

TOWN OF VICTORIA PARK

LOCAL PLANNING SCHEME NO. 2

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LOCAL PLANNING SCHEME GAZETTAL DATE: 18 DECEMBER 2024

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

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SCHEME DETAILS

TOWN OF VICTORIA PARK **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 responding to the needs of pedestrians, cyclists and public transport users in order to achieve a balanced transport network.
- (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	1. To provide for a range of community facilities which are compatible with surrounding development. 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. 3. To provide for complementary commercial land uses which have the potential to support, enhance or activate the use and amenity of the reserve.
Public Open Space	1. To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152. 2. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage. 3. To provide for ancillary and complementary commercial and/or community land uses that have the potential to support, enhances or activate the recreational use and amenity of the reserve.
Education	1. Public Purposes which specifically provide for a range

Reserve name	Objectives
	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.
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 achieve a balanced transport network that enhances 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.
Drainage / Waterway	1. To set aside land required for significant waterways and drainage.
Recreational	1. Public Purposes which specifically provide for a range

Reserve name	Objectives
	of public recreational facilities.

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	1. To provide for a range of housing and a choice of residential densities to meet the needs of the community. 2. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. 3. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Mixed Use	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. 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.
Local Centre	1. To facilitate a mix of land uses that service the day to day needs of the immediate neighbourhood. 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. 3. To encourage high quality, pedestrian friendly, street orientated developments. 4. To provide a focus for medium density housing. 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.
District Centre	1. To facilitate a mix of land uses that focus on the weekly needs of the wider district catchment. 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. 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.

	4. To provide a broad range of employment opportunities to encourage diversity within the centre. 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. 6. To provide for a wide range of residential accommodation, including high density residential, to meet the diverse needs of the community.
Light Industry	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. 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.
Special Use	1. To facilitate special categories of land uses which do not sit comfortably within any other zone. 2. To enable the Council to impose specific conditions associated with the special use.
Urban Development	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. 2. To provide for a range of residential densities to encourage a variety of residential accommodation. 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.

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	Refer to Clause 21 (1)	Refer to Clause 18 (6)
animal establishment	X	X	X	X	A		
art gallery	A	P	D ³	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	D	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 ³	D ³	D ³	A		
family day care	D ³	D ³	D ³	D ³	X		
fast food outlet / lunch bar	X	P	P	P	P		
fast food outlet – drive through	X	D	X	D	X		
fuel depot	X	X	X	X	A		
funeral parlour	X	A	X	D	D		
garden centre	X	D	D	D	P		
grouped dwelling	P	D ¹	D ¹	D ¹	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		
hosted short-term rental accommodation	P	P	P	P	X		
independent living complex	P	P	P	D	X		
industry	X	X	X	X	D		

USE AND DEVELOPMENT CLASS	ZONES						
	Residential	Mixed Use	Local Centre	District Centre	Light Industry	Special Use	Urban Development
industry – light	X	A	A	A	P	Refer to Clause 21 (1)	Refer to Clause 18 (6)
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 ¹	P ¹	P ¹	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 ²	D ²	P	A		
renewable energy facility	A	A	A	A	A		
residential building	A	D	D	P	X		
residential aged care facility	D	A	A	D	X		
resource recovery centre	X	X	X	X	D		
restaurant/café	X	P	P	P	I		
restricted premises	X	A	X	A	X		
service station	X	X	A	A	D		
shop	X	P	P	P	I		
single house	P	D ¹	D ¹	D ¹	X		
small bar	X	D ²	D ²	D ²	X		
tavern	X	A	X	A	X		
telecommunications infrastructure	A	A	A	A	A		
tourist and visitor accommodation	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		
unhosted short-term rental accommodation	A	A	A	A	X		
veterinary centre	X	A	A	A	X		
warehouse/storage	X	X	X	X	P		
waste storage facility	X	X	X	X	D		
winery	X	A	A	A	D		

Footnotes:

1. Multiple dwellings, grouped dwellings and single houses in the 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.

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 any relevant development standards and requirements of this Scheme;
 - 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 any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Note:

- 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 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.*
 - 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 hosted short-term rental accommodation - P multiple dwelling - P office - P restaurant/café – P shop – P small bar - D unhosted short-term rental accommodation - D	1. Restricted uses are permitted at the ground floor only. 2. Condition 1 does not apply to - hosted short-term rental accommodation - multiple dwellings. - unhosted short-term rental accommodation
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 short-term rental accommodation - P independent living complex - P hotel - A multiple dwelling – P office - P place of worship – A recreation private - D restaurant/café - P residential aged care facility - A unhosted short-term rental accommodation - A shop – P ² small bar - D	1. The maximum net leasable area of retail floor space for 'Shop' shall not exceed a combined area of 2,400m ² , with a maximum single tenancy size of 400m ² 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 -
 - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) 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) 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.
- (2) 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, 28. Deleted: SL 2024/25 r.50.]

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

There are no other planning codes that are to be read as part of the Scheme.

30. Modification of planning codes

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

31. Environmental conditions

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

32. Additional site and development requirements

- (1) Schedule C sets out requirements relating to development that are additional to those set out in the R-Codes or other planning codes listed under clause 29, precinct structure plans, local development plans or State or local planning policies; and
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes or other planning code listed under clause 29, 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.

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 clause 64(4) of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

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

Part 5 - Special control areas

36. Special control areas

There are no special control areas which apply to this Scheme.

Part 6 - Terms referred to in Scheme

Division 1 - General definitions used in Scheme

37. Terms used

- a. If a word or expression used in this Scheme is listed in this clause, its meaning is as follows –

building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
floor area	has meaning given in the Building Code.
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
precinct	means a definable area where particular planning policies, guidelines or standards apply.
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental.
retail	means the sale or hire of goods or services to the public.
Scheme commencement day	means the day this Scheme comes into effect under section 87(4) of the Act.
wholesale	means the sale of goods or materials to be sold by others.

- b. A word or expression that is not defined in this Scheme –
- has the meaning it has in the *Planning and Development Act 2005*; or
 - 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 <i>Racing and Wagering Western Australia Act 2003</i> .
brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
bulky goods showroom	means premises – (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.

convenience store	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 ² net lettable area.
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
family day care	means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.
fast food outlet/ lunch bar	means premises 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.
fast food outlet – drive through	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.
fuel depot	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.
funeral parlour	means premises used (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services
garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.

