TOWN PLANNING SCHEME NO. 1
SCHEME TEXT
WORKING VERSION – May 2019

DISCLAIMER

This is a Working Version of the Scheme Text, not a legal version. This Scheme Text is to be read in conjunction with ‘Schedule 2 – Deemed provisions for local planning schemes’ of the Planning and Development (Local Planning Schemes) Regulations 2015, with reference in this Working Version to “the Deemed Provisions” being a reference to Schedule 2 of the Regulations. In accordance with Regulation 10(4) of the Regulations, the provisions in Schedule 2 are deemed provisions which are automatically incorporated into the TPS 1 Scheme Text notwithstanding that they do not appear in the Scheme Text.

For ease of reference, a copy of the Deemed Provisions is included as Appendix 1 in this Working Version.

Notes

- Items with a strikethrough in black font reflect gazetted Amendments to TPS 1.
- The text in blue font cross-refers to relevant parts/clauses of the Deemed Provisions that apply.

Whilst all care has been taken to accurately portray the current Scheme provisions as amended by the Deemed Provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the Town should be made to view a legal version of the Scheme.

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

Original Town Planning Scheme Gazettal Date: 30 September 1998

Original Town Planning Scheme Gazettal Date: 30 September 1998
# TOWN OF VICTORIA PARK TPS 1 - TEXT AMENDMENTS

<table>
<thead>
<tr>
<th>AMDT NO</th>
<th>GAZETTAL DATE</th>
<th>UPDATED WHEN</th>
<th>UPDATED BY</th>
<th>DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>2/2/01</td>
<td>1/2/01</td>
<td>DH</td>
<td>Schedule 1 - introducing new definition &quot;nightclub&quot; following the existing definition of 'net floor area'. Zoning Table - adding new use class &quot;Nightclub&quot;.</td>
</tr>
<tr>
<td>5</td>
<td>31/8/01</td>
<td>29/8/01</td>
<td>DH</td>
<td>Precinct Plan 10 - amending by inserting the following text as a new paragraph after the first paragraph of the Statement of Intent: &quot;The area of land identified as Special Use zone generally bounded by Welshpool Road, Forward Street, Swansea Street East, Milford Street and Shepperton Road is to be consolidated as a node of commercial uses and serve as part of the southern &quot;Gateway&quot; to the Town of Victoria Park.&quot; Precinct Plan 10 - incorporating provisions for &quot;Special use Zone&quot; following the Development Standard provisions for the Office/Residential Zone.</td>
</tr>
<tr>
<td>12</td>
<td>6/9/02</td>
<td>3/9/02</td>
<td>DH</td>
<td>Table 1 - amending by changing Use Class for &quot;Motor Vehicles and Marine Sales Premises, Open Air Sales and Display&quot; to an &quot;X&quot; use in the &quot;Residential, Residential/Commercial&quot;, &quot;Office/Residential&quot;, &quot;Local Centre&quot;, &quot;District Centre&quot; zones, an &quot;AA&quot; use in the &quot;Commercial&quot; zone and a &quot;P&quot; use in the &quot;Industrial 1 and 2&quot; zones. Amending Precinct Plan No’s P3,4,7,8,11 and 12 by amending each extract of the Zoning Table appearing in those Precinct Plans such that Motor Vehicles and Marine Sales Premises, and Open Air Sales and Display is an &quot;X&quot; use within Local Centre and District Centre zones, and an &quot;AA&quot; use within Commercial zones.</td>
</tr>
<tr>
<td>6</td>
<td>8/10/02</td>
<td>10/10/02</td>
<td>DH</td>
<td>Scheme Text - Schedule 1 - inserting new definition following “Home Occupation” for “Home Office”. Scheme Text - Clause 31 - “Exemption From Planning Approval&quot; - inserting after existing provision (e) &quot;(f) a home office;” and re-alphabetising the remaining existing provisions contained in the clause. Policy Manual - amending section 3.4 Home Occupation of the Policy Manual by inserting provision “3.4.3.g). The Proposed use will not cause injury to or adversely affect the amenity of the neighbourhood.” Scheme Text - Zoning Table - amending Scheme Text zoning table by substituting all the “P” symbol notated against “Home Occupation&quot; use class to an &quot;AA&quot; use in the “Residential”, “Residential/Commercial&quot;, “Local Centre&quot; &amp; &quot;District Centre&quot; zones, an &quot;AA/X&quot; symbol in the Commercial” zone, an &quot;X&quot; symbol in the &quot;Industrial 1 &amp; 2&quot; zones, and in the Special Use Zone a note “Refer to provisions in Precinct Plan”. Note: An amendment was unable to be made in the &quot;Office/Commercial&quot; zone as this does not exist. Precinct Plans - amending Precinct Plan zoning tables Nos P1-P13 (inclusive) by substituting all the &quot;P&quot; symbols in the list of Zones notated against the Home Occupation Use Class to an “AA” use in the “Residential”, “Residential/Commercial”, “Local Centre&quot; &amp; “District Centre” zones, an &quot;AA/X&quot; symbol in the Commercial” zone, an “X” symbol in the &quot;Industrial 1 &amp; 2&quot; zones, and in the Special Use Zone a note “Refer to provisions in Precinct Plan”. Note: An amendment was unable to be made in the “Office/Commercial” zone as this does not exist. Precinct Plans No. 2 - modifying the “Use Area” Table by substituting all the “P” symbols in the list of Zones notated against the Home Occupation Use Class with “AA” symbols. Scheme Text - Zoning Table - amending Scheme Text zoning table by substituting existing symbols notated against “Home Office” use class to a “P” use in the “Residential”, “Residential/Commercial”, “Local Centre” &amp; “District Centre” zones, a “P/X” symbol in the Commercial” zone, an “X” symbol in the “Industrial 1 &amp; 2” zones, and in the Special Use Zone a note “Refer to provisions in Precinct Plan”. Note: An amendment was unable to be made in the “Office/Commercial” zone as this does not exist. Precinct Plans No. 2 - modifying “Use Area” Table by inserting the use class “Home Office” after the use class “Home Occupation” by inserting the “P” symbols in the list of zones notated against the Home Office Use Class. Note: An amendment was unable to be made in the “Office/Commercial” zone as this does not exist.</td>
</tr>
<tr>
<td>16</td>
<td>15/11/02</td>
<td>14/11/02</td>
<td>DH</td>
<td>Precinct Plan - amending Precinct Plan P13 in respect of land within the &quot;Special Use zone - Residential and Special Facilities&quot; by including additional text under the heading 'Development Standards' to include</td>
</tr>
<tr>
<td>AMDT NO</td>
<td>GAZETTAL DATE</td>
<td>UPDATED DATE</td>
<td>DETAILS</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>--------------</td>
<td>-------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>4/2/03</td>
<td>12/2/03</td>
<td>DH</td>
<td></td>
</tr>
</tbody>
</table>

- Clause 12 section (1)(c) - amending sections (i)-(ix) inclusive. Clause 51 section (4), paragraph 3 - indent to be consistent with remainder of the provision.
- Policy Manual:
  - Section 1.0 Note in paragraph 2 "The register cannot be complied until" to be replaced with "The register cannot be compiled until".
  - Section 3.0 clause 3.1.1. paragraph 1 line 10 "Buildings staff" to be replaced with "Building staff".
  - Section 3.0 clause 3.1.2. paragraph 1 line 5 "of a local scale" to be replaced with "on a local scale".
- Section 3.0 policy 3.2, clause 3.2.2 - replace letters "b), c) and d) with i., ii., and iii. respectively and indenting paragraphs and also replacing the letter "e) with the letter "b)".
- Note: amendment does not call for replacement of letters (f) and (g).

