means premises –
- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes –
    - (i) automotive parts and accessories;
    - (ii) camping, outdoor and recreation goods;
    - (iii) electric light fittings;
    - (iv) animal supplies including equestrian and pet goods;
    - (v) floor and window coverings;
    - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
    - (vii) household appliances, electrical goods and home entertainment goods;
    - (viii) party supplies;
    - (ix) office equipment and supplies;
    - (x) babies' and children's goods, including play equipment and accessories;
    - (xi) sporting, cycling, leisure, fitness goods and accessories;
    - (xii) swimming pools.

- or
- (b) used to sell goods and accessories by retail if –
- (i) a large area is required for the handling, display or storage of the goods; or
  - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
- caretaker's dwelling** means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
- car park** means premises used primarily for parking vehicles whether open to the public or not but does not include –
- (a) any part of a public road used for parking or for a taxi rank; or
  - (b) any premises in which cars are displayed for sale.
- child care premises** means premises where –
- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or
  - (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided.
- cinema/theatre** means premises where the public may view a motion picture or theatrical production.
- civic use** means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
- commercial vehicle parking** means premises used for parking of one or 2 commercial vehicles but does not include –
- (a) any part of a public road used for parking or for a taxi rank; or
  - (b) parking of commercial vehicles incidental to the predominant use of the land.
- community purpose** means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
- consulting rooms** means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

<b>convenience store</b>	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m <sup>2</sup> net lettable area.
<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>educational establishment</b>	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
<b>family day care</b>	means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.
<b>fast food outlet/ lunch bar</b>	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation and primarily off the premises but does not include premises with facilities for drive through service.
<b>fast food outlet – drive through</b>	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation and primarily off the premises and includes facilities for drive through service.
<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 premises used – (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle.
<b>funeral parlour</b>	means premises used (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services
<b>garden centre</b>	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.



- holiday apartment** means a multiple dwelling used to provide short-term accommodation
- holiday house** means a single dwelling used to provide short-term accommodation
- holiday unit** means a grouped dwelling used to provide short-term accommodation
- home business** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –
- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
  - (c) does not occupy an area greater than 50m<sup>2</sup> ; and
  - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
  - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
  - (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
  - (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
- home occupation** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –
- (a) does not involve employing a person who is not a member of the occupier's household; and
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
  - (c) does not occupy an area greater than 20m<sup>2</sup>; and
  - (d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup> ; and
  - (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
  - (f) does not –
    - (i) require a greater number of parking spaces than normally required for a single dwelling; or
    - (ii) result in an increase in traffic volume in the neighbourhood; and
  - (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and

	<ul style="list-style-type: none"> <li>(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and</li> <li>(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.</li> </ul>
<b>home office</b>	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –</p> <ul style="list-style-type: none"> <li>(a) is solely within the dwelling; and</li> <li>(b) does not entail clients or customers travelling to and from the dwelling; and</li> <li>(c) does not involve the display of a sign on the premises; and</li> <li>(d) does not require any change to the external appearance of the dwelling.</li> </ul>
<b>home store</b>	<p>means a shop attached to a dwelling that –</p> <ul style="list-style-type: none"> <li>(a) has a net lettable area not exceeding 100m<sup>2</sup>; and</li> <li>(b) is operated by a person residing in the dwelling.</li> </ul>
<b>hospital</b>	<p>means premises that are a hospital within the meaning given in the Health Services Act 2016 section 8(4)</p>
<b>hotel</b>	<p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises</p>
<b>hosted accommodation</b>	<p>means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.</p>
<b>independent living complex</b>	<p>means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.</p>
<b>industry</b>	<p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –</p> <ul style="list-style-type: none"> <li>(a) the storage of goods;</li> <li>(b) the work of administration or accounting;</li> <li>(c) the selling of goods by wholesale or retail;</li> <li>(d) the provision of amenities for employees;</li> <li>(e) incidental purposes.</li> </ul>

<b>industry - light</b>	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
<b>liquor store - large</b>	means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of more than 300m <sup>2</sup>
<b>liquor store - small</b>	means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300m <sup>2</sup> .
<b>market</b>	means premises used for the display and sale of goods from stalls by independent vendors.
<b>medical centre</b>	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
<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 other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres.
<b>motor vehicle wash</b>	means premises primarily used to wash motor vehicles.
<b>nightclub</b>	means premises the subject of a nightclub licence granted under the Liquor Control Act 1988.
<b>office</b>	means premises used for administration, clerical, technical, professional or similar business activities.
<b>place of worship</b>	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
<b>reception centre</b>	means premises used for hosted functions on formal or ceremonial occasions.
<b>recreation - private</b>	means premises that are (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.

<b>renewable energy facility</b>	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.
<b>residential aged care facility</b>	means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes: <ul style="list-style-type: none"> <li>(a) appropriate staffing to meet the nursing and personal care needs of residents</li> <li>(b) meals and cleaning services</li> <li>(c) furnishings, furniture and equipment. This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.</li> </ul>
<b>resource recovery centre</b>	means premises other than a waste disposal facility used for the recovery of resources from waste.
<b>restaurant/cafe</b>	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.
<b>restricted premises</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 – <ul style="list-style-type: none"> <li>(a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); and</li> <li>(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or</li> <li>(c) smoking-related implements.</li> </ul>
<b>serviced apartment</b>	means a group of units or apartments providing – <ul style="list-style-type: none"> <li>(a) self-contained short-stay accommodation for guests; and</li> <li>(b) any associated reception or recreational facilities.</li> </ul>

<b>service station</b>	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for – (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
<b>shop</b>	means premises other than a bulky goods showroom, a liquor store large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
<b>small bar</b>	means premises the subject of a small bar licence granted under the Liquor Control Act 1988.
<b>tavern</b>	means premises the subject of a tavern licence granted under the Liquor Control Act 1988.
<b>telecommunications infrastructure</b>	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
<b>tourist development</b>	means a building, or a group of buildings forming a complex, other than a caravan park, used to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
<b>trade display</b>	means premises used for the display of trade goods and equipment for the purpose of advertisement.
<b>trade supplies</b>	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises – (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.

**transport depot** means premises used primarily for the parking or garaging of 3 or more commercial vehicles including –  
(a) any ancillary maintenance or refuelling of those vehicles;  
and  
(b) any ancillary storage of goods brought to the premises by those vehicles; and  
(c) the transfer of goods or persons from one vehicle to another.

**veterinary centre** means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

**warehouse/ storage** means premises including indoor or outdoor facilities used for  
(a) the storage of goods, equipment, plant or materials; or  
(b) the display or the sale by wholesale of goods.

**waste storage facility** means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

**winery** means premises used for the production of viticultural produce and associated sale of the produce

## SCHEDULE A - Supplemental provisions to the deemed provisions

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

### Part 6A – Design Review Panel

<u>Relevant Deemed Provision</u>	<u>Supplemental Provisions</u>
<p><b><u>Part 3 – Heritage Protection</u></b></p> <p><b><u>Clause 13B Significant Tree Register</u></b></p>	<p><u>(1) The local government must establish and maintain a significant tree register to identify trees within the Scheme area that are worthy of preservation.</u></p> <p><u>(2) The significant tree register –</u></p> <ul style="list-style-type: none"> <li><u>(a) Must set out a description of each tree, its location and the reason for its entry in the significant tree register; and</u></li> <li><u>(b) Must be available, with the scheme documents, for public inspection during the business hours at the offices of the local government; and</u></li> <li><u>(c) May be published on the website of the local government.</u></li> </ul> <p><u>(3) The local government must not enter a tree in, or remove a tree from, the significant tree register or modify the entry of a tree in the significant tree register unless the local government –</u></p> <ul style="list-style-type: none"> <li><u>(a) Notifies in writing each owner and occupier of the land which contains the tree and provides each of them with a description of the tree and the reason for its proposed entry; and</u></li> <li><u>(b) Invites each owner and occupier to make submissions on the proposal within 21 days of the day in which the notice is served or within a longer period specified in the notice; and</u></li> <li><u>(c) Carries out any other consultation the local government considered appropriate; and</u></li> <li><u>(d) Following any consultation and consideration of submissions made on the proposal, resolves that trees be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register.</u></li> </ul> <p><u>(4) If the local government enters a place in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree.</u></p> <p><u>(5) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register.</u></p>