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 50m²; 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 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m² ; 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
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

home office	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation – (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.
home store	means a shop attached to a dwelling that – (a) has a net lettable area not exceeding 100m ² ; and (b) is operated by a person residing in the dwelling.
hospital	means premises that are a hospital within the meaning given in the <i>Health Services Act 2016</i> section 8(4)
hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises
independent living complex	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.
industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes – (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
industry - light	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.
liquor store - large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ²
liquor store - small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not

more than 300m².

market	means premises used for the display and sale of goods from stalls by independent vendors.
medical centre	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.
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.
motor vehicle repair	means premises used for or in connection with – (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.
motor vehicle wash	means premises primarily used to wash motor vehicles.
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
office	means premises used for administration, clerical, technical, professional or similar business activities.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation - private	means premises that are (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
renewable energy facility	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.

residential aged care facility	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: (a) appropriate staffing to meet the nursing and personal care needs of residents (b) meals and cleaning services (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.
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.
restaurant/cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
restricted premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of – (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i>; and (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.
service station	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.
shop	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.

small bar	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
tourist and visitor accommodation	(a) means a complex of 1 or more buildings wholly managed by a single person, body or entity that – (i) provides accommodation for guests, on a commercial basis, for a period or periods not exceeding a total of 3 months in any 12-month period; and (ii) may provide on-site services and facilities for use by guests; and (b) includes the following – (i) guest accommodation provided on a working farm; (ii) a self-contained serviced apartment that is regularly serviced or cleaned by the owner or manager of the apartment or an agent of the owner or manager; but (c) does not include the following – (i) a caravan park; (ii) a dwelling designed and used for the purpose of aged care or dependant persons accommodation; (iii) a park home park (iv) a residential building used as a lodging-house as defined in the <i>Health (Miscellaneous Provisions) Act 1911</i> section 3; (v) a retirement village as defined in the <i>Retirement Villages Act 1992</i> section 3(1); (vi) a road house; (vii) workforce accommodation.
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises – (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*.

Relevant Deemed Provision	Supplemental Provisions
Clause 13B Significant Tree Register	(1) The local government may establish and maintain a significant tree register to identify trees within the Scheme area that are worthy of preservation. (2) The significant tree register – (a) must set out a description of each tree, its location and the reason for its entry in the significant tree register; and (b) must be available with the scheme documents for inspection during business hours at the offices of the local government; and (c) may be published on the website of the local government. (3) The local government must not enter a tree or remove a tree from the significant tree register unless the local government has received a written nomination from the owner of the land which contains the tree. A written nomination can only be made by the owner of the land which contains the tree. (4) Upon receiving a written nomination in accordance with subclause (3), the local government may – (a) carry out any other consultation the local government considers appropriate; and (b) following any consultation and consideration of the submissions made on the proposal, resolve that that tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register. (5) If the local government enters a tree in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree. (6) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register.

6A Design Review	60A Appointment of Design Review Panel The local government may appoint a Design Review Panel for the purpose of considering, and advising the local government with respect to applications and/or planning documents. 60B Operation of Design Review Panel The local government shall prepare and adopt a policy that details the operation of the Design Review Panel and specifies the matters on which the Design Review Panel will be consulted. 60C Recommendation of Design Review Panel 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.
Part 9 – Procedure for dealing with applications for development approval Clause 67 Matters to be considered by local government	Clause 67 Matters to be considered by local government <i>(2)(zc) any advice of the Design Review Panel</i>
Part 10 – Enforcement and administration Clause 85A. Transitional arrangements for local planning policies	Clause 85A. Transitional arrangements for local planning policies 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
Part 10 – Enforcement and administration Clause 85B. Planning instruments in the course of preparation	Clause 85B. Planning instruments in the course of preparation 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.

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.

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 t) No.49 (Lot 1 SP 42964) Manchester Street 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.
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.
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.
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. <i>Note – A development application for the Additional Use shall be supported by a travel plan detailing how staff and visitor movements to and from the development by private vehicle will be minimised.</i>
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.

No.	Description of land	Additional Use	Conditions
A9	No.21 (Lot 507) Harvey Street, Burswood	medical centre – A office – D	
A10	No. 10-12 (Lot 100) Asquith Street, Burswood	motor vehicle, boat or caravan sales - P	1. The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish in the following circumstances – 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 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. 2. The sale and display of vehicles is not to occur within the building(s) approved to carry out the use at all times. 3. The open air sale and display of vehicles is not permitted. 4. The use of any part of the existing building(s) on the site other than as a Motor Vehicle and Marine Sales Premises

No.	Description of land	Additional Use	Conditions
			is restricted to the storage of vehicles incidental to the use only, or as otherwise permitted by a valid development approval for the site. 5. The existing building being externally upgraded to the satisfaction of the Town.
A11	No. 18 (Lot 101) Twickenham Road, Burswood	motor vehicle, boat or caravan sales - P	1. Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish in the following circumstances: 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 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. 2. The sale and display of vehicles is to occur within the building(s)

No.	Description of land	Additional Use	Conditions
			approved to carry out the use at all times. 3. The open air sale and display of vehicles is not permitted. 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. 5. The existing building being externally upgraded to the satisfaction of the Town.
A12	No. 7, 9, 11 & 15 (Lots 2, 3, 31 & 32) Teddington Road, Burswood	motor vehicle, boat or caravan sales - P	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); 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 3. Development is to result in a significant improvement to the visual appearance of the site.
A13	No. 53-55 (Lot 24, on SP 81373) Canning Highway, Victoria Park	restaurant/café – A	1. Additional Uses is restricted to the ground floor at the corner of Taylor Street and McCallum Lane.

No.	Description of land	Additional Use	Conditions
			2. Additional Use must address the street to the satisfaction of the Town. 3. The maximum net lettable area of any Restaurant/Café uses shall be 120m² in aggregate. 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.
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	No.3 (Lot 76) Colombo Street, Victoria Park	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
A20	a) No. 107 – 111 (Lots 4 & 5) Albany Highway, Victoria Park on Volume 33, Folio 50A	motor vehicle, boat or caravan sales - P	1. The Additional Use of 'motor vehicle, boat or caravan sales' shall extinguish where the use of the site for 'motor

No.	Description of land	Additional Use	Conditions
	b) No. 115 (Lot 51, Strata Lots 1, 2, 3, 4 & 5) Albany Highway, Victoria Park on Volume 2001, Folio 53, 54, 55, 56 & 57 c) No 141 (Lot 800) Albany Highway, Victoria Park on Volume 1906, Folio 175 d) No. 1-7 (Lot 22) Shepperton Road, Victoria Park on Volume 1930, Folio 266 e) No. 160 (Lots 1 & 2) Albany Highway, Victoria Park on diagram P002908 f) No. 9 (Lot 100) Shepperton Road, Victoria Park on Volume 1930, Folio 268 g) No. 49-51 (Lots 51, 29, 9 & 10) Shepperton Road, Victoria Park on Volume 1422, Folio 574 h) No. 182 (Lot 1) Albany Highway, Victoria Park on Volume 1618, Folio 187 i) No. 184 (Lot 11) Albany Highway, Victoria Park on Volume 1218, Folio 305 j) No. 188 (Lots 4) Albany Highway, Victoria Park on Volume 1303, Folio 371 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		vehicle, boat or caravan sales' is discontinued for a period of 6 months or more, except where the site is being redeveloped in accordance with a valid development approval for 'motor vehicle, boat or caravan sales'.