### Schedule 1
- Deleting definition "day care centre".
- Inserting new definition "child care premises".

### Clause 31
- Amending by adding additional provision "(i)"

### Policy Manual
- Delete Policy 3.9 'Child Day Care Centres within Residential Areas' and replacing with new policy '3.9 Child Care facilities within Residential Areas'.
<table>
<thead>
<tr>
<th>AMDT NO</th>
<th>GAZETTAL DATE</th>
<th>UPDATED WHEN</th>
<th>UPDATED BY</th>
<th>DETAILS</th>
</tr>
</thead>
</table>
| 28      | 23/5/03       | 27/5/03     | DH         | In Precinct Plan 2  
- Delete first paragraph contained in the “STATEMENT OF INTENT” section and replace with “The Burswood Precinct should be redeveloped primarily as an area of mixed office and residential uses east of the railway and for residential uses with integrated mixed use development west of the railway.”  
- In “SPECIAL USE ZONE” section delete first paragraph immediately under heading “SPECIAL USE ZONE”, which reads, “THIS AREA COMPRISERS THE...COMMERCIAL AREA”, and the heading “Road Network” and the paragraph immediately under the heading, “COUNCIL WILL NOT CONSIDER...THE BURSWOOD PENNINSULA.” and replace with new text.  
- Under the heading “STRUCTURE PLAN” delete paragraph (c) and replace with “(c) All land within the Special Use Zone shall be designated “R-IC” under the Western Australian Planning Commission Residential Design Codes (R Codes).  
In the “SPECIAL USE ZONE” section delete and replace the “Use Area” Table.  
In the “SPECIAL USE ZONE” section delete ‘Development Standards’ 1. to 7. (inclusive) and the whole of the section headed “GENERAL DESIGN GUIDELINES” and replace with the new text following directly under the heading “DEVELOPMENT STANDARDS”.  
Policy Manual  
Adding a new policy to the Policy Manual “3.15 Design Guidelines for Burswood Lakes”.  
Table of Contents  
Adding reference to Policy 3.15 ‘DESIGN GUIDELINES FOR BURSWOOD LAKES’ following ‘3.11.9 ORNAMENTAL DETAILS’.
| 29      | 23/5/03       | 28/5/03     | DH         | Precinct Plans  
Amending Precinct Plan 2 - Burswood Precinct by modifying the ‘Development Standards’ section in the ‘Special Use Zone’ by inserting two new sub headings and associated text, after sub heading ‘(b) Setbacks’ and then re-alphabetising the remaining existing provisions contained in the clause.
| 26      | 26/8/03       | 25/8/03     | DH         | Precinct Plans  
Amending Precinct Plan 12(Sheet A) East Victoria Park Precinct: by adding text provision to the ‘Special Use’ zone after the last paragraph to read:  
CARPARKING/DRAINAGE  
The only permitted use of this land is carparking and/or drainage.
| 27      | 3/2/04        | 3/2/04      | DH         | Scheme Text  
Schedule 2 – adding additional use “1. No. 47 (Lot 10) Star Street, Carlisle on Diagram 65589” together with permitted uses and conditions.
| 30      | 17/2/04       | 18/2/04     | DH         | Scheme Text  
Adding “Division 3 – Special Control Areas” and clause 29A Operation of Special Control Areas” after clause 29.  
Table of Contents – amending by inserting after “Schedule 6 Register of Places of Cultural Heritage Significance”, a new schedule “Schedule 7: Special Control Areas”.  
Table of Contents – including a new Schedule in the list of Schedules “Schedule 7 – Special Control Areas”.
| 23A     | 6/4/04        | 7/4/04      | DH         | Part 3 – amending text by including a new subclause (b) to clause 29A1, to be inserted after subclause (a).  
Part 3 – amending text to include new clause “29AB Development Areas and Structure Plans” after clause 29AA ‘Building and Design Areas’.  
Table of Contents – adding reference to clause 29AB by inserting after “29AA Building and Designs Area” the words “29AB Development Areas and Structure Plans”.  
Schedule 7 – amending by adding new Special Control Area – “DA1” being “The whole of the area being portion of Swan Loc 35 (known as Belmont Park Racecourse) together with purpose and particular requirements.
| 19      | 14/9/04       | 20/9/04     | DH         | Precinct Plan – amending the development standards of the ‘commercial Zone’ contained in Precinct Plan P4 by replacing point 5 ‘Building Height’.  
Precinct Plan – amending the development standard of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  
Precinct Plan – amending the development standards of the ‘Residential Zone’ contained in Precinct Plan P10 by inserting the additional provision for “Building Height”-.  


<table>
<thead>
<tr>
<th>AMDT NO</th>
<th>GAZETTAL DATE</th>
<th>UPDATED WHEN</th>
<th>UPDATED BY</th>
<th>DETAILS</th>
</tr>
</thead>
</table>
| 24      | 18/2/05      | 1/3/05      | DH        | Scheme Text:  
- Adding new subclause (a) to clause 29A(1), to read “(a) Building and Design Areas shown on the Precinct Plans as BD with a number and included in Schedule 7.”  
- Amending text to include a new clause “29AA Building and Design Areas” after clause 29A to read “Schedule 7 describes the Building and Design Areas in more detail and sets out the purpose and particular requirements that may apply to the Building and Design Areas.”  
Schedule 7 – amending to include new Special Control Area – BD 1 – Lot 905 Burswood Road (known as Sands & McDougall Site). Table of Contents – adding reference to clause 29AA by inserting under 29A Operation of Special Control Areas’ to read “29AA Building and Design Areas”. |
| 31      | 8/3/05       | 16/3/05     | DH        | Policy Manual – Policy 3.12 Sunbury Park Site Design Guidelines amend by:  
- replacing first paragraph in clause 3.12.5 to read “These guidelines apply to lots 474 to 499 as shown on the attached Drawing S1 and lot 500 to 569 and shown on the attached Drawing S2.  
- replacing first paragraph is clause 3.12.5 to read “Lot sizes within the subdivision range in area generally between 200m² and 240m². No lot will be less than 200m² in area.  
- replacing Clause 3.12.6a) to read “With respect to any lot, the amalgamation to form larger development sites or the further subdivision to create smaller single house lots will not be supported. (E)  
- replacing Clause 3.12.6b) to read “With the exception of Lots 522 to 530, all lots must address their primary street frontage, whilst meeting the necessary on-site parking and open space requirements of the guidelines. (E)  
- replacing Clause 3.12.6c) to read “Lots 522 to 530 are to address the Public Open Space as if it was the primary street frontage whilst meeting the necessary on-site parking and open space requirements of the guidelines. Two-storey development on these lots is to include windows facing towards and providing surveillance of Kitchener Avenue. (E)  
- replacing Clause 3.12.6d) to read “Lot levels must not be varied from those provided. (E)  
- replacing paragraph 2 in Clause 3.12.7.1c) to read “Nil side setbacks are permitted, although not a requirement, on the boundaries identified on Drawing S2 subject to compliance with clause 3.12.9 (D)  
- in paragraph 1 in Clause 3.12.7.1d) replace the word “Planning” with the word “Design”.  
- in clause 3.12.7.1e) modify clause to read “Lots 522 to 531 are required to be setback between 1 metre (minimum) and 2 metres (maximum) from the primary street boundary. Nil setbacks are permitted to both side boundaries with the exception of lots 522, 530 and 531. (E)  
- modify Clause 3.12.9. paragraph 2 to read “Plans showing any overshadowing impact of the proposed development, will be required by Council to be submitted as part of the information lodged at the development approval stage. Council will require that notwithstanding the nil setback guidelines indicated on Drawing S2, the dwelling be designed such that its shadow cast at midday, 21 June onto any other adjoining residential property does not exceed 35% of the site area of that adjoining property or Council will assess the applications in accordance with the Performance Criteria requirements of Clause 3.9.1 of the Residential Design Codes of Western Australia. (E) |
| 33      | 1/4/05       | 3/5/05      | DH        | Precinct Plans:  
Amending Precinct Plan P 8 – Carlisle Precinct by reclassifying portions of Lot 20 and Pt Lot 6 (No. 264) Orrong Road, Carlisle and portion of the Galaxy Way road reserve from ‘Other Regional Roads’ reservation to ‘Residential’ zone with a permitted site density of R30. |
<table>
<thead>
<tr>
<th>AMDT NO</th>
<th>GAZETTAL DATE</th>
<th>UPDATED WHEN</th>
<th>BY</th>
<th>DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>3/5/05</td>
<td>3/5/05</td>
<td>DH</td>
<td>Precinct Plans: Amending Precinct Plan P12 Sheet B – East Victoria Park Precinct by reclassifying portion of Location 4332 Albany Highway, East Victoria Park from ‘Residential’ zone to ‘Public Purposes’ Town of Victoria Park Scheme Reserve with a Civic Use/Community Purpose notation (CU/CP) and ‘Parks and Recreation’ town of Victoria Park Scheme Reserve.</td>
</tr>
<tr>
<td>37</td>
<td>11/11/05</td>
<td>15/11/05</td>
<td>DH</td>
<td>Precinct Plan P2 (Sheet B) – modifying Table 1 – General Site Requirements by removing figure “16” under the Open Space column – Min. Communal (m²) for Multiple Dwelling and inserting the comment “refer to communal open space table below”. Inserting a new table – Open Space following Table 1. Inserting definition of “Plot Ratio” following the table of plot ratio requirements under clause (1)(c).</td>
</tr>
<tr>
<td>40</td>
<td>9/2/07</td>
<td>13/2/07</td>
<td>DH</td>
<td>Schedule 4 - modifying schedule in the “Type of Advertisement” column. Part 4 - adding new clause “39A - Determination of Application for Advertisement”. Table of Contents - modify by inserting new heading under Part 4 to read “39A. Determination of Application for Advertisement”.</td>
</tr>
<tr>
<td>41</td>
<td>9/2/07</td>
<td>19/2/07</td>
<td>DH</td>
<td>Schedule 2 - adding additional use area No. 2 “No. 9 (Lot 712, Strata Lot 11) McMillan Street, Victoria Park on Vol 2546 Fol 485 Strata Plan 43914” together with relevant permitted uses and development standards &amp; conditions.</td>
</tr>
<tr>
<td>AMDT NO</td>
<td>GAZETTAL DATE</td>
<td>UPDATED DATE</td>
<td>AMENDED BY</td>
<td>DETAILS</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>--------------</td>
<td>------------</td>
<td>---------</td>
</tr>
</tbody>
</table>
| 38      | 15/6/07       | 19/6/07      | dh         | POLICY MANUAL:  
Delete changes to Policy Manual:  
Deleting from Policy Manual "3.2 Ancillary Accommodation"  
Deleting from Policy Manual "3.3 Development of Aged or Dependent Persons' Dwelling".  
Policy Manual 3.4 Home Occupation - reformat clause 3.4.3(b), (c), (d) and (e).  
Policy Manual 3.7 Mixed Residential/Commercial Development - modify clause 3.7.8a by deleting the words "the 'B' standard of".  
Policy Manual 3.8 Structures Within Setbacks in Residential Areas - delete.  
Policy Manual 3.9 Child Care Facilities Within Residential Areas - modify clause 3.9.2 and (i).  
Policy Manual 3.9 Child Care Facilities Within Residential Areas - modify Clause 3.9.2 by deleting the words "Any applications submitted for child care premises will be referred to the Child Care Services Board/Licensing Unit for confirmation of compliance with the Community Services (Child Care) Regulations 1988."  
Policy Manual 3.10 Vehicular Access to Properties Via a Right-Of-Way - delete Clause 3.10.2(a), (b), (c), and (d).  
| 39      | 10/7/07       | 19/7/07      | DH         | Scheme Text:  
Schedule 1 - modifying definitions "Residential Planning Codes", "Residential Design Codes", "dwelling", "floor area of a building", "grouped dwelling", "multiple dwelling", "residential building" and "single house".  
Schedule 1 - inserting definition of "Day Care Centre", "substantially commenced" and "single bedroom dwelling".  
Schedule 3 - modify Schedule.  
Schedule 5 - modify schedule by inserting the word "substantially" between the words "not" and "commenced".  
Zoning Table - modify Clause 15 (Zoning Table) by inserting the use "Single Bedroom Dwelling" with relevant symbols applicable.  
Clause 31(1) - replacing sub-clause (g) with new wording.  
Clause 31(1) - adding new sub-clause (j).  
Policy Manual:  
Policy 5.1 (Parking Policy) - modify subclause 5.1.6.1 by inserting sub-clause (d).  
Policy 5.1 - modify the table following Clause 5.1.6.2 by deleting the Activity/Use of "Technical Schools and Tertiary Institutions" and deleting the associated number of car parking bays for this use.  
Policy 5.1 - modify the table following Clause 5.1.6.2 by inserting a car parking requirement for "Educational Establishment" and "Research and Development".  
Policy 5.1 - modify the table following Clause 5.1.6.2 by modifying the car parking requirement for 'Institutional home/nursing home' and 'Child Care facilities'.  
Policy 5.1 - modify clause 5.1.6.3(a).  
Policy 5.1 - modify clause 5.1.6.3(b).  
Policy 5.1 - modify clause 5.1.6.12.2(b).  
Policy 5.1 - replace the word "should" with "shall" in Clauses 5.1.6.1(a), 5.1.6.7a, 5.1.6.9a, 5.1.6.12a and 5.1.6.12.5a.  
Policy 5.1 - modify clause 5.1.7.7. by deleting sub-clause (i) and rewording sub-clause (g) to read "Appendix A: Car Parking Bay and Manoeuvring Dimensions for Residential and Non-Residential Development." |
<table>
<thead>
<tr>
<th>AMDT NO</th>
<th>GAZETTAL DATE</th>
<th>UPDATED WHEN</th>
<th>UPDATED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>43</strong></td>
<td>31/10/08</td>
<td>10/11/08</td>
<td>DH</td>
</tr>
<tr>
<td><strong>44</strong></td>
<td>29/7/09</td>
<td>17/8/09</td>
<td>DH</td>
</tr>
<tr>
<td><strong>46</strong></td>
<td>03/09/10</td>
<td>13/09/10</td>
<td>NM</td>
</tr>
</tbody>
</table>