<p><b><u>Part 7 – Requirement for development approval</u></b>  <u>Clause 61</u>  <u>development for which development approval is not required</u></p>	<p><b><u>Development for which development approval not required.</u></b></p> <p><b><u>(2) Development approval of the local government is not required for the following uses -</u></b></p> <p><b><u>(i) the use of land in a reserve, where such land is held by the Town or vested in a public authority-</u></b>  <u>(i) for the purpose for which the land is reserved under the Scheme; or</u>  <u>(ii) in the case of land vested in a public authority, for any purpose for which the land may be lawfully used by that authority.</u></p> <p><b><u>(j) a family day care for five children or less (including any children of the service provider(s)), when operated</u></b></p>
<p><b><u>6A Design Review</u></b></p>	<p><b>60A Appointment of Design Review Panel</b>  The local government may appoint a Design Review Panel for the purpose of considering, and advising the local government with respect to applications and/or planning documents.</p> <p><b>60B Operation of Design Review Panel</b>  The local government shall prepare and adopt a policy that details the operation of the Design Review Panel and specifies the matters on which the Design Review Panel will be consulted.</p> <p><b>60C Recommendation of Design Review Panel</b>  When considering applications and/or planning documents on which a recommendation has been made by the Design Review Panel, the decision maker shall have due regard for that recommendation.</p>
<p><b><u>Part 9 – Procedure for dealing with applications for development approval</u></b>  <u>Clause 67</u>  <u>Matters to be considered by local government</u></p>	<p><b><u>Clause 67 Matters to be considered by local government</u></b>  <b><u>(2)(zc) any advice of the Design Review Panel</u></b></p>



<p><b>Part 10 – Enforcement and administration</b>          Clause 85A.          Transitional arrangements for local planning policies</p>	<p><b>Clause 85A. Transitional arrangements for local planning policies</b>          Where a local planning policy has been prepared in accordance with the requirements of Town Planning Scheme No. 1, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under Local Planning Scheme No. 2</p>
<p><b>Part 10 – Enforcement and administration</b>          Clause 85B.          Planning instruments in the course of preparation</p>	<p><b>Clause 85B. Planning instruments in the course of preparation</b>          Any step taken under Town Planning Scheme No. 1 before commencement day in the preparation of a planning instrument is to be taken as a step in the preparation of a planning instrument of that type under Local Planning Scheme No. 2.</p>

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## SCHEDULE B – Specified additional uses for zoned land in Scheme area

Note – the symbols used to determine the permissibility of additional land uses contained within the following table have the same meaning and are subject to Clause 18 – Interpreting zoning table.

No.	Description of land	Additional Use	Conditions
A1	No. 47 (Lot 10, Strata Lot 2 on Strata Plan 11861) Star Street, Carlisle	office – P	
A2	No. 9 (Lot 712, Strata Lot 11) McMillan Street, Victoria Park	office – P	
A3	Existing purpose built non-residential buildings in Residential zones a) No.46 (Lot 346) Cargill Street, Victoria Park b) No.89 (Lot 10) Berwick Street, Victoria Park c) No.43 (Lot 300) McMillan Street, Victoria Park d) No.41 (Lot 1 SP 26811) Duncan Street, Victoria Park e) No.53 (Lot 25) Carnarvon Street, East Victoria Park f) No.34-34a (Lot 38) Mint Street, East Victoria Park g) No.27 (Lot 381) Miller Street, Victoria Park h) No.62 (Lot 1 SP 52245) Rushton Street, Burswood i) No.62-64 (Lot 1) Devenish Street, East Victoria Park j) No.21 (Lot 1 on SP 80796) Gallipoli Street, Lathlain k) No.55 (Lot 481) Balmoral Street, East Victoria Park l) No.47 (Lot 1 SP 27304) Kitchener Avenue, Victoria Park m) No.36A (Lot 19) Geddes Street, Victoria Park n) No.113 (Lot 16) Mackie Street, Victoria Park o) No.149 (Lot 1 SP 60254) Berwick Street, Victoria Park	convenience store - A restaurant/café – A fast food outlet / lunch bar - A shop – A office – A private recreation - A	1) Additional Use must address the street to the satisfaction of the Town. <del>2) The maximum net-lettable area of the Additional Use shall not exceed 100m<sup>2</sup> in total.</del>

No.	Description of land	Additional Use	Conditions
	p) No. 213 (Lot 1 SP 20063) Berwick Street, Victoria Park q) No. 3 (Lot 1 SP 20063) Carson Street, East Victoria Park r) No.98 (Lot 1) Swansea Street, East Victoria Park s) No. 53 (Strata Lot 1 P22774) Sunbury Road, Victoria Park		
A4	No.18 (Lot 3) Archer Street, Carlisle	convenience store - D restaurant/café - D fast food outlet / lunch bar - D shop - D office - D recreation - private - D	1. Additional Use must address the street to the satisfaction of the Town. 2. <del>The maximum net lettable area of the Additional Use shall not exceed 200m<sup>2</sup> in total.</del>
A5	No.77-79 (Lot 288) Roberts Road, Lathlain	convenience store - D fast food outlet/lunch bar - D office - D recreation - private - D restaurant/café - D shop - D	1. Additional Use must address the street to the satisfaction of the Town. 2. <del>The maximum net lettable area of the Additional Use shall not exceed 100m<sup>2</sup> in total.</del>
A6	No.200 (Lot 287) Orrong Road, Lathlain	convenience store - D fast food outlet/lunch bar - D office - D recreation - private - D restaurant/café - D shop - D	1. Additional Use must address the street to the satisfaction of the Town. 2. <del>The maximum net lettable area of the Additional Use shall not exceed 100m<sup>2</sup> in total.</del>
A7	No.55 (Lot 2) Washington Street, Victoria Park	convenience store - A restaurant/café - A fast food outlet/lunch bar - A shop - A office - A recreation - private - A	1. Additional Use must address the street to the satisfaction of the Town. 2. <del>The maximum net lettable area of the Additional Use shall not exceed 100m<sup>2</sup> in total.</del>
A8	No.1 (Lot 6) King George Street, Victoria Park	medical centre - A office - D	1. Additional Use must address the street to the satisfaction of the Town. 2. <del>The maximum net lettable area of the Additional Use shall not exceed 200m<sup>2</sup> in total.</del>
A9	No.21 (Lot 507) Harvey Street, Burswood	medical centre - A office - D	

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No.	Description of land	Additional Use	Conditions
A10	No. 10-12 (Lot 100) Asquith Street, Burswood	motor vehicle, boat or caravan sales - P	<p>1. The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish in the following circumstances –</p> <ul style="list-style-type: none"> <li>a) upon the expiry of ten (10) years from the date that an application for development approval for the use is first granted by the Council, except where a further application(s) for development approval has been granted for the continued operation of the use whereby the Additional use shall extinguish upon the expiry of that approval(s); or</li> <li>b) upon the demolition, destruction or redevelopment of seventy-five (75) per cent or more of the value of the building(s) on the land approved to carry out the use; whichever occurs first.</li> </ul> <p>2. The sale and display of vehicles is not to occur within the building(s) approved to carry out the use at all times.</p> <p>3. The open air sale and display of vehicles is not permitted.</p> <p>4. The use of any part of the existing building(s) on the site other than as a Motor Vehicle and Marine Sales Premises is restricted to the storage of vehicles</p>

No.	Description of land	Additional Use	Conditions
			<p>incidental to the use only, or as otherwise permitted by a valid development approval for the site.</p> <p>5. The existing building being externally upgraded to the satisfaction of the Town.</p>
A11	No. 18 (Lot 101) Twickenham Road, Burswood	motor vehicle, boat or caravan sales - P	<p>1. Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish in the following circumstances:</p> <p>a) upon the expiry of ten (10) years from the date that an application for development approval for the use is first granted by the Council, except where a further applications(s) for development approval has been granted for the continued operation of the use whereby the Additional Use shall extinguish upon the expiry of that approval(s); or</p> <p>b) upon the demolition, destruction or redevelopment of seventy-five (75) per cent or more of the value of the buildings(s) on the land approved to carry out the use; whichever occurs first.</p> <p>2. The sale and display of vehicles is to occur within the building(s) approved to carry out the use at all times.</p>