No.	Description of land	Additional Use	Conditions
	l) No. 196 (Lot 7 & 8) Albany Highway, Victoria Park on Volume 335, Folio 38A m) No. 181 (Lots 283, 284 & 285) Albany Highway, Victoria Park on Volume 1458, Folio 947, Diagram P004377 n) No. 211-213 (Lot 1) Albany Highway, Victoria Park on Volume 145, Folio 120A o) No. 210-246 (Lot 8) Albany Highway, Victoria Park on Volume 2122, Folio 537 p) No. 2 (Lots 3 & 92) Teddington Road, Victoria Park on Volume 1356, Folio 715, Diagram D046191 & D002908 q) No. 9 (Lot 7) Rushton Street, Victoria Park on Volume 2104, Folio 881 r) No. 61 – 61B (Lot 1) Shepperton Road, Victoria Park on Volume 1908, Folio 710 s) No. 495-513 (Lot 50) Albany Highway, Victoria Park on Volume 1834, Folio 825 t) No. 529-541 (Lot 101) Albany Highway, Victoria Park on Volume 2609, Folio 88 u) No. 526-528 (Lots 300 & 301) Albany Highway, Victoria Park on Volume 1667, Folio 479, Diagram P002916 v) No. 530-534 (Lot 299) Albany Highway, Victoria		

No.	Description of land	Additional Use	Conditions
	Park on Volume 1845, Folio 685 w) No. 544 (Lot 3) Albany Highway, Victoria Park on Volume 1652, Folio 156 x) No. 546 (Lot 2) Albany Highway, Victoria Park on Volume 1627, Folio 704 y) No. 552 (Lot 1) Albany Highway, Victoria Park on Volume 780, Folio 64 z) No. 554 (Lots 76 & 77) Albany Highway, Victoria Park on Volume 1086, Folio 139 aa) No. 574 (Lot 17) Albany Highway, Victoria Park on Volume 105, Folio 10A bb) No. 577 (Lot 991) Albany Highway, Victoria Park on Volume 1474, Folio 183 cc) No. 579A (Lot 992) Albany Highway, Victoria Park on Volume 1028, Folio 839 dd) No. 593-595 (Lot 171) Albany Highway, Victoria Park on Volume 809, Folio 51 ee) No. 614 (Lot 19) Albany Highway, Victoria Park on Volume 1683, Folio 846 ff) No. 621-623 (Lot 201) Albany Highway, Victoria Park on Volume 1087, Folio 751 gg) No. 625-629 (Lot 203) Albany Highway, Victoria		

No.	Description of land	Additional Use	Conditions
	Park on Volume 1366, Folio 345		

SCHEDULE C – Additional site and development requirements

ASR1 - All land zoned Mixed Use, Local Centre or District Centre

Site and development requirements

1. Multiple dwellings, grouped dwellings and single house shall be:
 - (a) located behind non-residential uses at the streets primary commercial frontage; or
 - (b) designed for future adaption to non-residential uses.

ASR2 - All land zoned Residential, Mixed Use, Local Centre or District Centre

Site and development requirements

1. In the absence of an approved precinct structure plan, structure plan, local development plan or local planning policy, non-residential buildings shall be designed in accordance with the building height, plot ratio, street and side setback requirements of the R-Codes with regard to the assigned density code.

ASR3 – All land zoned Light Industry

Site and development requirements

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:

Plot Ratio	Maximum 1.0
Building Height	Maximum 3 storeys or 12 metres
Street Setback	Minimum of Nil
Secondary Street Setback	Minimum of Nil
Side and Rear Setback	Minimum of Nil
Landscaping	1. 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. 2. 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.

ASR4 – Lot 37, 40, 41 and 68 (No.218), Lot 36 (No.220) and Lot 200 (No.222) Great Eastern Highway; Lot 70 (No.1), Lot 69 (No.3) and Lot 68 (No. 5) Maple Street; and Lot 38 (No.6), Lot 39 (No.8), Lot 40 (No. 10) and Lot 41 (No. 12) Cornwall Street, Lathlain



1. In the absence of an approved local development plan, precinct structure plan or local planning policy, all development shall be designed in accordance with the primary controls of the R-AC3 density code, for the purpose of the deemed provisions, where applicable.
2. Notwithstanding clause (1) above, 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 above natural ground level, whichever is greater.
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) fine grained and activated built form frontage along Great Eastern Highway, Cornwall Street and any new internal street or lane;
 - (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.

ASR5 - Lot 501 (No.61) Kitchener Avenue, Victoria Park



1. In the absence of an approved local development plan, precinct structure plan or local planning policy, all development shall be designed in accordance with the primary controls of the R60 density code, for the purpose of the deemed provisions, where applicable.
2. Any new development, substantial extension to existing buildings or subdivision of land shall consider the following:
 - (a) minimising impact on any adjoining residential character area through setbacks and building heights;
 - (b) design principles to guide the development of built form frontages to streets that are sympathetic to the streetscape character of the locality; and
 - (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.

ASR6 – 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



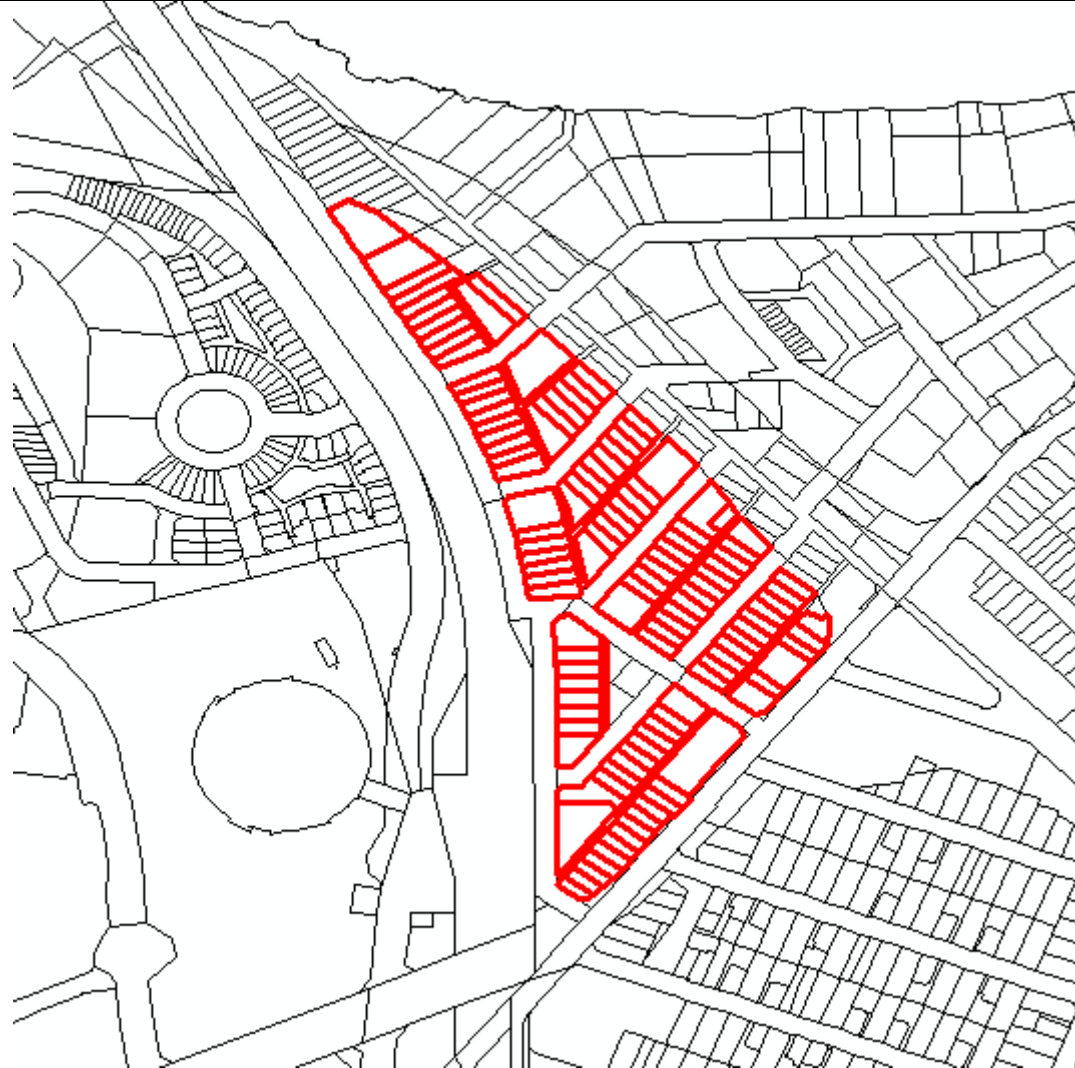
1. In the absence of an approved local development plan, precinct structure plan or local planning policy, all development shall be designed in accordance with the primary controls of the R-AC3 density code, for the purpose of the deemed provisions, where applicable.
2. Any new development, substantial 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.