### Details

Policy 5.1 - modify Appendix A: Car Parking Bay and Manoeuvring Dimensions for Non-residential Development by retitling the Appendix as "Appendix A: Car Parking Bay and Manoeuvring Dimensions for Residential and Non-Residential Development".

Policy 5.1 - modifying Appendix A.

Policy 5.1 - deleting existing Appendix B.

Policy 4.8 - modify clause 4.8.6a) to read "a) Where available, vehicular access shall be from a right-of-way or adjoining side street. Vehicular access directly onto Albany Highway is restricted to existing crossovers only."

Policy 4.8 - modify the drawing following Clause 4.8.7 to indicate that vehicular access is to be from a right-of-way.

Policy Manual 4.11 - renumbering clauses 4.11.2a) and b) as Clauses 4.11.2b) and c) respectively and inserting a new Clause 4.11.2a).

Policy 4.11 - modify clause 4.11.2b)iii to read "satellite dishes greater than 1.5 metres in diameter are required to be located at ground level, with a maximum height of three (3) metres and should be located or screened such that they are not visible from any street or adjoining property."

Policy 4.11 - modify clause 4.11.2c)iii to read "satellite dishes greater than 2.0 metres in diameter are required to be located at ground level, with maximum height of three (3) metres and should be located or screened such that they are not visible from any street or adjoining property".

Policy 4.11 - inserting clause 4.11.2d).

Policy 3.12 Sunbury Park Site Design Guidelines - modify Clause 3.12.3 paragraph 2 by replacing the term "Residential Design Guidelines" with "Local Planning Policy - Streetscape".

Policy 3.12 - deleting the reference to Policy 3.2 'Ancillary Accommodation' and Policy 3.8 'Structures Within Setbacks in Residential Areas' in Clause 3.12.3 paragraph 3.

Policy 3.12 - in Clauses 3.12.11a) and 3.12.23a) replace the term 'Town Planning Scheme Policy 3.1 Residential Design Guidelines, Section 3.1.6.5' with 'Local Planning Policy - Streetscape' to read “a) Front Fences. Low front fences are encouraged in order to maintain an interaction between the dwellings and the street. Front fences are to comply with the Local Planning Policy - Streetscape (E)".

Policy 3.12 - modifying clause 3.12.21 by replacing reference to Clause 3.9.1 of the Residential Design Codes with Clause 3.9.1 of the Residential Design Codes to read "Council will not require strict compliance with the provisions of Clause 3.9.1 of the Residential Design Codes in respect to overshadowing. (D)"


Zoning Table - amending permissibility for use class "Restricted Premises" and adding footnote 4 to end of table.

Schedule 1 - modifying definition of "Restricted Premises".

Amending Precinct Plans P3, P4, P7, P8, P10 and P11 by amending the extract of the Zoning Table appearing in those Precinct Plans to reflect the amendments to the Zoning Table contained in the Scheme Text.

Zoning Table - deleting existing Footnote 3 and modifying use classes "Home Occupation", "Home Office" & "Single House, Grouped Dwelling, Aged or Dependent Persons' Dwelling, Multiple Dwelling" in the Commercial Zone.

Zoning Table - adding footnotes 3 & 4 and modifying use classes "Fast Food Outlet, Restaurant", "Hotel, Motel, Tavern", "Shop" and "Showroom" in the Office/Residential zone.

Clause 22 - adding additional point (5).

### Scheme Text:

Schedule 1 – Definitions:
- Replaced the definition of "storey"
- Deleted the definition of "height"
- Added new definition "building height"
- Added new definition "natural ground level"
- Replaced definition of "plot ratio"
- Added new definition "plot ratio floor area"
- Modified definition of "net floor area"
- Deleted the definition of "floor area of a building"