No.	Description of land	Additional Use	Conditions
			<ul style="list-style-type: none"> <li>3. The open air sale and display of vehicles is not permitted.</li> <li>4. The use of any part of the existing building(s) on the site other than as a Motor Vehicle and Marine Sales premises is restricted to the storage of vehicles incidental to the use only, or as otherwise permitted by a valid development approval for the site.</li> <li>5. The existing building being externally upgraded to the satisfaction of the Town.</li> </ul>
A12	No. 7, 9, 11 & 15 (Lots 2, 3, 31 & 32) Teddington Road, Burswood	motor vehicle, boat or caravan sales - P	<ul style="list-style-type: none"> <li>1. The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish on the 8 December 2031 except where a further application for development approval has been granted for the continued operation of the use whereby the Additional Use shall extinguish upon the expiry of that approval(s);</li> <li>2. The sale and display of vehicles is to occur within the building(s) or structure(s) approved to carry out the use at all times; and</li> <li>3. Development is to result in a significant improvement to the visual appearance of the site.</li> </ul>
A13	No. 53-55 (Lot 24, on SP 81373) Canning Highway, Victoria Park	restaurant/café – A	<ul style="list-style-type: none"> <li>1. Additional Uses is restricted to the ground floor at the corner of Taylor Street and McCallum Lane.</li> <li>2. Additional Use must address the street to the satisfaction of the Town.</li> </ul>

No.	Description of land	Additional Use	Conditions
			<p>3. The maximum net lettable area of any Restaurant/Café uses shall be 120m<sup>2</sup> in aggregate.</p> <p>4. A development application for the Additional Uses is to be supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking.</p>
A14	No.191 (Lot 17), No. 193-195 (Lot 18), and, No.197 (Lot 600) Swansea Street East, East Victoria Park	office - P	
A15	No.1053 (Lot 800) Albany Highway, St James	medical centre – D office – D	
A16	No.106 (Lot 524) Oats Street, Carlisle	office – I recreation - private – A shop - I warehouse/storage – P	
A17	No.110 (Lot 600) Oats Street, Carlisle	office – I recreation - private – A shop - I warehouse/storage – P	
A18	No.152-154 (Lot 603) Planet Street, Carlisle	office – I recreation - private – A shop - I warehouse/storage – P	
A19	<u>No.3 (Lot 76) Colombo Street, Victoria Park</u>	convenience store – D <u>fast food outlet/lunch bar – D</u> office – D recreation - private - D restaurant/café – D shop – D	1. <u>Additional Use must address the street to the satisfaction of the Town.</u>
A20	a) <u>No. 107 – 111 (Lots 4 &amp; 5) Albany Highway, Victoria Park on Volume 33, Folio 50A</u> b) <u>No. 115 (Lot 51, Strata Lots 1, 2, 3, 4 &amp; 5) Albany Highway, Victoria</u>	motor vehicle, boat or caravan sales - P	1. <u>The Additional Use of 'motor vehicle, boat or caravan sales' shall extinguish where the use of the site for 'motor vehicle, boat or caravan sales' is discontinued for a period of 6 months or</u>

No.	Description of land	Additional Use	Conditions
	<p>Park on Volume 2001, Folio 53, 54, 55, 56 &amp; 57</p> <p>c) No. 141 (Lot 800) Albany Highway, Victoria Park on Volume 1906, Folio 175</p> <p>d) No. 1-7 (Lot 22) Shepperton Road, Victoria Park on Volume 1930, Folio 266</p> <p>e) No. 160 (Lots 1 &amp; 2) Albany Highway, Victoria Park on diagram P002908</p> <p>f) No. 9 (Lot 100) Shepperton Road, Victoria Park on Volume 1930, Folio 268</p> <p>g) No. 49-51 (Lots 51, 29, 9 &amp; 10) Shepperton Road, Victoria Park on Volume 1422, Folio 574</p> <p>h) No. 182 (Lot 1) Albany Highway, Victoria Park on Volume 1618, Folio 187</p> <p>i) No. 184 (Lot 11) Albany Highway, Victoria Park on Volume 1218, Folio 305</p> <p>j) No. 188 (Lots 4 ) Albany Highway, Victoria Park on Volume 1303, Folio 371</p> <p>k) No. 190 (Lot 5) Albany Highway, Victoria Park on Volume 1303, Folio 371 No. 192 (Lot 6) Albany Highway, Victoria Park on Volume 1624, Folio 473</p> <p>l) No. 196 (Lot 7 &amp; 8) Albany Highway, Victoria Park on Volume 335, Folio 38A</p> <p>m) No. 181 (Lots 283, 284 &amp; 285) Albany Highway, Victoria Park on Volume 1458, Folio 947, Diagram P004377</p> <p>n) No. 211-213 (Lot 1) Albany Highway, Victoria Park on Volume 145, Folio 120A</p>		<p><u>more, except where the site is being redeveloped in accordance with a valid development approval for 'motor vehicle, boat or caravan sales'.</u></p>



No.	Description of land	Additional Use	Conditions
o)	<u>No. 210-246 (Lot 8) Albany Highway, Victoria Park on Volume 2122, Folio 537</u>		
p)	<u>No. 2 (Lots 3 &amp; 92) Teddington Road, Victoria Park on Volume 1356, Folio 715, Diagram D046191 &amp; D002908</u>		
q)	<u>No. 9 (Lot 7) Rushton Street, Victoria Park on Volume 2104, Folio 881</u>		
r)	<u>No. 61 – 61B (Lot 1) Shepperton Road, Victoria Park on Volume 1908, Folio 710</u>		
s)	<u>No. 495-513 (Lot 50) Albany Highway, Victoria Park on Volume 1834, Folio 825</u>		
t)	<u>No. 529-541 (Lot 101) Albany Highway, Victoria Park on Volume 2609, Folio 88</u>		
u)	<u>No. 526-528 (Lots 300 &amp; 301 ) Albany Highway, Victoria Park on Volume 1667, Folio 479, Diagram P002916</u>		
v)	<u>No. 530-534 (Lot 299) Albany Highway, Victoria Park on Volume 1845, Folio 685</u>		
w)	<u>No. 544 (Lot 3) Albany Highway, Victoria Park on Volume 1652, Folio 156</u>		
x)	<u>No. 546 (Lot 2) Albany Highway, Victoria Park on Volume 1627, Folio 704</u>		
y)	<u>No. 552 (Lot 1) Albany Highway, Victoria Park on Volume 780, Folio 64</u>		
z)	<u>No. 554 (Lots 76 &amp; 77) Albany Highway, Victoria Park on Volume 1086, Folio 139</u>		
aa)	<u>No. 574 (Lot 17) Albany Highway, Victoria Park on Volume 105, Folio 10A</u>		
bb)	<u>No. 577 (Lot 991) Albany Highway, Victoria Park</u>		

No.	Description of land	Additional Use	Conditions
	<p><u>on Volume 1474, Folio 183</u></p> <p><u>cc) No. 579A (Lot 992)</u>  <u>Albany Highway, Victoria Park on Volume 1028, Folio 839</u></p> <p><u>dd) No. 593-595 (Lot 171)</u>  <u>Albany Highway, Victoria Park on Volume 809, Folio 51</u></p> <p><u>ee) No. 614 (Lot 19) Albany Highway, Victoria Park on Volume 1683, Folio 846</u></p> <p><u>ff) No. 621-623 (Lot 201)</u>  <u>Albany Highway, Victoria Park on Volume 1087, Folio 751</u></p> <p><u>gg) No. 625-629 (Lot 203)</u>  <u>Albany Highway, Victoria Park on Volume 1366, Folio 345</u></p>		

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## SCHEDULE C – Additional site and development requirements

**ASR1 - Lot 37, 40, 41 and 68 (No.218), Lot 36 (No.220) and Lot 200 (No.222) Great Eastern Highway, Lot 70 (No.1) and Lot 69 (No.3) Maple Street, and, Lot 38 (No.6) and Lot 39 (No.8) Cornwall Street, Lathlain**



1. Any new development, substantial extension to existing buildings or subdivision of land shall be guided by an approved Local Development Plan prior to the approval of a development or subdivision application. The Local Development Plan should consider (at a minimum) —

1. In the absence of an approved local development, precinct structure plan or local planning policy, all development shall be designed in accordance with the primary controls of the RAC-3 density code of the R-Codes. ~~with regard to the RAC-3 density code.~~
2. Notwithstanding subclause (1) the maximum height of any building on Lot 41 and Lot 68, Great Eastern Highway, Lathlain shall be no greater than 4 storeys, or 15.0 metres, whichever is greater, above natural ground level.
3. All new development is to consider the following:
  - a) Minimising impact on the adjoining Residential zone at the interface between the Mixed Use zone and Residential zone through setbacks and building heights;
  - b) Design principles to guide the development of Fine-grained and activated built form frontage along Great Eastern Highway, Cornwall Street and any new internal street or lane;

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- c) Managing vehicle access to the site through access roads/driveways and location of parking areas, supported by a transport demand assessment and management plan;
- d) Creation of publicly accessible pedestrian access through the site; and
- e) Creation of community benefits such as publicly accessible open space.