ASR7 – Lot 5 (No.1) Gloucester Street; No.56-60, 62, 64, 66, 66A, 68, 70-74, 76 and 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.

ASR8 - 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 the Residential Design Codes, 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 the Residential Design Codes, 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 the Residential Design Codes) 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.

ASR9 – Causeway Precinct



Site and development requirements

1. All site and development requirements shall be in accordance with a precinct structure plan, local development plan or local planning policy adopted for the Causeway Precinct.

ASR10 - Lot 1004 (No.6) Raleigh Street and Lot 1005 (No.45) Bishopgate Street, Carlisle



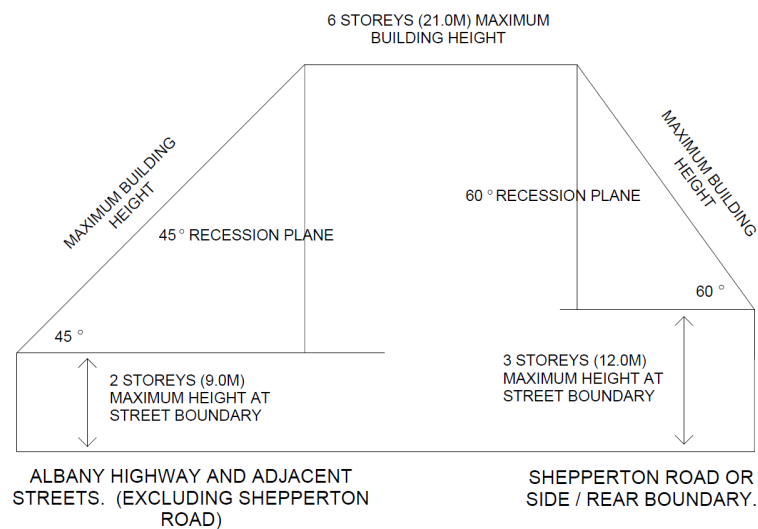
1. Vehicle access shall not be provided to/from Miller Street
2. Trees to be retained in accordance with a tree retention plan approved by the local government prior to subdivision and/or development.

ASR11 Albany Highway Gateway – Mixed Use Zone



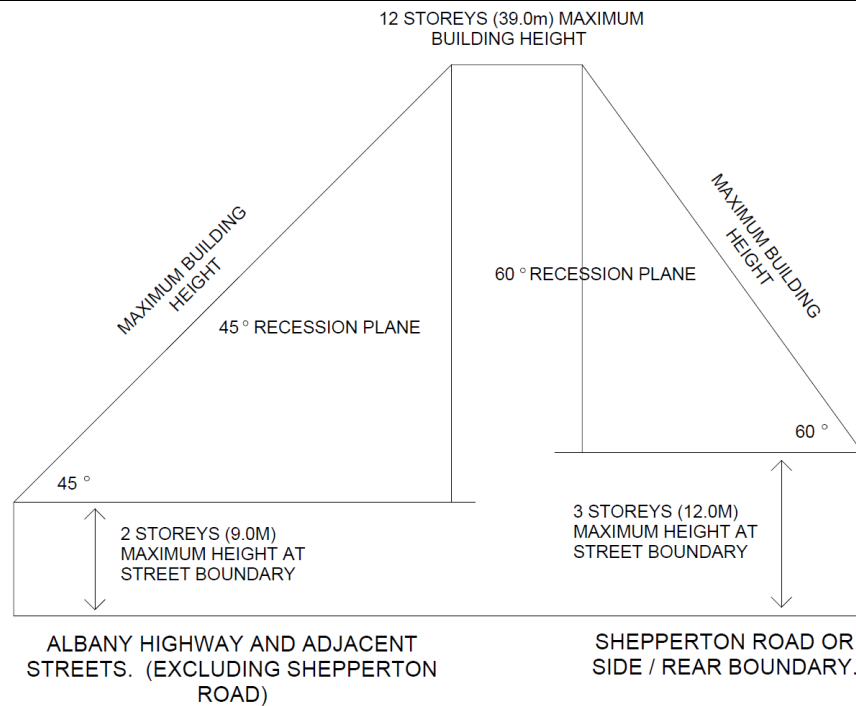
Building Height

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.

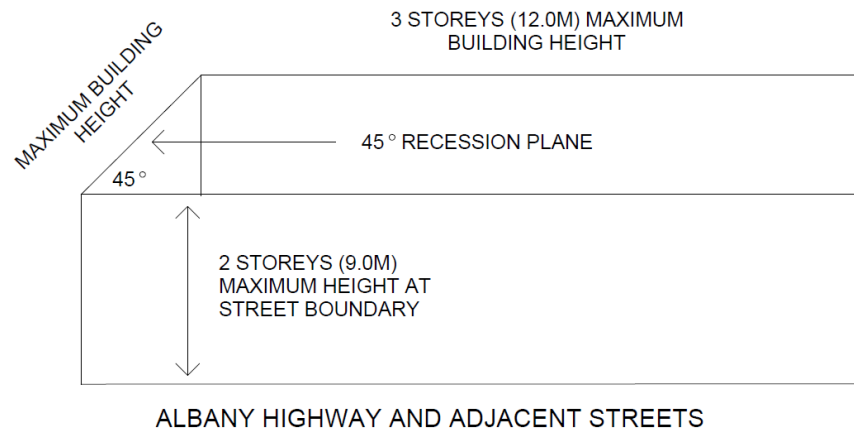


2. Building height for the area between Albany Highway and Shepperton Road from Harper Street to Harvey Street shall be a maximum of 12 storeys or 39.0 metres, whichever is greater, above natural ground level and is subject to the following height recession plane.