Precinct Plan:
- Deleted 'Note(s)' relating to 'Building height' within Precinct Plan 2 – Burswood Precinct "Office/Residential Zone" an Precinct Plan 4 – McCallum Precinct "Residential Zone" and "Commercial Zone".
<table>
<thead>
<tr>
<th>AMDT NO</th>
<th>GAZETTAL DATE</th>
<th>UPDATED WHEN</th>
<th>UPDATED BY</th>
<th>DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>25/01/11</td>
<td>01/02/11</td>
<td>NM</td>
<td>Replaced the notation “X/AA” with “X/AA®” within Zoning table, zone “Restricted Premises”. Deleted “Lodging House” from Zoning Table. Deleted sub-clauses 23 (2) and (3) and renumbered (4) accordingly. Replaced sub-clause 38(1). Deleted the words “with the period of 60 days” and “within that period of 90 days” within Clause 43. Deleted the definition “Lodging house” and the associated “note” from Schedule 1 – Definitions. Inserted definitions “permanent” and “temporary” into Schedule 1 – Definitions. Replaced the words “TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)” with the words “PLANNING AND DEVELOPMENT ACT 2005” within Schedule 5 – Notice of Council Decision. Policy 4.14 – Replaced the word “speaking” with “parking” in c) Area 3 Parkside Residential. (ii) Lot size and development controls for i) Area 9 Shepperton Streetscape Overlay, and inserted new text. Policy 5.1 – deleted the words “or part thereof” under Clause 5.1.6.2 in relation to the parking requirements for ‘Showroom’ and ‘Warehouse/Industry’.</td>
</tr>
<tr>
<td>51</td>
<td>30/12/11</td>
<td>17/01/12</td>
<td>NM</td>
<td>Replaced Schedule 3 – Application for Planning Approval.</td>
</tr>
<tr>
<td>49</td>
<td>13/07/12</td>
<td>31/07/12</td>
<td>NM</td>
<td>Precinct Plan Inserted “Building Height” and related paragraph under the paragraph headed “Development Standards” under the heading “Residential Zone” within Precinct Plan P5 Raphael Precinct. Modified Precinct Plan P6 Victoria park Precinct plan under the heading “Development Standards”. Inserted the words “, except where otherwise specified” after the last sentence of the second paragraph of the preamble in Residential Zone.</td>
</tr>
<tr>
<td>58</td>
<td>11/12/12</td>
<td>18/12/12</td>
<td>NM</td>
<td>Inserted Additional Use No. 3 into Schedule 2 – Additional uses.</td>
</tr>
<tr>
<td>49</td>
<td>8/3/13</td>
<td>25/3/13</td>
<td>NM</td>
<td>Inserted sub-clause (6) East Victoria Park Precinct into Clause 22 – Special Application of the Residential Planning Codes. Precinct Plan Inserted notation ‘No Multiple Dwellings’ to Sheet A. Inserted a sentence after ‘development standards for building heights’ for Sheets A and B.</td>
</tr>
<tr>
<td>57</td>
<td>22/2/13</td>
<td>8/4/13</td>
<td>NM</td>
<td>Inserted sub-clause (7) within Clause 22. Inserted sub-clause (c) within Clause 29AB (12). Precinct Plan Replaced some text under ‘Statement of Intent’ of Burswood Peninsula Precinct Plan P1 Sheet A. Replaced text under ‘Special Use Zone’ of Burswood Peninsula Precinct Plan P1 Sheet A.</td>
</tr>
<tr>
<td>60</td>
<td>19/8/14</td>
<td>24/2/15</td>
<td>RC</td>
<td>Amend the Town Planning Scheme Text Zoning Table and add a Footnote 6 following Footnote 5. Amend Precinct Plan P11 - Sheet B – ‘Albany Highway Precinct’ by amending the extract of the Zoning Table for the Commercial zones known as ‘Albany Highway Gateway’ and ‘Albany Highway Central’. Modify Town Planning Scheme Text Schedule 2 – Additional Uses. Modify Town Planning Scheme No. 1 Precinct Plan P11, Sheet A by applying to relevant properties the ‘Ref. No’ for that property listed in Schedule 2 – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.</td>
</tr>
<tr>
<td>61</td>
<td>14/11/14</td>
<td>21/11/14</td>
<td>RC</td>
<td>Amend Schedule 1 – by inserting a use class and the definition of “Liquor Store Small” and “Liquor Store Large” and “net lettable area”. Schedule 1 – amend definition of ‘Shop’. Zoning table – insert use classes of “Liquor Store – Small” and “Liquor Store – Large”, and associated permissibility. Amend Precinct Plans to reflect the amendment to the Zoning Table in the Scheme Text. (P1 – P13).</td>
</tr>
<tr>
<td>64</td>
<td>14/11/14</td>
<td>21/11/14</td>
<td>RC</td>
<td>Include a new sub-clause (5) to Clause 35 authorising Council to display development plans on the Council’s website for the purposes of advertising an application for public comment.</td>
</tr>
<tr>
<td>AMDT NO</td>
<td>GAZETTAL DATE</td>
<td>UPDATED WHEN</td>
<td>UPDATED BY</td>
<td>DETAILS</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>--------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>63</td>
<td>09/06/15</td>
<td>14/09/15</td>
<td>RC</td>
<td>Insert clause 31A relating to the granting, revoking or amending of a planning approval.</td>
</tr>
<tr>
<td>68</td>
<td>31/07/15</td>
<td>14/09/15</td>
<td>RC</td>
<td>Deleting clause 46 relating to Planning Policies and replacing with a new clause 46 relating to Local Planning Policies. Modify the definition of planning policy in Schedule 1.</td>
</tr>
<tr>
<td>69</td>
<td>2/12/16</td>
<td>19/12/16</td>
<td>RC</td>
<td>Amended Clause 3 by deleting subclause (1) (c) and inserting new subclause 1 (a) and renumbering related subclauses. Amended Note 1 associated with Clause 3 to delete the words &quot;planning policy&quot;. Amended the Note associated with Clause 21 to delete the words &quot;Planning Policies&quot;. Amended Clause 22(4) and 22(5) Amended Clause 38(1)(a). Amended the &quot;planning policy&quot; definition in Schedule 1 – Definitions. Removing the Scheme Policy Manual as forming part of the Scheme.</td>
</tr>
<tr>
<td>67</td>
<td>5/5/17</td>
<td>11/7/17</td>
<td>RC</td>
<td>1. Amend Schedule 2 to include an Additional Use of Multiple Dwellings for Nos. 2-8A (Lots 1, 2, 137-141) Basinghall St, East Victoria Park and insert development standards/conditions that apply. 2. Modify Precinct Plan P12, Sheet A by applying to 2-8A (Lots 1, 2, 137, 128, 139, 140 and 141) the &quot;A54&quot; notation as listed in Schedule 2 - Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.</td>
</tr>
<tr>
<td>AMDT NO</td>
<td>GAZETTAL DATE</td>
<td>UPDATED</td>
<td>DETAILS</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>---------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>23/6/17</td>
<td>11/7/17</td>
<td>RC</td>
<td></td>
</tr>
</tbody>
</table>
|         |               |         | Deleted the following parts, clauses, subclauses and schedules from the Scheme Text as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Part 3, Division 2 (and associated Notes); 29AB (1) and (3)-(16); 30 (and associated Notes); 31 (with items (1)(b), (c), (e), (h), (i), and (j) to be moved to a new Schedule A and item (e) to be modified to refer to a heritage list or heritage area rather than the Register of Places of Cultural Heritage Significance); 31A; 33 (and associated Note); 35 (and associated Note); 36 (and associated Note); 40 (and associated Note); 41; 42; 43 (and associated Note); 45 (and associated Note); 46; 46A; 46B; 48; 49 (and associated Note); 53 (with subclasses (2), (3) and (4) to be moved to a new Schedule A); Schedule 3; Schedule 5; Schedule 6. Deleted the following definitions from Schedule 1 of the Scheme Text as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 - Act; advertisement; Chief Executive; conservation; conservation area; cultural heritage significance; heritage agreement; owner; place; premises; register of places of cultural heritage significance; Residential Design Codes; Residential Planning Codes; Scheme area; substantially commenced.
<p>|         |               |         | Amended the following clauses in the Scheme Text by removing reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – 18(2), 32(1), 37(2), 38(3), 39(1) 39A(1), Schedule 7 Area ‘BD1’. Deleted Notes from the following clauses – 3, 13, 14, 16, 18, 24, 47, 50 and 52. Deleted Notes from definitions in Schedule 1 – ‘land’, ‘lot’ and ‘public authority’. Amended Notes in the following clauses – 10, 11, 14, 15, 16, 34, 47 and 54. Amended Notes in Schedule 1 of the following definitions – ‘development’, ‘dwelling’, ‘grouped dwelling’, ‘residential building’, ‘single bedroom dwelling’, ‘single house’, ‘multiple dwelling’. Deleted references to the following terms in the Scheme Text and Precinct Plans and replace them with the corresponding term throughout - ‘Residential Planning Codes’ with ‘R-Codes’, ‘Totalisator Agency Betting Board Act 1960’ with ‘Racing and Wagering Western Australia Act 2003’, ‘Health Act 1911’ with the ‘Health (Miscellaneous Provisions) Act 1911’, ‘Planning Approval’ (including associated Notes) with ‘Development Approval’. Inserted new Schedule A – Supplemental Provisions to the Deemed Provisions. Renumbered and renamed all remaining Schedules in the Scheme Text as follows: Schedule B - Definitions Schedule C - Additional Uses Schedule D - Advertisements Requiring Development Approval Schedule E - Special Control Areas Replaced cross-references to Schedules 1, 2, 4 and 7 with Schedules B, C, D and E respectively, throughout the Scheme Text (including associated Notes). Amended definitions in the new Schedule B – Definitions – ‘amenities’, ‘Metropolitan Region Scheme’, ‘Western Australian Planning Commission’, and added new definition ‘deemed clause’. Amended clauses 50(1), 52(1) and 52(2). Updated the Scheme Text as necessary to reflect consequential changes, including contents page, clause numbers, page numbers etc. Precinct Plans amended. |
| 76      | 24/11/2017    | 29/11/2017 | GM |
|         |               |         | Inserted A55, No. 18 (Lot 101) Twickenham Road, Burswood on Diagram 77286, Volume 1863, Folio 639 into Schedule 2 – Additional Uses. Modified Town Planning Scheme No. 1 Precinct Plan P3 ‘Causeway Precinct’ by applying to the property known as No. 18 (Lot 101) Twickenham Road, Burswood the notation of ‘A55’ as the Reference Number for that property listed in Schedule 2 - Additional Uses, of the Town Planning Scheme No. 1 Scheme Text. |</p>
<table>
<thead>
<tr>
<th>AMDT NO</th>
<th>GAZETTAL DATE</th>
<th>UPDATED WHEN</th>
<th>BY</th>
<th>DETAILS</th>
</tr>
</thead>
</table>
| 77      | 19/06/2018   | 03/07/2018   | CM | Schedule 1 – amend definition of “Industry”.  
Schedule 1 – amend definition of “Light Industry”  
Amend Schedule 1 – by inserting a use class and the definition of “Service Industry”  
‘Zoning table’ – insert use classes of “Service Industry” and associated permissibility.  
Amend Precinct Plans to reflect the amendment to the Zoning Table in the Scheme Text. (P1 – P13). |
| 80      | 18/04/2019   | 15/05/2019   | AG | 1. Inserting general and land use terms and definitions in Schedule B ‘Definitions’ of the Scheme Text;  
2. Amending general and land use terms definitions in Schedule B ‘Definitions’ of the Scheme Text;  
3. Deleting and replacing general and land use terms and definitions in Schedule B ‘Definitions’ of the Scheme Text;  
4. Deleting general and land use terms and definitions in Schedule B ‘Definitions’ of the Scheme Text;  
5. Replacing the Zoning Table in the Scheme Text with an amended Zoning Table;  
6. Amending extracts of the Zoning Table in all Precinct Plans in accordance with the Zoning Table listed in item 5 above; and  
7. Amending clause 16 (2) of the Scheme Text to replace ‘clause 37’ with ‘clause 28’. |
2. Delete Schedule D ‘Advertisements Requiring Development Approval’ |
# TABLE OF CONTENTS