~~2. Notwithstanding subclause (1) the maximum height of any building in the Mixed Use zone shall be no greater than 6 storeys or 21.0 metres, whichever is greater, above natural ground level.~~

~~3. Notwithstanding subclause (1) the maximum plot ratio shall be no greater than 2.0.~~

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**ASR2 - Lot 501 (No.61) Kitchener Avenue, Victoria Park**



1. In the absence of an approved local development, precinct structure plan or local planning policy, all development shall be designed in accordance with the primary controls of the R-Codes with regard to the R60 density code.
2. Any new development, substantial extension to existing buildings or subdivision of land shall consider the following:
  - ~~1.~~ Any new development, substantial extension to existing buildings or subdivision of land shall be guided by an approved Local Development Plan prior to the approval of a development or subdivision application. The Local Development Plan should consider (at a minimum) —
    - ~~2-a)~~ Minimising impact on any adjoining residential character area through setbacks and building heights;
    - ~~3-b)~~ Design principles to guide the development of built form frontages to streets that are sympathetic to the streetscape character of the locality; and
    - ~~4-c)~~ Managing vehicle access to the site through access roads/driveways and location of parking areas, supported by a transport demand assessment and management plan; and
5. Notwithstanding subclause (1) the maximum height of buildings on the site(s) shall be no greater than 3 storeys or 12.0 metres, whichever is greater, above natural ground level.
6. Notwithstanding subclause (1) the maximum plot ratio shall be no greater than 0.8.

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**ASR3 - Lot 200 (No. 166), Lot 201 (No. 166), Lot 807 (No.168), Lot 142 (No. 176), Lot 411 (No. 178), Lot 410 (No.180), Lot 409 (No.182), Lot 408 (No.184) and Lot 407 (No. 186) Rutland Avenue, and, Lot 407 (No. 1A, 1B and 1C) Memorial Avenue, Carlisle**



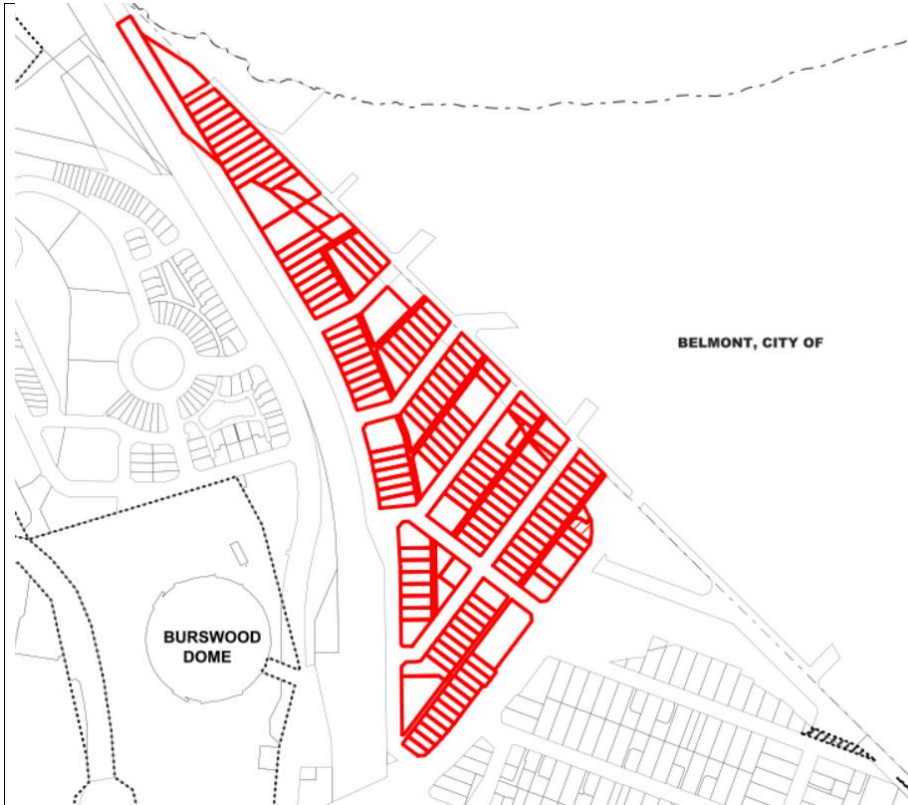
1. In the absence of an approved local development, precinct structure plan or local planning policy, buildings shall be designed in accordance with the primary controls of the R-Codes with regard to the RAC-3 density code.
2. Any new development, substantial extension to existing buildings or subdivision of land shall consider the following:
  - a) Minimising impact on the adjoining residential character area through setbacks and building heights;
  - b) Design principles to guide the development of activated built form frontages to streets;
  - c) Managing vehicle access to the site through access roads/driveways and location of parking areas, supported by a transport demand assessment and management plan; and
  - d) Creation of community benefits such as community meeting places.

**ASR4 - Lot 5 (No. 1) Gloucester Street, (No. 56-60), (No. 62), (No. 64), (No. 70-74), (No. 76) and (No. 78-80) Canning Highway, and, Lot 11 (No.1) and Lot 12 (No.11) Berwick Street, Victoria Park**



1. The maximum height of buildings on the site(s) shall be no greater than 2 storeys or 9.0 metres, whichever is greater, above natural ground level.
2. Notwithstanding subclause (1) the maximum plot ratio shall be no greater than 0.5.

**ASR5 - Burswood Station East Precinct**



### **1. General**

All development shall be generally consistent with the provisions of the local planning policy adopted for the Burswood Station East Precinct.

Multiple Dwelling development and Mixed Use development will be in accordance with the R-AC3 standards of State Planning Policy 7.3 Residential Design Codes Volume 2, except where varied in the Scheme Text or any relevant local planning policy.

The development of Grouped Dwellings and Single Houses will be in accordance with the R80 standards of State Planning Policy 7.3 Residential Design Codes Volume 1, except where varied in the Scheme Text or any relevant local planning policy.

### **2. Building Height and Plot Ratio**

For Multiple Dwelling, Mixed Use and wholly Non-Residential Development, the maximum building height is 6 storeys and the maximum plot ratio is 2.0.

The abovementioned maximum building height limit and maximum plot ratio limit may be varied to allow development in excess of the maximum building height and maximum plot ratio provided that the proposed development is consistent with the building height and plot ratio provisions of the local planning policy adopted for the Burswood Station East Precinct.

### **3. Car Parking**



The maximum number of car parking bays provided as part of any development will not exceed a ratio 0.06 bays per square meter of the lot area, consistent with car parking design provisions of a local planning policy adopted for the Burswood Station East Precinct.

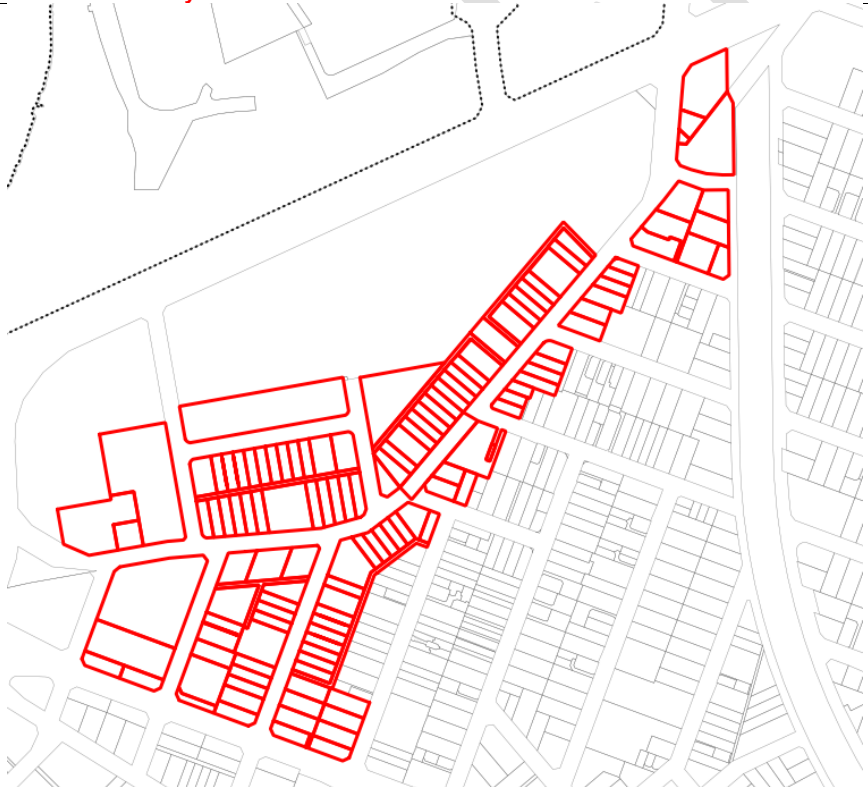
#### 4. Landscaping for Non-Residential Development

Development that does not include a residential component will provide a minimum of 10% of the site area as a landscaped area, that is to include an area with a minimum dimension of at least 3.0m as a deep soil area (as defined in State Planning Policy 7.3 Residential Design Codes Volume 2) for the planting of canopy trees. The local government may exercise its discretion and approve developments with lesser or alternative landscaping provision where the development involves reuse of an existing building and the existing site layout prevents consistency with this requirement.