ASR11 Albany Highway Gateway – Mixed Use Zone

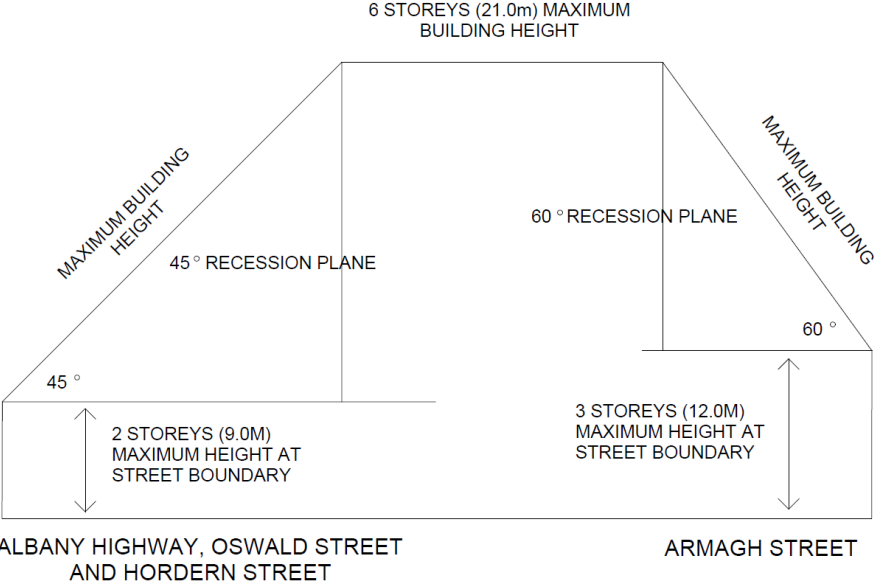


3. Building height for the area on the southern side of Albany Highway from Oswald Street to Cargill Street shall be a maximum of 3 storeys or 12.0 metres, whichever is greater, above natural ground level and is subject to the following building height recession plane.



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.

ASR11 Albany Highway Gateway – Mixed Use Zone

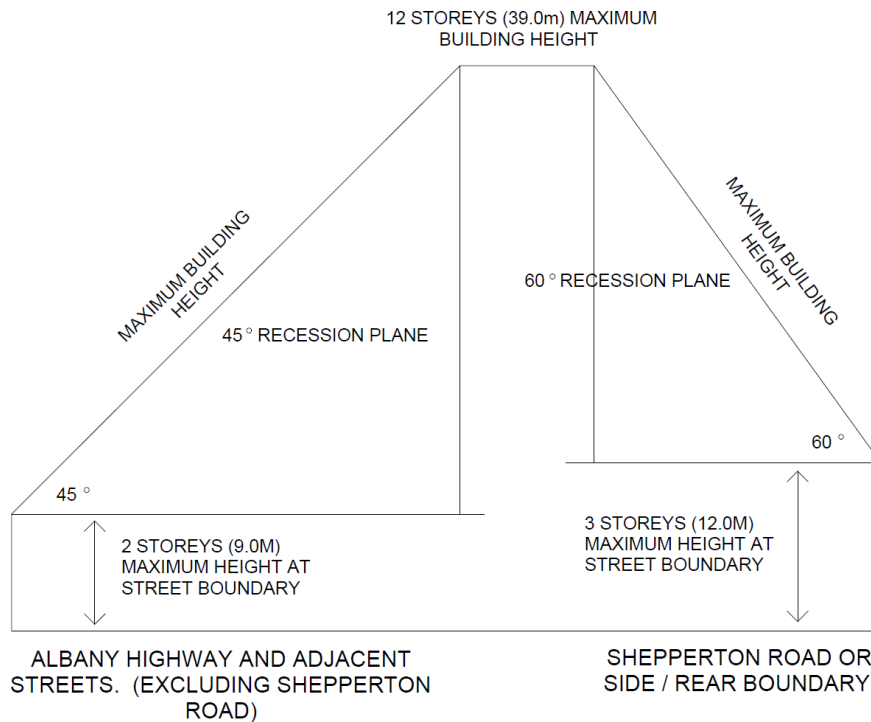
	 6 STOREYS (21.0m) MAXIMUM BUILDING HEIGHT MAXIMUM BUILDING HEIGHT 45 ° RECESSION PLANE 45 ° 2 STOREYS (9.0M) MAXIMUM HEIGHT AT STREET BOUNDARY 60 ° RECESSION PLANE 60 ° 3 STOREYS (12.0M) MAXIMUM HEIGHT AT STREET BOUNDARY ALBANY HIGHWAY, OSWALD STREET AND HORDERN STREET ARMAGH STREET
Street Setback	1. Buildings fronting Albany Highway may have a nil street setback. 2. Buildings fronting Shepperton Road should be setback a minimum of 4.5 metres. 3. Buildings fronting all other streets shall be setback in accordance with the R-Codes.
Side setbacks	Buildings may have a minimum side setback of nil.
Plot Ratio	Buildings shall have a maximum plot ratio of 1.0

ASR12 - Victoria Park Shopping Area - District Centre Zone

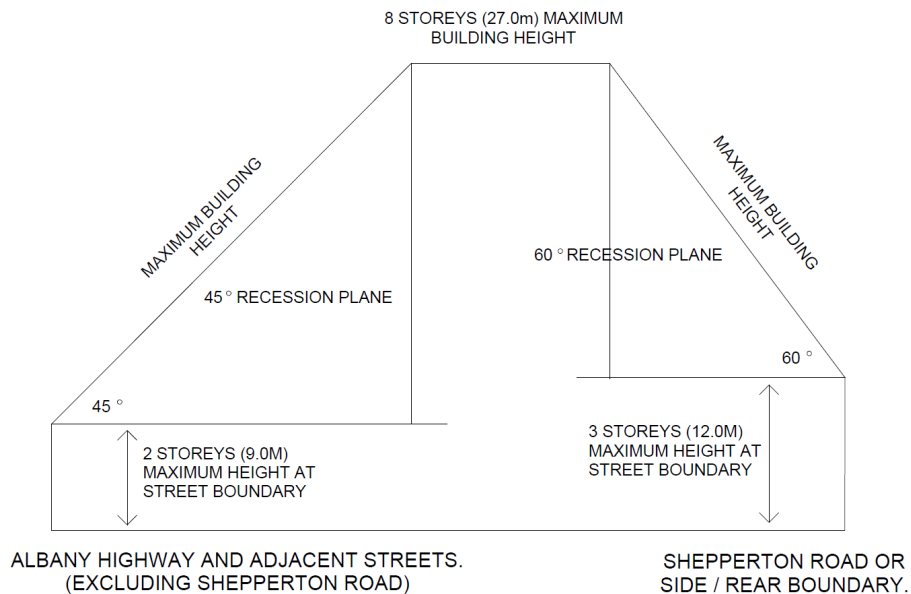


Building Height	1. Building height for the area bounded by Albany Highway, Harper Street, Shepperton Road and Harvey Street shall be a maximum of 12 storeys or 39.0 metres, whichever is greater, above natural ground level and is subject to the following building height recession plane.
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ASR12 - Victoria Park Shopping Area - District Centre Zone