## PART I - INTRODUCTORY

1. Title ................................................................................................................. 15
2. Commencement .................................................................................................. 16
3. Scheme Documents .......................................................................................... 16
4. Scheme Area ..................................................................................................... 16
5. Responsible Authority ..................................................................................... 16
6. Objectives and Intentions ............................................................................... 16
7. Relationship With Other Laws ........................................................................ 16
8. Minor Town Planning Scheme ........................................................................ 16
9. Repeals ............................................................................................................. 16
10. Definitions ....................................................................................................... 16

## PART 2 - LAND USE

11. Precincts ......................................................................................................... 17
12. Reserves and Scheme Zones .......................................................................... 17
13. Type of Uses ................................................................................................... 17
14. Use of a Town of Victoria Park Scheme Reserve .......................................... 18
15. Use of Land in a Scheme Zone ....................................................................... 18
16. Zoning Table ................................................................................................. 18
17. Unlisted Uses ................................................................................................. 19
18. Additional Uses ............................................................................................. 19
19. Non-conforming Uses ................................................................................... 19
20. Register of Non-conforming Uses ................................................................ 19

## PART 3 - DEVELOPMENT REQUIREMENTS

21. Source of Development Requirements ......................................................... 20
22. Residential Planning Codes ........................................................................... 20
23. Special Application of the Residential Planning Codes R-Codes ................ 20
24. Densities ......................................................................................................... 20
25. Sewerage Connection ..................................................................................... 20

## DIVISION 1 - GENERAL DEVELOPMENT REQUIREMENTS

26. Declaration of Places of Cultural Heritage Significance .............................. 21
27. Declaration of a Conservation Area ............................................................... 21
28. Register of Places of Cultural Heritage Significance ................................... 21
29. Heritage Agreements ..................................................................................... 21
30. Variations to Standards ................................................................................ 21

## DIVISION 2 - PLACES OF CULTURAL HERITAGE SIGNIFICANCE

31. Operation of Special Control Areas ............................................................... 22
32. Building and Design Areas .......................................................................... 22
33. Development Areas And Structure Plans ..................................................... 22

## DIVISION 3 - SPECIAL CONTROL AREAS

34. Need for Planning Approval ........................................................................... 23
35. Exemption from Planning Approval ............................................................... 23
36. Amending or Revoking a Planning Approval ................................................ 23
37. Unauthorised Existing Developments ............................................................. 23
38. Form of Application ....................................................................................... 23
39. Design Advisory Committee ........................................................................ 23
40. Advertising Procedure .................................................................................. 23
41. Determination of Application - General Provisions .................................... 23
42. Determination of Application for an Unlisted Use ........................................ 23
43. Determination of Non-Complying Applications ......................................... 23
44. Determination of Application for Demolition .............................................. 23

---

Town of Victoria Park TPS 1

Page No. 13
39A. 30A. Determination of Application for Advertisement .............................................................. 53
40. Notice of Council Decision ........................................................................................................ 54
41. Term of Planning Approval ...................................................................................................... 54
42. Temporary Planning Approval ................................................................................................ 55
43. Deemed Refusal ...................................................................................................................... 55
44. Revocation of Planning development Approval for Home Occupations .......................... 56
45. Appeals .................................................................................................................................. 56

PART 5 - MISCELLANEOUS ........................................................................................................ 57

46. Local Planning Policies – AMD 68 GG 31/7/15 ........................................................................ 58
46A. Procedure for making or amending a Local Planning Policy – AMD 68 GG 31/7/15 .......... 59
46B. Revocation of Local Planning Policy – AMD 68 GG 31/7/15 ................................................ 60
47. Amendment of other Scheme Documents .......................................................................... 60
48. Agreements and Dealings with Land ...................................................................................... 60
49. Delegation .................................................................................................................................. 61
50. Compensation .......................................................................................................................... 62
51. Election to Purchase and Valuation ....................................................................................... 62

PART 6 - ENFORCEMENT ............................................................................................................. 63

52. Notices ...................................................................................................................................... 64
53. Authorised Entry ....................................................................................................................... 64
54. Offences ...................................................................................................................................... 65

SCHEDULES ....................................................................................................................................... 66

SCHEDULE A: SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS ....................... 67
SCHEDULE 1B: DEFINITIONS ........................................................................................................ 68
SCHEDULE 2 C: ADDITIONAL USES ............................................................................................. 87
SCHEDULE 3: APPLICATION FOR PLANNING APPROVAL .......................................................... 102
SCHEDULE 4 D: ADVERTISEMENTS REQUIRING PLANNING DEVELOPMENT APPROVAL
AMENDED BY AMD 75 GG 23/6/17; DELETED BY AMD 81 GG 25/1/19 ........................................ 103
SCHEDULE 5: NOTICE OF COUNCIL DECISION ................................................................. 104
AMEND BY AMD 75 GG 23/6/17; AMD 81 GG 25/1/19 DELETED BY AMD 75 GG 23/6/17 ... 104
SCHEDULE 6: REGISTER OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE ............... 105
SCHEDULE 7 E: SPECIAL CONTROL AREAS ........................................................................... 106

ADOPTION .................................................................................................................................... 112
# PART I - INTRODUCTORY

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Title</td>
</tr>
<tr>
<td>2.</td>
<td>Commencement</td>
</tr>
<tr>
<td>3.</td>
<td>Scheme Documents</td>
</tr>
<tr>
<td>4.</td>
<td>Scheme Area</td>
</tr>
<tr>
<td>5.</td>
<td>Responsible Authority</td>
</tr>
<tr>
<td>6.</td>
<td>Objectives and Intentions</td>
</tr>
<tr>
<td>7.</td>
<td>Relationship with Other Laws</td>
</tr>
<tr>
<td>8.</td>
<td>Minor Town Planning Scheme</td>
</tr>
<tr>
<td>9.</td>
<td>Repeals</td>
</tr>
<tr>
<td>10.</td>
<td>Definitions</td>
</tr>
</tbody>
</table>
1. TITLE

This Town Planning Scheme may be referred to as the Town of Victoria Park Town Planning Scheme No. 1.

2. COMMENCEMENT

This Scheme commences on the Gazettal date.

3. SCHEME DOCUMENTS

(1) This Scheme comprises the following documents -

(a) The deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2);
(b) the Scheme text;
(c) each of the precinct plans; and
(d) each planning policy; and

(2) If there is any inconsistency between the Scheme text and any other Scheme document, the Scheme text is to prevail.

4. SCHEME AREA

This Scheme applies to the Scheme area which covers all the municipal district of the Town of Victoria Park apart from the area comprising the land known as the "Resort Lands" to which Section 7 of the Casino (Burswood Island) Agreement Act 1985 applies.

5. RESPONSIBLE AUTHORITY

The authority responsible for administering this Scheme is the Council.

6. OBJECTIVES AND INTENTIONS

(1) The Council has prepared this Scheme for the purpose of controlling and guiding development and growth in a responsible manner and which can initiate, accommodate and respond to change.

(2) The overall goal of this Scheme is to ensure that the Town of Victoria Park and its environs will be widely recognised as providing a high level of services and amenities in a friendly and accountable manner.

(3) The general objectives of this Scheme are -

(a) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;
(b) to protect and enhance the health, safety and general welfare of the Town’s inhabitants and the social, physical and cultural environment of the Town;

(c) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which -

(i) recognises the individual character and needs of localities within the Scheme area; and

(ii) can respond readily to change;

(d) to ensure planning at the local level is consistent with the Metropolitan Region Scheme and wider regional planning strategies and objectives;

(e) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;

(f) to promote and safeguard the economic well-being and functions of the Town;

(g) to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which -

(i) makes optimum use of the Town’s growing infrastructure and resources;

(ii) promotes an energy efficient environment; and

(iii) respects the natural environment; and

(h) to promote and safeguard the cultural heritage of the Town by -

(i) identifying, conserving and enhancing those places which are of significance to the Town’s cultural heritage;

(ii) encouraging development that is in harmony with the cultural heritage value of an area; and

(iii) promoting public awareness of cultural heritage generally.
7. **RELATIONSHIP WITH OTHER LAWS**

(1) This Scheme is complementary to, and not a substitute for, the Metropolitan Region Scheme.