#### Environmental Note

Any redevelopment proposal should give careful consideration to the implications of the various industrial and waste disposal purposes that land in the precinct has been used for in the past. It is considered appropriate that if redevelopment of a site is contemplated, then advice on environmental and pollution constraints should be sought from the Department of Water and Environment Regulation.

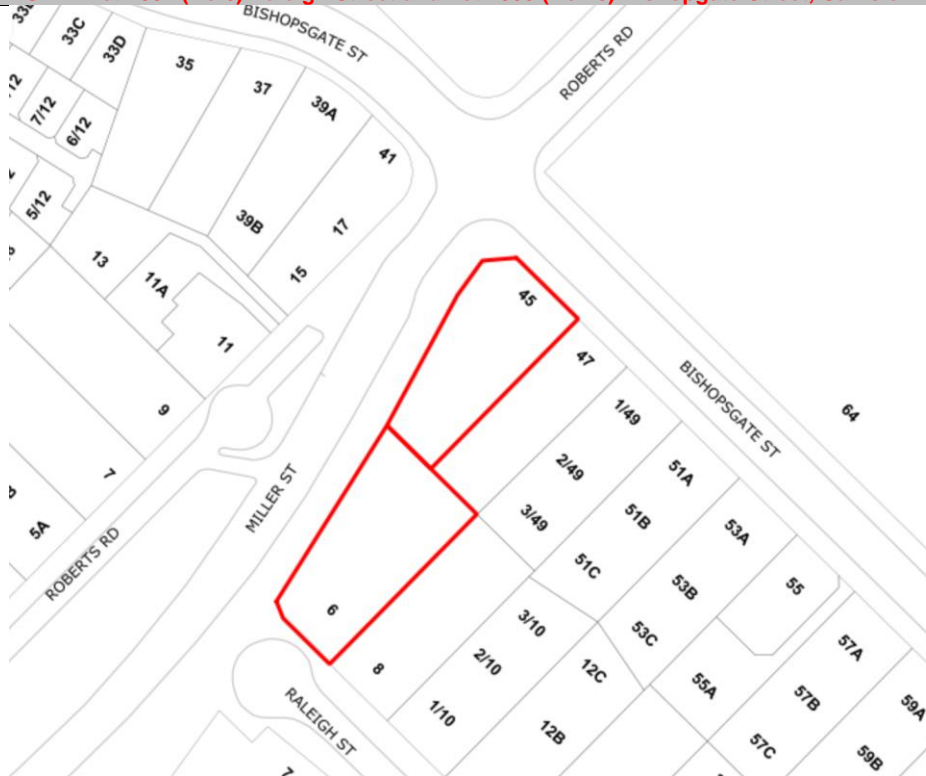
#### ASR6 – Causeway Precinct



1. Where a site is coded RAC-0 and located within the Causeway Precinct all site and development requirements shall be in accordance with the precinct structure plan, local development plan or local planning policy adopted for the Causeway Precinct.

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**ASR7 - Lot 1004 (No.6) Raleigh Street and Lot 1005 (No.45) Bishopgate Street, Carlisle**



1. Vehicle access shall not be provided to/from Miller Street
2. Trees to be retained in accordance with a tree retention plan approved by the local government prior to subdivision and/or development.

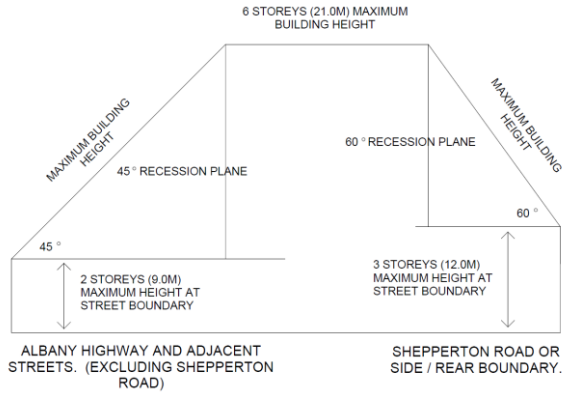
**ASR8 - Albany Highway District Centre & Mixed Use zones**

**7. A) Albany Highway Gateway – Mixed Use Zone**



**Building Height**

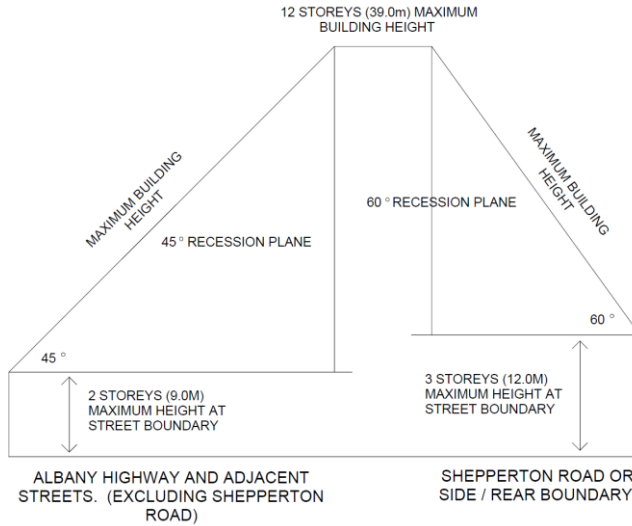
1. Building height for the area between Albany Highway and Shepperton Road from Canning Highway to Harvey Street shall be a maximum of 6 storeys or 21.0 metres, whichever is greater, above natural ground level. and is subject to the following height recession plane.



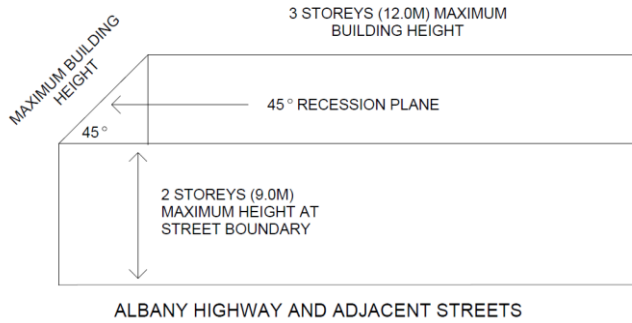
2. Building height for the area between Albany Highway and Shepperton Road from Harper Street to Harvey Street shall be a maximum of 12 storeys or 39.0 metres, whichever is greater, above natural ground level. and is subject to the following height recession plane.

**ASR8 - Albany Highway District Centre & Mixed Use zones**

**7. A) Albany Highway Gateway – Mixed Use Zone**



3. Building height for the area on the southern side of Albany Highway from Oswald Street to Cargill Street shall be a maximum of 3 storeys or 12.0 metres, whichever is greater, above natural ground level and is subject to the following building height recession plane.



4. Building height for the area bounded by Albany Highway, Armagh Street, Hordern Street and Oswald Street shall be a maximum of 6 storeys or 21.0 metres, whichever is greater, above natural ground level and is subject to the following building height recession plane.