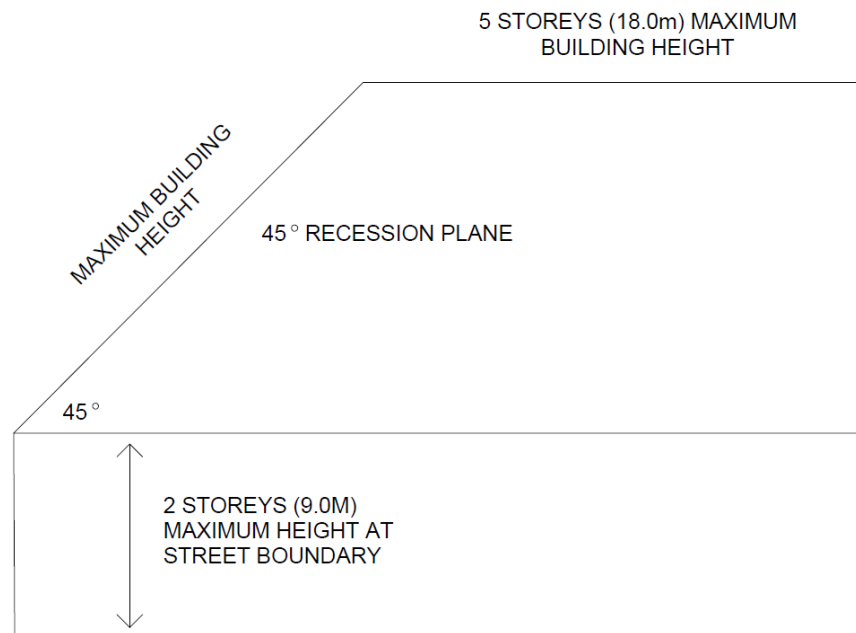


2. Building height for the area bounded by Albany Highway, Duncan Street, Shepperton Road and Harper Street shall be a maximum of 8 storeys or 27.0 metres, whichever is the greater, above natural ground level metres and is subject to the following building height recession plane.



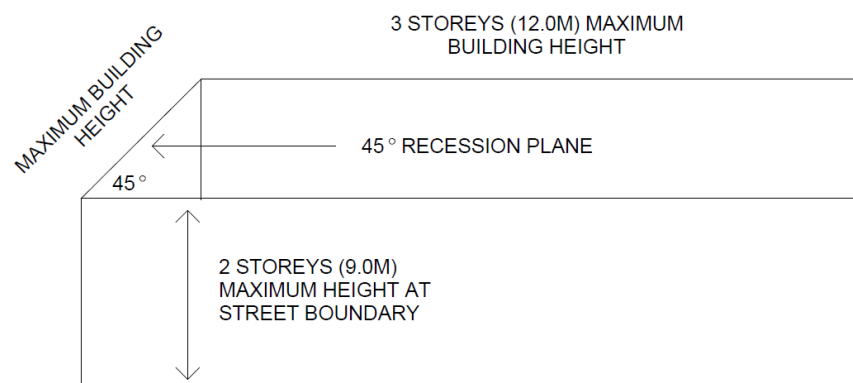
3. Building height for the area on the southern side of Albany Highway from McMaster Street to Leonard Street shall be a maximum of 5 storeys or 18.0 metres, whichever is the greater, above natural ground level and is subject to the following building height recession plane.

ASR12 - Victoria Park Shopping Area - District Centre Zone



ALBANY HIGHWAY AND ADJACENT STREETS

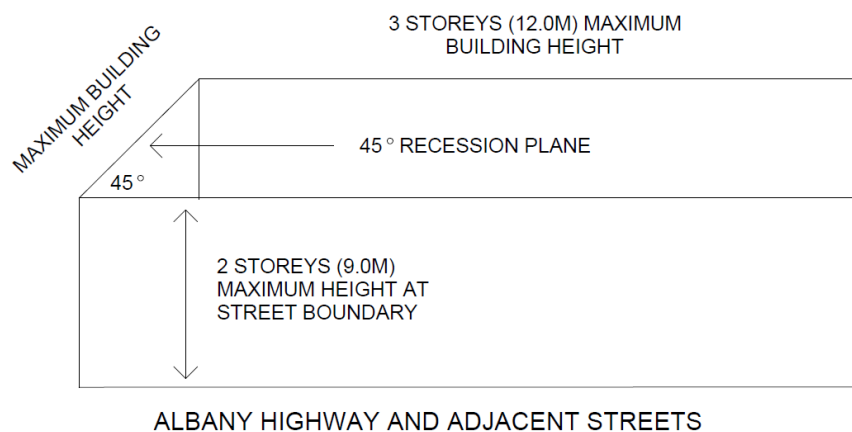
4. Building height for the area on the northern side of Albany Highway from Duncan Street to Read Park and for the area on the southern side of Albany Highway from Leonard Street to Temple Street shall be a maximum of 3 storeys or 11.5 metres and is subject to the following building height recession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



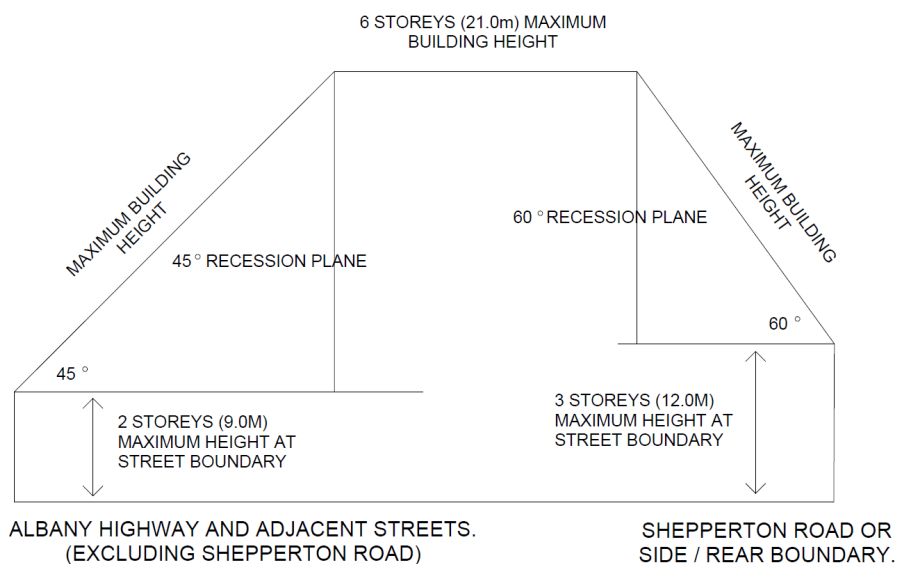
ALBANY HIGHWAY AND ADJACENT STREETS

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.