(2) Where a provision of this Scheme is inconsistent with a provision of a by-law, the provision of this Scheme prevails.

(3) The Residential Planning Codes R-Codes are to be read as part of this Scheme.

**NOTES:**

1. The “Metropolitan Region Scheme” is defined in Schedule 1B.

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

8. **MINOR TOWN PLANNING SCHEME**

The Council administers the Carlisle Minor Town Planning Scheme No. 3 which is complementary to this Scheme.

9. **REPEALS**

The following written laws are repealed -

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Publication in the Government Gazette</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) City of Perth City Planning Scheme</td>
<td>20 December 1985</td>
</tr>
<tr>
<td>(b) Zoning By-law No 63</td>
<td>10 October 1961</td>
</tr>
</tbody>
</table>

**NOTES:**

The repeal of this Scheme and By-law extends to any amendments to them (see section 33 of the Interpretation Act 1994).

10. **DEFINITIONS**

(1) In this Scheme, unless the context otherwise requires, the words and expressions used have the meanings set out in Schedule 1B.

(2) Where a word or term is defined in the Residential Planning Codes R-Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes R-Codes.

(3) Words and expressions used in the Scheme but not defined in Schedule 1 B, elsewhere in the Scheme or in the Residential Planning Codes R-Codes shall have their normal and common meanings.

**NOTE:**

The definitions of words and expressions set out in Section 2 (1) of the town Planning and Development Act 1928 and Section 6 of the Metropolitan Region Town Planning Scheme Act 1959 the Act are also relevant for the purposes of this Scheme.
PART 2 - LAND USE

11. Precincts
12. Reserves and Scheme Zones
13. Types of Uses
14. Use of a Town of Victoria Park Scheme Reserve
15. Use of Land in a Scheme Zone
16. Unlisted Uses
17. Additional Uses
18. Non-Conforming Uses
19. Register of Non-Conforming Uses
11. PRECINCTS

(1) The Scheme area is divided into the precincts set out in the precinct table at the end of this clause.

(2) For each precinct, there is a precinct plan/or plans.

PRECINCT TABLE

P1  Burswood Peninsula
P2  Burswood
P3  Causeway
P4  McCallum
P5  Raphael
P6  Victoria Park
P7  Lathlain
P8  Carlisle
P9  Welshpool
P10 Shepperton
P11 Albany Highway
P12 East Victoria Park
P13 Curtin

12. RESERVES AND SCHEME ZONES

(1) The land within the Scheme area is classified into either-

(a) a Metropolitan Region Scheme reserve; or

(b) a Town of Victoria Park Scheme reserve; or

(c) one of the following Scheme zones -
   (i) Residential;
   (ii) Residential/Commercial
   (iii) Office/Residential;
   (iv) Local Centre;
   (v) District Centre;
   (vi) Commercial;
   (vii) Industrial
   (viii) Industrial (2); or
   (ix) Special Use.

(2) The classification of land within the Scheme area is shown on the precinct plan in which that land is located.

13. TYPE OF USES

(1) Uses are classified in this Scheme as -

(a) permitted uses (see clauses 14 and 15);

(b) discretionary uses; and

(c) prohibited uses.
14. **USE OF A TOWN OF VICTORIA PARK SCHEME RESERVE**

   (1) A permitted use for a Town of Victoria Park Scheme Reserve is -

      (a) a use which gives effect to the purposes for which the land is reserved under this Scheme; and

      (b) where the land is vested in a public authority, a Commonwealth agency or in the Council a use which gives effect to any purpose for which the land may lawfully be used.

15. **USE OF LAND IN A SCHEME ZONE**

   (1) The Scheme Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various Zones. The permissibility of any use 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.

   The symbols used in the cross reference in the Zoning Table have the following meanings:

   - “P” means that the use if permitted by the Scheme.
   - “AA” means that the use is not permitted unless the Council has granted planning development approval.
   - “X” means a use that is not permitted by the Scheme.

   (2) Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other Use Class which by its more general term might otherwise include such particular use.

**NOTE:**

1. “public authority” and “Commonwealth agency” and the “Council” are defined in Schedule 1 B.

2. Planning approval is granted by the Council under Part 4 of this Scheme.

**NOTE::**

Planning Development approval is required for most uses (see clauses 30 and 31) deemed clauses 60 and 61).

**AMENDED BY AMD 75 GG 23/6/17**
<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zone</th>
<th>Residential</th>
<th>Residential/Commercial</th>
<th>Office/Residential</th>
<th>Local Centre</th>
<th>District Centre</th>
<th>Commercial</th>
<th>Industrial (1)</th>
<th>Industrial (2)</th>
<th>Special Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consulting Rooms, Day Care Centre</td>
<td></td>
<td>AA</td>
<td>P</td>
<td>P/X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Convenience Store, Service Station</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
</tr>
<tr>
<td>Educational Establishment, Place of Worship</td>
<td></td>
<td>AA</td>
<td>AA</td>
<td>AA/X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
</tr>
<tr>
<td>Fast Food Outlet, Restaurant AMD 44 GG 29/7/09</td>
<td></td>
<td>X</td>
<td>AA</td>
<td>P/X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>General Industry, Transport Depot</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hazardous Industry, Noxious Industry</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Home Occupation AMD 4 GG 6 1/02, AMD 44 GG 29/7/09</td>
<td></td>
<td>AA</td>
<td>AA</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Home Office AMD 4 GG 6 1/02, AMD 44 GG 29/7/09</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hospital, Nursing Home, Residential Building</td>
<td></td>
<td>AA</td>
<td>AA</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
</tr>
<tr>
<td>Hotel, Motel, Tavern AMD 41 GG 29/7/09</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Light Industry</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Liquor Store-Small AMD 61 GG 14/11/14</td>
<td></td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Liquor Store-Large AMD 61 GG 14/11/14</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lodging House, Serviced Apartment AMD 41 GG 29/7/09</td>
<td></td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Massage Rooms</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicles and Marine Sales Premises, Open Air Sales and Display AMD 17 GG 3/08 AMD 49 GG 18/11</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Nightclub – AMD 3 GG 2/2/01</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Restricted Premises AMD 41 GG 31/1/01 AMD 44 GG 29/7/09</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Service Industry AMD 37 GG 1/8/16</td>
<td></td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Single Bedroom Dwelling AMD 39 GG 10/7/07</td>
<td></td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
</tr>
<tr>
<td>Shop – AMD 44 GG 29/7/09</td>
<td></td>
<td>X</td>
<td>P</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Showroom – AMD 44 GG 29/7/09</td>
<td></td>
<td>X</td>
<td>P</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Single House, Grouped Dwelling, Aged or Dependent Persons' Dwelling, Multiple Dwelling – AMD 44 GG 29/7/09</td>
<td></td>
<td>X</td>
<td>P</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Refer to provisions in Precinct Plan

AMENDED BY AMD 80 GG 14/04/19
<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zone</th>
<th>Residential</th>
<th>Residential/Commercial</th>
<th>Office/Residential</th>
<th>Local Centre</th>
<th>District Centre</th>
<th>Commercial</th>
<th>Industrial (1)</th>
<th>Industrial (2)</th>
<th>Special Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement Parlour</td>
<td>X</td>
<td>AA</td>
<td>AA/X^2</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Animal Establishment</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Animal Husbandry - Intensive</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Art Gallery</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
</tr>
<tr>
<td>Betting Agency</td>
<td>X</td>
<td>AA</td>
<td>P/X^2</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Brewery</td>
<td>X</td>
<td>X</td>
<td>AA/X^2</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Bulky Goods Showroom</td>
<td>X</td>
<td>P</td>
<td>P/X^2</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Car Park</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Child Care Premises</td>
<td>AA</td>
<td>P</td>
<td>P/X^2</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Cinema/Theatre</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Civic Use</td>
<td>X</td>
<td>AA</td>
<td>AA/X^2</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Club Premises</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Commercial Vehicle Parking</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Community Purpose</td>
<td>AA</td>
<td>AA</td>
<td>AA/X^2</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Consulting Rooms</td>
<td>AA</td>
<td>P</td>
<td>P/X^2</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Convenience Store</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Educational Establishment</td>
<td>AA</td>
<td>AA</td>
<td>AA/X^2</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Exhibition Centre</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Family Day Care</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Fast Food Outlet</td>
<td>X</td>
<td>AA</td>
<td>P/X^2</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>X</td>
<td>AA</td>
<td>AA/X^2</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>General Industry</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Grouped Dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hazardous Industry</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Home Occupation</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Home Office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Home Store</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>AA</td>
<td>AA</td>
<td>AA/X^2</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Light Industry</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Liquor Store-Small</td>
<td>X</td>
<td>P</td>
<td>AA</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Liquor Store-Large</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lunch Bar</td>
<td>X</td>
<td>AA</td>
<td>P/X^2</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td>X</td>
<td>AA</td>
<td>AA/X^2</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Massage Rooms</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicles and Marine Sales Premises</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Motor Vehicle Repair</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Wash</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Multiple Dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Noxious Industry</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>AA</td>
<td>AA</td>
<td>AA/X^2</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place of Worship</td>
<td>AA</td>
<td>AA</td>
<td>AA/X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reception Centre</td>
<td>X</td>
<td>AA</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation - Private</td>
<td>X</td>
<td>AA</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Building</td>
<td>AA</td>
<td>AA</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant/Cafe</td>
<td>X</td>
<td>AA</td>
<td>P/X</td>
<td>AA/</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted Premises</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X/AA</td>
<td>X/AA</td>
<td>AA</td>
<td>AA X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serviced Apartment</td>
<td>AA</td>
<td>AA</td>
<td>P/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Industry</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>AA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Station</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>X</td>
<td>P</td>
<td>AA/X</td>
<td>AA/</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single House</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>AA</td>
<td>AA</td>
<td>P</td>
<td>X</td>
<td>XX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Bar</td>
<td>X</td>
<td>AA</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td>X</td>
<td>X</td>
<td>X/AA</td>
<td>X</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport Depot</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telecommunications Infrastructure</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary Centre</td>
<td>X</td>
<td>AA</td>
<td>AA/X</td>
<td>AA</td>
<td>AA</td>
<td>AA</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse/Storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>AA</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Footnotes:**