**ASR8 - Albany Highway District Centre & Mixed Use zones**

**7. A) Albany Highway Gateway – Mixed Use Zone**

	<p>6 STOREYS (21.0m) MAXIMUM BUILDING HEIGHT</p> <p>MAXIMUM BUILDING HEIGHT</p> <p>45° RECESSION PLANE</p> <p>60° RECESSION PLANE</p> <p>MAXIMUM BUILDING HEIGHT</p> <p>45°</p> <p>2 STOREYS (9.0M) MAXIMUM HEIGHT AT STREET BOUNDARY</p> <p>60°</p> <p>3 STOREYS (12.0M) MAXIMUM HEIGHT AT STREET BOUNDARY</p> <p>ALBANY HIGHWAY, OSWALD STREET AND HORDERN STREET</p> <p>ARMAGH STREET</p>
<p>Street Setback</p>	<ol style="list-style-type: none"> <li>Buildings fronting Albany Highway may have a nil street setback.</li> <li>Buildings fronting Shepperton Road should be setback a minimum of 4.5 metres.</li> <li>Buildings fronting all other streets shall be setback in accordance with the R-Codes.</li> </ol>
<p>Side setbacks</p>	<p>Buildings may have a minimum side setback of nil.</p>
<p>Plot Ratio</p>	<p>Buildings shall have a maximum plot ratio of 1.0</p>

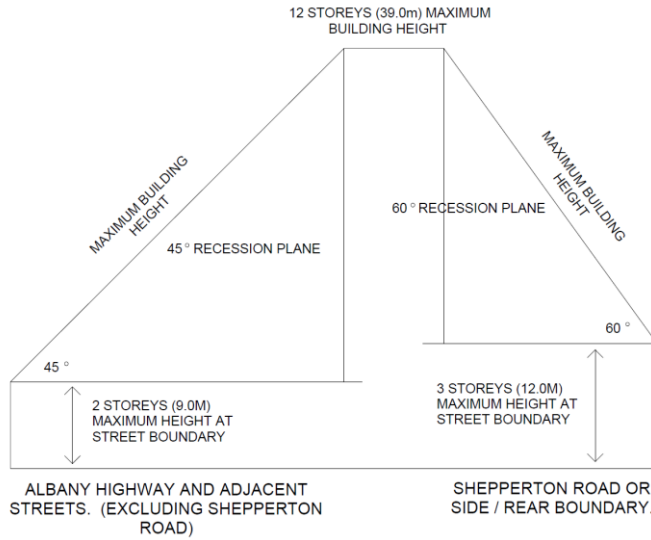
**ASR8 - Albany Highway District Centre & Mixed Use zones**  
**B) Victoria Park Shopping Area - District Centre Zone**



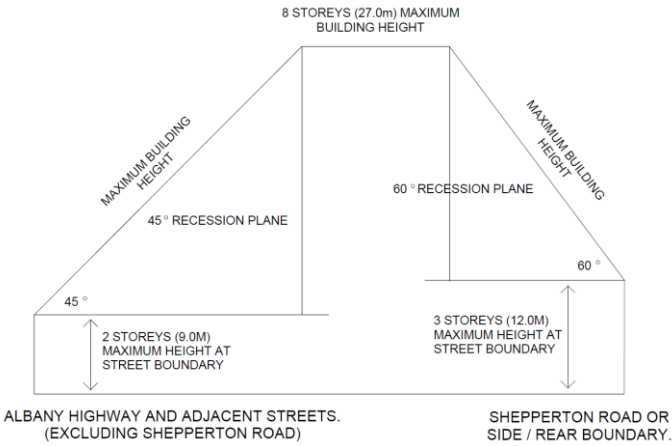
Building Height	<p>1. Building height for the area bounded by Albany Highway, Harper Street, Shepperton Road and Harvey Street shall be a maximum of 12 storeys or 39.0 metres, whichever is greater, above natural ground level and is subject to the following building height recession plane.</p>
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**ASR8 - Albany Highway District Centre & Mixed Use zones**

**B) Victoria Park Shopping Area - District Centre Zone**



2. Building height for the area bounded by Albany Highway, Duncan Street, Shepperton Road and Harper Street shall be a maximum of 8 storeys or 27.0, whichever is the greater, above natural ground level metres and is subject to the following building height recession plane.

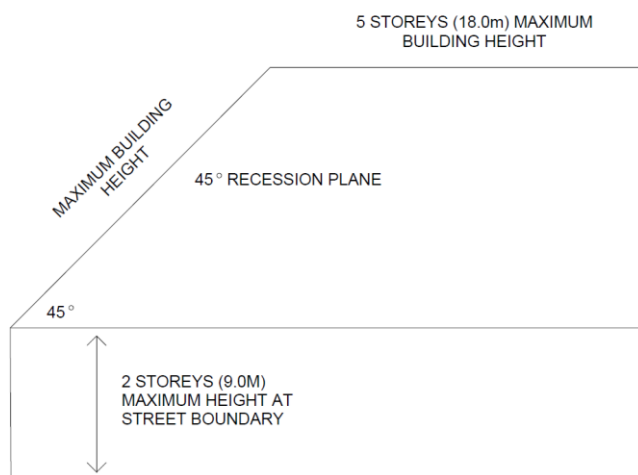


3. Building height for the area on the southern side of Albany Highway from McMaster Street to Leonard Street shall be a maximum of 5 storeys or 18.0 metres, whichever is the greater, above natural ground level and is subject to the following building height recession plane.

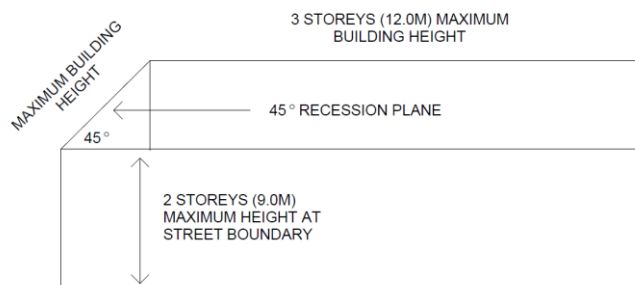


**ASR8 - Albany Highway District Centre & Mixed Use zones**

**B) Victoria Park Shopping Area - District Centre Zone**



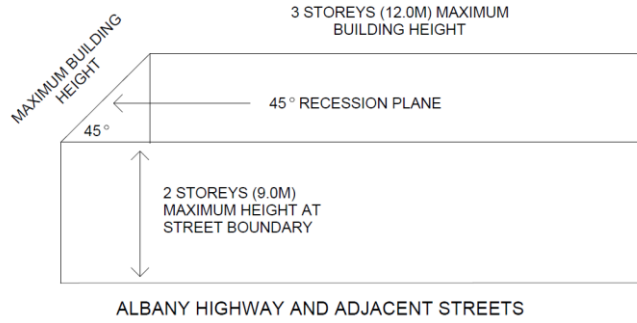
4. Building height for the area on the northern side of Albany Highway from Duncan Street to Read Park and for the area on the southern side of Albany Highway from Leonard Street to Temple Street shall be a maximum of 3 storeys or 11.5 metres and is subject to the following building height recession plane.



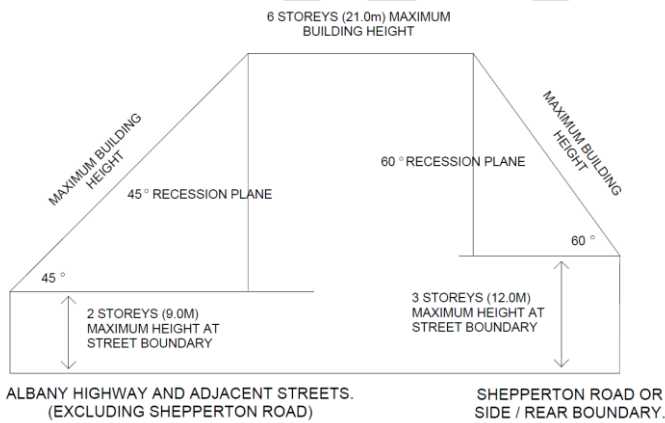
5. Building height for the area on southern side of Albany Highway from Cargill Street to McMaster Street shall be a maximum of 3 storeys or 12.0 metres, whichever is the greater, above natural ground level and is subject to the following building height recession plane.

**ASR8 - Albany Highway District Centre & Mixed Use zones**

**B) Victoria Park Shopping Area - District Centre Zone**



6. Building height for the area on the northern side of Albany highway from Rushton Street to Harvey Street shall be a maximum of 6 storeys or 21.0 metres, whichever is the greater, above natural ground level and is subject to the following building height recession plane.



Street Setback	<p>1. Albany Highway –</p> <ul style="list-style-type: none"> <li>i) buildings fronting Albany Highway may have a nil setback.</li> <li>ii) buildings shall be provided with awnings or verandahs over the Albany Highway footpath.</li> </ul> <p>2. Buildings fronting Shepperton Road should be setback a minimum of 4.5 metres. The setback area is to be landscaped and maintained to a high standard.</p> <p>3. Buildings fronting all other streets shall be setback in accordance with the R-Codes.</p>
Side setbacks	Buildings may have a minimum side setback of nil.
Plot Ratio	Buildings shall have a maximum plot ratio of 1.0.