ASR12 - Victoria Park Shopping Area - District Centre Zone

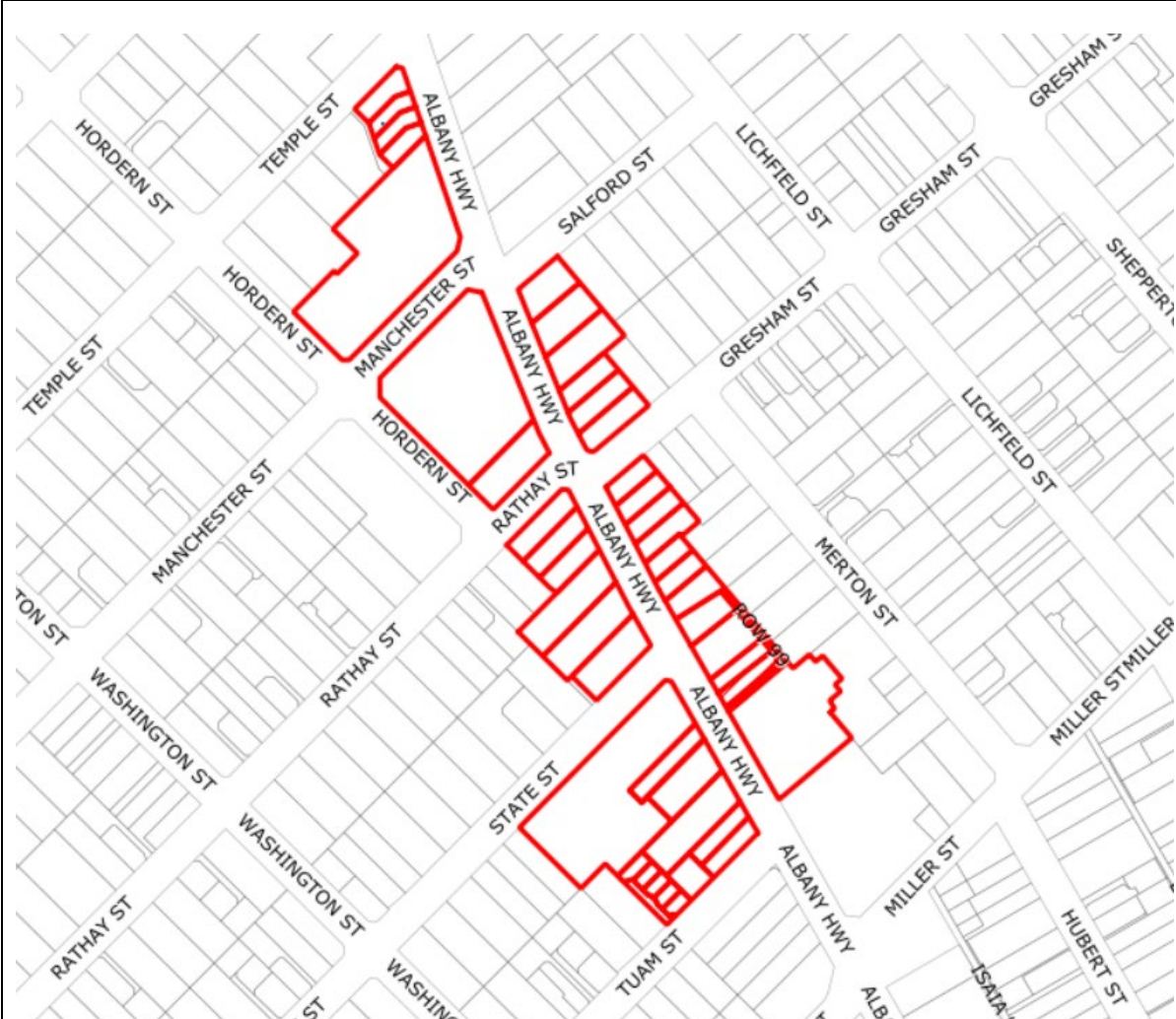


6. Building height for the area on the northern side of Albany highway from Rushton Street to Harvey Street shall be a maximum of 6 storeys or 21.0 metres, whichever is the greater, above natural ground level and is subject to the following building height recession plane.



Street Setback	- Albany Highway – - buildings fronting Albany Highway may have a nil setback. - buildings shall be provided with awnings or verandahs over the Albany Highway footpath. - 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. - Buildings fronting all other streets shall be setback in accordance with the R-Codes.
Side setbacks	Buildings may have a minimum side setback of nil.
Plot Ratio	Buildings shall have a maximum plot ratio of 1.0.

ASR13 - Albany Highway Central - Mixed Use Zone



Building Height	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. 3 STOREYS (12.0M) MAXIMUM BUILDING HEIGHT 45° RECESSION PLANE 45° 2 STOREYS (9.0M) MAXIMUM HEIGHT AT STREET BOUNDARY ALBANY HIGHWAY AND ADJACENT STREETS
Street Setback	- Buildings fronting Albany Highway may have a nil setback. - Buildings fronting all other streets shall be setback in accordance with the R-Codes.
Side setbacks	Buildings may have a minimum side setback of nil.
Plot Ratio	Buildings shall have a maximum plot ratio of 1.0.

ASR14 - East Victoria Park Shopping Centre - District Centre Zone



Building Height	Buildings shall be a maximum of 3 storeys or 12.0 metres and are subject to the following building height recession plane. The diagram illustrates a building height recession plane. It shows a cross-section of a building with a maximum height of 3 storeys (12.0M). A 45-degree recession plane is shown, starting from the top of the building and extending outwards. The maximum height at the street boundary is 2 storeys (9.0M). The diagram is labeled 'MAXIMUM BUILDING HEIGHT', '45°', '45° RECESSION PLANE', '2 STOREYS (9.0M) MAXIMUM HEIGHT AT STREET BOUNDARY', and 'ALBANY HIGHWAY AND ADJACENT STREETS'.
Street Setback	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.
Side setbacks	Buildings may have a minimum side setback of nil.
Plot Ratio	Buildings shall have a maximum plot ratio of 1.0.

ASR15 - East Victoria Park - Mixed Use Zone



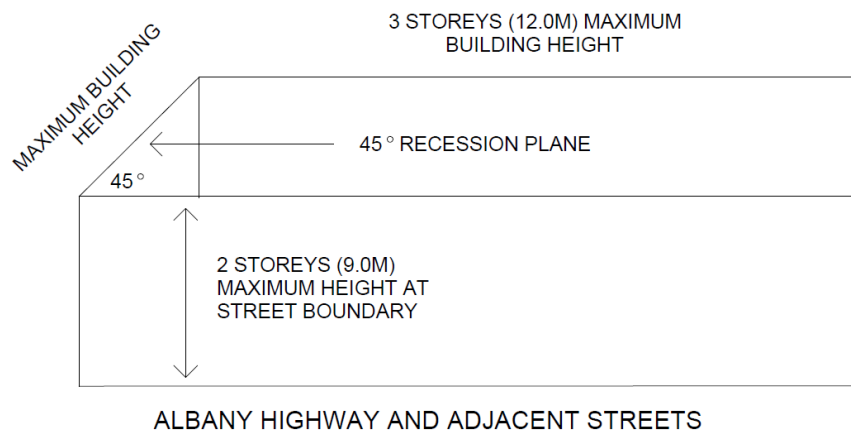
Building Height	Buildings shall be a maximum of 3 storeys or 12.0 metres, whichever is the greater, above natural ground level.
Street Setback	1. Buildings fronting Albany Highway may have a minimum setback of nil. 2. Buildings fronting all other streets shall be setback in accordance with the R-Codes.
Plot Ratio	1. Buildings shall have a maximum plot ratio of 1.0. 2. 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.