1. Multiple Dwellings are only permitted in areas coded R40 and above, and in addition are subject to clause 22 Special Application of the Residential Planning Codes R-Codes. AMENDED BY AMD 75 GG 23/6/17
2. The “Prohibited Use” notation applies to the Office/Residential Zone within Precinct P10 - Shepperton Precinct.
3. The “Discretionary Use” notation applies to the Office/Residential Zone within Precinct P3 - Causeway Precinct. AMD 44 GG 29/7/09
4. The 'Discretionary Use' notation only applies to the Office/Residential Zone within Precinct P3 - Causeway Precinct. “Shop” uses should primarily be limited to "Area 8 - Retail Hub Overlay" with the total shop floor space within the Precinct being limited to 1400m². AMD 43 GG 31/10/08; AMD 44 GG 29/7/09;
5. The “Discretionary Use” notation only applies to the Albany Highway Gateway Commercial zone and the East Victoria Park Gateway Shopping Area District Centre zone located within Precinct P11–Albany Highway Precinct, and the Commercial zone located within Precinct P4–McCallum Precinct. AMD 48 GG 25/01/11
6. The “Prohibited Use” notation applies to the Commercial Zone within Precinct P11 – Albany Highway Precinct. AMD 60 GG 19/8/14
16. **UNLISTED USES**

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use Class categories the Council may:

1. determine that the use is consistent with the objectives and purposes of the particular Zone and is therefore permitted; or

2. determine that the proposed use may be consistent with the objectives and purposes of the Zone and thereafter follow the advertising procedures of clause 37 clause 28 in considering an application for planning development approval; or

3. determine that the use is not consistent with the objectives and purposes of that particular Zone and is therefore not permitted.

17. **ADDITIONAL USES**

1. An additional use is a use which, in relation to a specific site -
   
   a) is a prohibited use in the precinct in which that use is located;

   b) is listed, with reference to that site, in Schedule 2 C; and

   c) is taken, as the result of its listing in Schedule 2 C, to be a permitted use for that site subject to the conditions, if any, set out in Schedule 2 C in respect of that use, AMENDED BY AMD 75 GG 23/6/17

2. The Council may -

   a) after receiving an application for planning development approval involving a prohibited use; or

   b) at any other time, initiate an amendment to Schedule 2 C of this Scheme to add, amend or delete an additional use to the site to which it applies or one or more conditions to which that use is subject, AMENDED BY AMD 75 GG 23/6/17

3. The Council is not to initiate an amendment under subclause (2) unless it is satisfied that -

   a) a development involving the proposed additional use would be consistent with -

   i) the orderly and proper planning of the locality;
(ii) the conservation of the amenities of the locality; and  

(iii) the statement of intent set out in the relevant precinct plan.

(b) the use of the specific site for that purpose would not have any undue adverse effect on -  

(i) the occupiers and users of the development;  

(ii) the property in, or the inhabitants of, the locality; or  

(iii) the likely future development of the locality.

18. **NON-CONFORMING USES**

(1) Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

(a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme;

(b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or 

(c) the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.

(2) A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning development approval of the Council under the Scheme and unless in conformity with any other provision and requirements contained in the Scheme. All applications for planning development approval under this clause will be subject to notice under clause 35 deemed clause 64 and the Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.  

(3) Notwithstanding anything contained in the Zoning Table, the Council may grant its planning development approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the Zone or Reserve.  

(4) When a non-conforming use of any land or buildings has been discontinued for a period of six months or more...
such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

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

(6) When a building used for a non-conforming use is destroyed to 75 per cent or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use, or in a manner not permitted by the Scheme, except with the planning development approval of the Council.

AMENDED BY AMD 75 GG 23/6/17

19. REGISTER OF NON-CONFORMING USES

(1) A person who wishes the Council to record a non-conforming use may submit to the Council in writing full details of the nature, location and extent of the non-conforming use.

(2) Where the Council is satisfied that a non-conforming use exists, it is to record, in a register of non-conforming uses, details of each non-conforming use.

(3) A copy of the register of non-conforming uses is to be -

(a) kept at the offices of the Council; and

(b) made available for public inspection during office hours.
PART 3 - DEVELOPMENT REQUIREMENTS

Division 1 - General Development Requirements

<table>
<thead>
<tr>
<th></th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td>Source of Development Requirements</td>
</tr>
<tr>
<td>21.</td>
<td>Residential Planning Codes, R-Codes</td>
</tr>
<tr>
<td>22.</td>
<td>Special Application of the Residential Planning Codes, R-Codes</td>
</tr>
<tr>
<td>23.</td>
<td>Densities</td>
</tr>
<tr>
<td>24.</td>
<td>Sewerage Connection</td>
</tr>
</tbody>
</table>

Division 2 - Places of Cultural Heritage Significance

<table>
<thead>
<tr>
<th></th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.</td>
<td>Declaration of Places of Cultural Heritage Significance</td>
</tr>
<tr>
<td>26.</td>
<td>Declaration of a Conservation Area</td>
</tr>
<tr>
<td>27.</td>
<td>Register of Places of Cultural Heritage Significance</td>
</tr>
<tr>
<td>28.</td>
<td>Heritage Agreements</td>
</tr>
<tr>
<td>29.</td>
<td>Variations to Standards</td>
</tr>
<tr>
<td>29A.</td>
<td>25A. Operation of Special Control Areas</td>
</tr>
<tr>
<td>29AA.</td>
<td>25AA. Building and Design Areas</td>
</tr>
<tr>
<td>29AB.</td>
<td>25AB. Development Areas and Structure Plans</td>
</tr>
</tbody>
</table>

AMENDED BY AMD 75 GG 23/6/17
DIVISION 1 - GENERAL DEVELOPMENT REQUIREMENTS

20. SOURCE OF DEVELOPMENT REQUIREMENTS

Unless otherwise consistent with a planning development approval, the development of land is to be in accordance with the standards and requirements contained in this Scheme text, the precinct plan applying to the land proposed to be developed, the planning policies, Council registers, and the Residential Planning Codes R-Codes.

AMENDED BY AMD 75 GG 23/6/17

21. RESIDENTIAL PLANNING CODES

(1) For the purposes of this Scheme, “Residential Planning Codes” means the Residential Planning Codes set out in Appendix 2 Statement of Planning Policy No. 1, together with any amendments thereto. R-Codes is defined in deemed clause 1.

(2) A copy of the Residential Planning Codes R-Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.

(3) Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes R-Codes shall conform to the provisions of those Codes.

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

AMENDED BY AMD 75 GG 23/6/17

22. SPECIAL APPLICATION OF THE RESIDENTIAL PLANNING CODES R-CODES

Notwithstanding the provisions of the Residential Planning Codes R-Codes the following special applications of the Residential Planning Codes R-Codes apply:

(1) Victoria Park Precinct - Multiple dwellings are not permitted within areas coded Residential R40;

(2) Lathlain Precinct - Within the area codes Residential R40/R60, development to a maximum dwelling density of Residential R60 will only be permitted where two or more of the lots are amalgamated; and

AMENDED BY AMD 75 GG 23/6/17

(3) Shepperton Precinct -

(a) in the area north of Shepperton Road and west of Oats Street, coded Residential R40, multiple dwellings are not permitted; and
(b) in the area south of Shepperton road and west of Dane Street coded Residential R40, multiple dwellings are not permitted.

(4) Sunbury Park Precinct -

Setback, building heights, plot ratio and site coverage shall comply with be guided by the Site Design Guidelines for Sunbury Park - Part A and Part B as contained in the Town of Victoria Park Town Planning Scheme No. 1 - Policy Manual, planning policies.