**ASR8 - Albany Highway District Centre & Mixed Use zones**  
**C) Albany Highway Central - Mixed Use Zone**



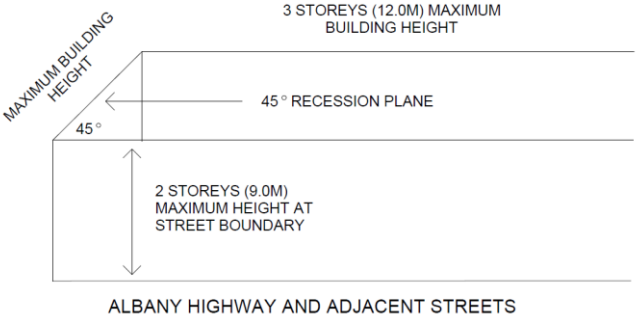
<p><b>Building Height</b></p>	<p>Buildings shall be a maximum of 3 storeys or 12.0 metres, whichever is the greater, above natural ground level and are subject to the following building height recession plane.</p>
<p><b>Street Setback</b></p>	<ol style="list-style-type: none"> <li>Buildings fronting Albany Highway may have a nil setback.</li> <li>Buildings fronting all other streets shall be setback in accordance with the R-Codes.</li> </ol>

Side setbacks	Buildings may have a minimum side setback of nil.
Plot Ratio	Buildings shall have a maximum plot ratio of 1.0.

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**ASR8 - Albany Highway District Centre & Mixed Use zones**  
**D) East Victoria Park Shopping Centre - District Centre Zone**



<p><b>Building Height</b></p>	<p>Buildings shall be a maximum of 3 storeys or 12.0 metres and are subject to the following building height recession plane.</p>  <p>The diagram shows a cross-section of a building. The total height is labeled '3 STOREYS (12.0M) MAXIMUM BUILDING HEIGHT'. A horizontal line at the top of the building is labeled '45° RECESSION PLANE'. A vertical line on the left side of the building is labeled 'MAXIMUM BUILDING HEIGHT'. A horizontal line at the base of the building is labeled '2 STOREYS (9.0M) MAXIMUM HEIGHT AT STREET BOUNDARY'. The ground level is labeled 'ALBANY HIGHWAY AND ADJACENT STREETS'. A 45-degree angle is indicated between the recession plane and the ground level.</p>
<p><b>Street Setback</b></p>	<p>1. Buildings fronting Albany Highway may have a nil setback.                  2. Buildings fronting all other streets shall be setback in accordance with the R-Codes.</p>
<p><b>Side setbacks</b></p>	<p>Buildings may have a minimum side setback of nil.</p>
<p><b>Plot Ratio</b></p>	<p>Buildings shall have a maximum plot ratio of 1.0.</p>

**ASR8 - Albany Highway District Centre & Mixed Use zones  
E) East Victoria Park - Mixed Use Zone**



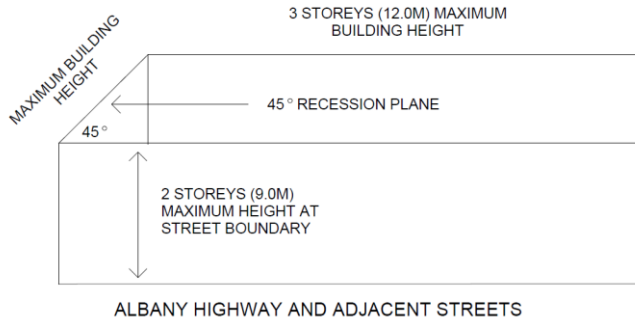
<b>Building Height</b>	Buildings shall be a maximum of 3 storeys or 12.0 metres, whichever is the greater, above natural ground level.
<b>Street Setback</b>	<ol style="list-style-type: none"> <li>Buildings fronting Albany Highway may have a minimum setback of nil.</li> <li>Buildings fronting all other streets shall be setback in accordance with the R-Codes.</li> </ol>
<b>Plot Ratio</b>	<ol style="list-style-type: none"> <li>Buildings shall have a maximum plot ratio of 1.0.</li> <li>Notwithstanding (1) the plot ratio of any building or part thereof used for commercial purposes shall not exceed 33% of the maximum allowable plot ratio, or 33% of the constructed floor space, whichever is the lesser.</li> </ol>

**ASR8 - Albany Highway District Centre & Mixed Use zones**  
**F) East Victoria Park Gateway Shopping Area - District Centre Zone**



**Building Height**

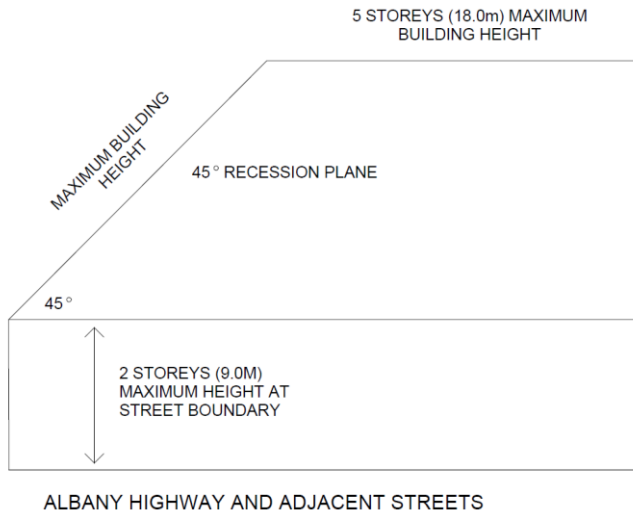
1. Building height for the area on southern side of Albany Highway shall be a maximum of 3 storeys or 12.0 metres, whichever is the greater, above natural ground level and is subject to the following building height recession plane.



2. Building height for the area on northern side of Albany Highway shall be a maximum of 5 storeys or 18.0 metres, whichever is the greater, above natural ground level and is subject to the following building height recession plane.



**ASR8 - Albany Highway District Centre & Mixed Use zones**  
**F) East Victoria Park Gateway Shopping Area - District Centre Zone**



Street Setback	<ol style="list-style-type: none"> <li>1. Buildings fronting Albany Highway may have a nil setback.</li> <li>2. Buildings fronting Shepperton Road should be setback a minimum of 4.5 metres. The setback area is to be landscaped and maintained to a high standard.</li> <li>3. Buildings fronting all other streets shall be setback in accordance with the R-Codes.</li> </ol>
Side setbacks	Buildings may have a minimum side setback of nil.
Plot Ratio	Buildings shall have a maximum plot ratio of 1.0.



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## SCHEDULE D – Special Use Zones

Note – the symbols used to determine the permissibility of land uses contained within the following table(s) have the same meaning as, and are otherwise subject to, clause 18 – Interpreting zoning table.

### SU1 – Technology Park, Bentley



#### 1. Purpose

The Technology Park Special Use Zone shall be promoted and consolidated as a specialised location for research and development activities supported by a mix of complementary uses with regard to the Bentley-Curtin Specialised Activity Centre Plan.

2. Land Use – for development within Technology Park, Bentley the following land use table applies:

<u>Land Use</u>	<u>Permissibility</u>	<u>Conditions</u>
<ul style="list-style-type: none"> <li>• <u>research and development</u></li> </ul>	<u>P</u>	
<ul style="list-style-type: none"> <li>• <u>child care premises</u></li> <li>• <u>civic use</u></li> <li>• <u>community purpose</u></li> <li>• <u>consulting rooms</u></li> <li>• <u>convenience store</u></li> <li>• <u>educational establishment</u></li> <li>• <u>hotel</u></li> <li>• <u>industry – light</u></li> <li>• <u>medical centre</u></li> <li>• <u>multiple dwelling</u></li> <li>• <u>office</u></li> <li>• <u>recreation – private</u></li> <li>• <u>reception centre</u></li> <li>• <u>restaurant / café</u></li> </ul>	<u>D</u>	<p>The land use should:</p> <ul style="list-style-type: none"> <li>i. <u>only be undertaken in a research and development building.</u></li> <li>ii. <u>'I' uses must be ancillary to the primary research and development purposes and not result in more than 50% of the gross floor space being taken up by industry, shop or warehouse/storage activities unless directly associated with a research and development use.</u></li> </ul>

<ul style="list-style-type: none"> <li>serviced apartment</li> <li>small bar</li> <li>telecommunications infrastructure</li> </ul>		
<ul style="list-style-type: none"> <li>industry</li> <li>shop</li> <li>warehouse / storage</li> </ul>	I	
<ul style="list-style-type: none"> <li>All other land uses</li> </ul>	X	

### 3. Terms Used –

**research and development** – means premises used for research and development activities for science, technology, education and research purposes inclusive of the development, production and assembly of products.