ASR16 - East Victoria Park Gateway Shopping Area - District Centre Zone



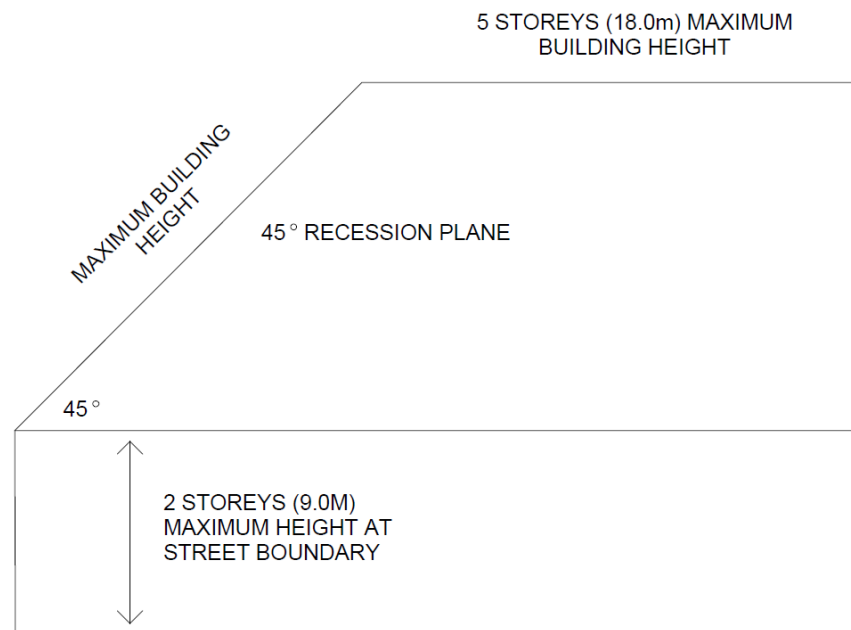
Building Height

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.

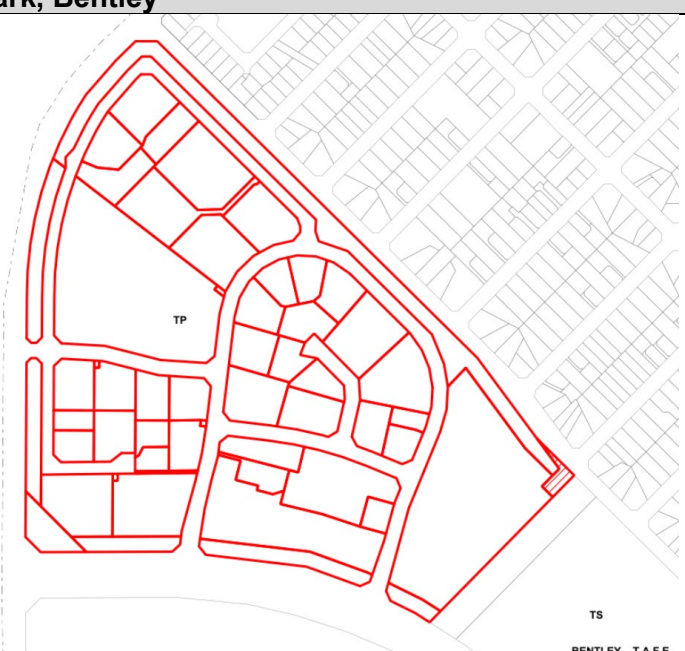
ASR16 - East Victoria Park Gateway Shopping Area - District Centre Zone



Street Setback	1. Buildings fronting Albany Highway may have a nil setback. 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. 3. Buildings fronting all other streets shall be setback in accordance with the R-Codes.
Side setbacks	Buildings may have a minimum side setback of nil.
Plot Ratio	Buildings shall have a maximum plot ratio of 1.0.

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, the following land use table applies:		
Land Use	Permissibility	Conditions
research and development	P	
- child care premises - civic use - community purpose - consulting rooms - convenience store - educational establishment - hotel - hosted short-term rental accommodation - industry – light - medical centre - multiple dwelling - office - recreation – private - reception centre - restaurant / café	D	(i) 'D' uses must be: (a) undertaken in research and development premises; or (b) consistent with an approved precinct structure plan; or in the absence of an approved precinct structure plan; (c) on land designated for mixed use in the Bentley-Curtin Specialised Activity Centre Plan. (ii) 'I' uses must be:

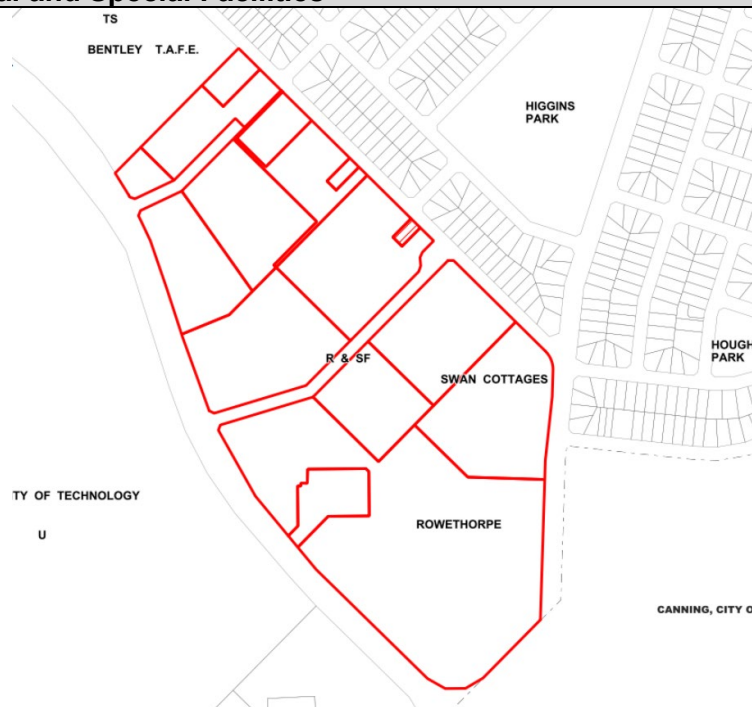
• unhosted short-term rental accommodation • shop • small bar • telecommunications infrastructure		(a) ancillary to the primary research and development use; and (b) not occupy more than 50% of the gross floor space unless directly associated with the research and development use.	
• industry • warehouse / storage	I		

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

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 purposes 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:

Land Use	Permissibility	Conditions
• home office • home occupation • hospital • independent living complex • residential aged care facility	P	
• child care premises • civic use • corrective institution • community purpose • consulting rooms • education establishment • home business • lunch bar • medical centre • multiple dwelling • office • place of worship	D	The land use should: i only be undertaken where directly associated with and ancillary to uses that serve the primary purpose of the zone.

	• reception centre • recreation – private • restaurant/café • shop • telecommunications infrastructure		
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SU3 – Private Car Park and Drainage

		
Purpose	Special Use	Conditions
The special use of this land is restricted to carparking and/or drainage only.	Car parking – P	

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Local Planning Scheme No.2 of the Town of Victoria Park at the Ordinary Meeting of Council held on the 20 February 2024.

The Common Seal of the Town of Victoria Park
was hereunto affixed by authority of a resolution
of the Council in the presence of:

A VULETA
CHIEF EXECUTIVE OFFICER

K VERNON
MAYOR

WAPC Recommended for Approval

R RISTESKI
Delegated under S.16 of the Planning
and Development Act, 2005
Date 27/11/2024

Approval Granted

J CAREY
MINISTER FOR PLANNING
Date 3/12/24