**research and development building** – means a building designed primarily for research and development purposes that may also support complementary uses.

### 4. Development

Where a site is coded RAC-0, in the absence of an approved local development, precinct structure plan or local planning policy, all site and development requirements shall be in accordance with the Bentley-Curtin Specialised Activity Centre Plan.

### 5. Land Use

For development within Technology Park, the following land use table applies:

Land Use	Permissibility	Conditions
<ul style="list-style-type: none"> <li>civic use</li> <li>industry – light</li> <li>office</li> </ul>	P	1. 'P' land uses must be for the purposes of research and development.
<ul style="list-style-type: none"> <li>child care premises</li> <li>industry</li> <li>telecommunications infrastructure</li> </ul>	D	2. 'D' and 'I' land uses must be ancillary to the primary research and development purpose of the zone, and – a) Neither generate excessive traffic movements to, from or within the area nor require servicing by heavy vehicles.
<ul style="list-style-type: none"> <li>community purpose</li> <li>consulting rooms</li> <li>convenience store</li> <li>educational establishment</li> <li>reception centre</li> <li>recreation – private</li> <li>restaurant/café</li> <li>shop</li> <li>warehouse/ storage</li> </ul>	I	b) Have no adverse impact in, or on the precinct, or adjacent residential areas caused by noxious emissions or any other disturbance; c) Not result in more than 50% of the gross floor space of the building being taken up by any one or more of storage, production, manufacture or assembly activities; d) Comply with a requirement that any production, manufacture or assembly activities must be carried out without causing a nuisance or detrimentally affecting the amenity of the adjoining residential area
<ul style="list-style-type: none"> <li>All other land uses</li> </ul>	X	

**6. Terms Used**

~~research and development~~ means scientific and industrial research and the development, production and assembly of products associated with that research.

**7. Development**

~~4.1 In the absence of an adopted Local Development Plan relating to the site, the following development provisions apply:~~

~~1. Plot Ratio – Buildings shall have a maximum plot ratio of 0.5.~~

~~2. Setbacks –~~

~~2. A building shall be set back not less than 7.5 metres from any street boundary except where the street is Kent Street, Hayman road or Jarrah Road in which case is shall be 20.0 metres; and~~

~~3. A building shall be setback not less than 4.5 metres from any boundary other than the street.~~

~~1. Building Height – A building shall not exceed a height of 2 storeys or 7.5 metres whichever is the greater, above natural ground level.~~

~~2. Landscaping –~~

~~8. All land within the landscape margin of Technology Park (ie all land within 20 metres of Kent Street, Hayman Road and Jarrah Road) will be landscaped; and~~

~~9. At least 25% of the area land the subject of an application for development approval (which is not within the landscape margin) shall be landscaped.~~

~~1. Building Design – Buildings shall be designed and activities conducted to prevent noxious emissions.~~

~~4.2 A Local Development Plan relating to a site subject to (1) above shall be guided by the Bentley-Curtin Specialised Activity Centre Plan and shall include provisions relating to built form including but not limited to building height, street setbacks, lot boundary setbacks, plot ratio, landscaping, and access.~~

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**SU2 – Residential and Special Facilities**



**1. Purpose**

The Residential and Special Facilities area provides for specialised uses of regional significance operated by both the public and private sector, and by welfare/charitable organisations. Land uses shall primarily be for the purpose of residential aged care and dependent persons accommodation, specialised public services and complementary ancillary uses with regard to the Bentley-Curtin Specialised Activity Centre Plan.

**2. Land Use**

For development within the Residential and Special Facilities special use zone, the following land use table applies:

<b>Land Use</b>	<b>Permissibility</b>	<b>Conditions</b>
<ul style="list-style-type: none"> <li>• <u>home office</u></li> <li>• <u>home occupation</u></li> <li>• <u>hospital</u></li> <li>• <u>independent living complex</u></li> <li>• <u>residential aged care facility</u></li> </ul>	P	
<ul style="list-style-type: none"> <li>• <u>child care premises</u></li> <li>• <u>civic use</u></li> <li>• <u>corrective institution</u></li> <li>• <u>community purpose</u></li> <li>• <u>consulting rooms</u></li> <li>• <u>educational establishment</u></li> <li>• <u>home business</u></li> <li>• <u>lunch bar</u></li> <li>• <u>medical centre</u></li> <li>• <u>office</u></li> <li>• <u>place of worship</u></li> </ul>	D	<p>The land use should:</p> <ol style="list-style-type: none"> <li>1. <u>Only be undertaken directly associated with and ancillary to uses that serve the primary purpose of the zone.</u></li> </ol>

<ul style="list-style-type: none"> <li>• <u>reception centre</u></li> <li>• <u>recreation – private</u></li> <li>• <u>restaurant/café</u></li> <li>• <u>shop</u></li> <li>• <u>telecommunications infrastructure</u></li> </ul>		
• <u>All other land uses</u>	X	

### 3. Development

Where a site is coded RAC-0, in the absence of an approved local development<sup>1</sup>, precinct structure plan or local planning policy, all site and development requirements shall be in accordance with the Bentley-Curtin Specialised Activity Centre Plan.

#### Note

1. For the purpose of (2), 'Masterplans' endorsed by the Town of Victoria Park prior to the gazettal of this Scheme have the effect of a local development plan.

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

#### (iii) Land Use

For development within the Residential and Special Facilities special use zone, the following land use table applies:

Land Use	Permissibility	Conditions
<ul style="list-style-type: none"> <li>• <del>home office</del></li> <li>• <del>home occupation</del></li> <li>• <del>independent living complex</del></li> <li>• <del>residential aged care facility</del></li> </ul>	P	
<ul style="list-style-type: none"> <li>• <del>civic use</del></li> <li>• <del>corrective institution</del></li> <li>• <del>home business</del></li> <li>• <del>hospital</del></li> <li>• <del>telecommunications infrastructure</del></li> <li>• <del>child care premises</del></li> <li>• <del>community purpose</del></li> <li>• <del>consulting rooms</del></li> <li>• <del>educational establishment</del></li> <li>• <del>lunch bar</del></li> <li>• <del>medical centre</del></li> <li>• <del>office</del></li> <li>• <del>place of worship</del></li> <li>• <del>reception centre</del></li> <li>• <del>recreation – private</del></li> <li>• <del>restaurant/café</del></li> <li>• <del>shop</del></li> </ul>	D	Discretionary uses shall be directly associated with and ancillary to uses that serve the primary purpose of the zone.

• All other land uses

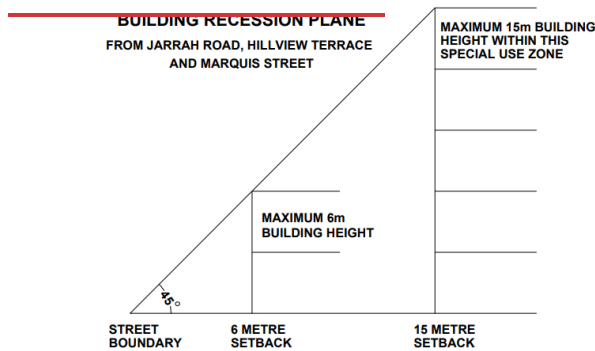
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**(iv) Development**

3.1 In the absence of an adopted Local Development Plan relating to the site, the following development provisions apply:

a) Building height

- i. A building shall not exceed a height of 4 storeys or 15 metres above the average natural ground level, whichever is the greater.
- ii. Along the Jarrah Road, Hillview Terrace and Marquis Street frontages, buildings shall be subject to the following height recession plane.



3.2 A Local Development Plan relating to a site subject to (1) above shall be guided by the Bentley-Curtin Specialised Activity Centre Plan and shall include provisions relating to built form including but not limited to building height, street setbacks, lot boundary setbacks, plot ratio, landscaping, and access.

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**COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME**

Adopted by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of Council held on the **[DATE]**

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**CHIEF EXECUTIVE OFFICER**

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**MAYOR**

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