AMD 2 GG 26/10/99; AMD 69 GG 2/12/16

(5) Causeway Precinct - development requirements shall comply with be guided by the Development Standards for Causeway Precinct as contained in the Town of Victoria Park Town Planning Scheme No. 1 - Policy Manual, planning policies. AMD 44 GG 29/7/09; AMD 69 GG 2/12/16

(6) East Victoria Park Precinct – AMD 49 GG 8/3/13

(a) in the area bounded by Lennard Street, Berwick Street, McMillan Street and Hordern Street coded Residential R40, multiple dwellings are not permitted.

(b) in the area bounded by Kent Street, Berwick Street, Basinghall Street, Moorgate Street and Gloucester Street, coded Residential R40, multiple dwellings are not permitted.

(7) Burswood Peninsula Precinct – in the area north of the Graham Farmer Freeway (known as the Belmont Park Racecourse Site and included in the Special use zone), all residential densities shall be as shown on an adopted structure plan and site and development requirements shall comply with that included in the adopted structure plan for the site. AMD 57 GG 22/2/13

23. DENSITIES

(1) The permitted site dwelling density per hectare under the Residential Planning Codes R-Codes for any land is to be determined by reference to the Residential Planning Codes R-Codes density number, as illustrated on the relevant Precinct Plan, for that land.

AMENDED BY AMD 75 GG 23/6/17

(2) Subject to compliance with the procedures set out in the Residential Planning codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if the proposed development affects the discontinuance of a non-conforming use.

DELETED BY AMD 48 GG 25/01/11

(3) Where the Council allows an increase in the permitted dwelling density, the standards and provisions of the Residential Planning Codes which relate to that higher density are to apply.

DELETED BY AMD 48 GG 25/01/11

(2) Land developed for the purpose of serviced apartments, hotels, motels, or other similar short term commercial
accommodation, is to conform with the standards and requirements applicable to multiple dwellings under the Residential Planning Codes R-Codes for the dwelling density illustrated on the relevant Precinct Plan for that land. AMD 48 GG 25/01/11; AMENDED BY AMD 75 GG 23/6/17

24. SEWERAGE CONNECTION

(1) Notwithstanding any provision on this Scheme to the contrary, all residential developments are to be connected to a comprehensive sewerage system, if one is available. 

(2) Where no comprehensive sewerage system is available, the Council is not to grant planning development approval for any residential development, other than the erection of a single house, unless the proposed development complies with the requirements of the Government Sewerage Policy. AMENDED BY AMD 75 GG 23/6/17

NOTE:
"Gazettal date" is defined in Schedule 1.
DELETED BY AMD 75 GG 23/6/17
DIVISION 2 - PLACES OF CULTURAL HERITAGE SIGNIFICANCE

25. DECLARATION OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

(1) If in the opinion of the Council a place-

(a) is of cultural heritage significance or possesses special interest related to or associated with the cultural heritage; and

(b) should be conserved or enhanced,

the Council may by resolution declare the place to be significant and worthy of conservation.

(2) In considering a proposal to declare a place as significant and worthy of conservation, the Council is to-

(a) give the owner and occupier of the place-

(i) details of the proposal; and

(ii) 14 days, or such further time as the Council may determine, to make a written submission to the Council about the proposal; and

(b) take into account any written submission duly made under this clause.

(3) Where the Council declares a place to be significant and worthy of conservation, it is to give notice of its declaration to the heritage Council of Western Australia and the owner and occupier of the place.

(4) In this clause, the power to declare a place significant and worthy of conservation includes the power to amend or revoke a declaration of that type.

26. DECLARATION OF A CONSERVATION AREA

(1) If, in the opinion of the Council, it is necessary or appropriate to have special planning controls to conserve or enhance the cultural heritage significance of an area, the Council may, by resolution, declare that area to be a conservation area.

(2) In considering a proposal to declare an area to be a conservation area, Council is to-

(a) give the owner and occupier of the place-

(i) details of the proposal; and

(ii) 28 days to make a written submission to the Council about the proposal; and

(b) take into account any written submission made within 28 days under this clause.

(3) The Council may adopt for each conservation area a planning policy.

NOTE:

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

DELETED BY AMD 75 GG 23/6/17

REFER TO THE DEEMED PROVISIONS, PART 3 - HERITAGE PROTECTION
(4) Where the Council declares an area to be a conservation area and adopts a planning policy for that area, it is to give notice of its declaration and, when available, a copy of the planning policy to—

(a) each of the owners and occupiers of land within that area; and

(b) the Heritage Council of Western Australia.

(5) In this clause, the power to declare an area to be a conservation area includes the power to amend or revoke a declaration of that type.

27. REGISTER OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

(1) The Council is to record in a register of places of cultural heritage significance, a list of places which—

(a) are the subject of a declaration under clause 25;

(b) are being considered for the purposes of a declaration under clause 25; or

(c) are the subject of a declaration under clause 26.

(2) A copy of the register is to be—

(a) kept at the offices of the Council; and

(b) made available for public inspection during office hours.

28. HERITAGE AGREEMENTS

The Council may, in accordance with the Heritage of Western Australia Act 1990, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

NOTES:
1. A heritage agreement may include a covenant intended to run with the land, relating to the development or use of the land or any part of the land.
2. A heritage agreement may be entered into whether or not the place to which it applies is listed in the Register of Places of Cultural Heritage Significance.
3. Detailed provisions relating to heritage agreements are set out in Section 29 of the Heritage of Western Australia Act 1990.

DELETED BY AMD 75 GG 23/6/17

29. VARIATIONS TO STANDARDS

(1) Where a development is proposed which would—

(a) conserve or enhance the whole or part of a conservation area or a place which has been declared by the Council to be significant and worthy of conservation; and

(b) not adversely affect the cultural heritage significance of the conservation area or place, the Council may grant, by way of planning approval, modifications to any development requirement specified in this Scheme or in the Residential Planning Codes including—

(c) in respect of a residential development—an increase of up to 50% from the specified maximum dwelling density; and
(d) in respect of a non-residential development—a
increase of up to 10% from the specified maximum
plot ratio; and
as long as the increase or variation would not
adversely affect the cultural heritage significance of
that, or any other, conservation area or place
including the streetscape or precinct in which it is
located.

(2) The Council is not to grant planning approval for a
development that requires the grant, under subclause (1),
of a modification which might, in the Council’s opinion,
significantly affect an adjoining property or a property in
the general locality unless—

(a) the application seeking the incentive or bonus is
advertised in accordance with clause 35; and

(d) any submissions duly received in response to that
advertising are considered by the Council.

DELETED BY AMD 75 GG 23/6/17

DIVISION 3 – SPECIAL CONTROL AREAS

AMD 30 GG 17/2/04

29A. 25A. OPERATION OF SPECIAL CONTROL AREAS

AMENDED BY AMD 75 GG 23/6/17

(1) The following Special Control Areas are shown on the
Scheme Map:

(a) Building and Design Areas shown on the
Precinct Plans as BD with a number and
included in Schedule 7 E.

AMD 24 GG 18/2/05; AMENDED BY AMD 75 GG 23/6/17

(b) Development Areas shown on the Precinct
Plans as DA with a number and included in
Schedule 7 E.

AMD 23A GG 6/4/04; AMENDED BY AMD 75 GG 23/6/17

(2) In respect of a Special Control Area shown on Precinct
Plans, the provisions applying to the Special Control
Area apply in addition to the provisions applying to any
underlying zone or reserve and any general provisions
of the Scheme.
29AA. BUILDING AND DESIGN AREAS

Schedule Z E describes the Building and Design Areas in more detail and sets out the purpose and particular requirements that may apply to the Building and Design Areas.

29AB. DEVELOPMENT AREAS AND STRUCTURE PLANS

(1) Interpretation

In clause 29AB, unless the context otherwise requires:

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

‘Structure Plan’ means a Structure Plan that has come into effect in accordance with clause 29AB(12)(a).

(2)(1) Purpose of Development Areas

(a) The purpose of Development Areas are to:

(i) identify areas requiring comprehensive planning; and

(ii) coordinate subdivision and development in areas requiring comprehensive planning.

(b) Schedule Z E describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

(3) Subdivision and Development in Development Areas

(a) The development of land within a Development Area is to comply with Schedule 7.

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

(4) Structure Plan Required

(a) The local government is not to:

(i) consider recommending subdivision; or

(ii) approve development of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.
(b) Notwithstanding clause 29AB(4)(a), a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.

(5) Preparation of Proposed Structure Plans

(a) A proposed structure plan may be prepared by:

(i) the local government; or

(ii) an owner.

(b) A proposed structure plan may be prepared for all, or part of, a Development Area.

(6) Details of Proposed Structure Plan

(a) A proposed structure plan is to contain the following details:

(i) a map showing the area to which the proposed structure plan is to apply;

(ii) a site analysis map showing the characteristics of the site including:

- landform, topography, and capability;
- conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserve and any environmental policy areas;
- hydrogeological conditions including approximate depth to water table;
- sites and features of Aboriginal and European heritage value;

(iii) a context analysis map of the immediate surrounds to the site including:

- the pattern of the neighbourhoods, and existing and planned neighbourhoods, town and regional centres;
- transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
- existing and future land use;
(iv) for district structure plans a map showing proposals for:
- the pattern of neighbourhoods around town and neighbourhood centres;
- arterial routes and neighbourhood connector streets;
- the protection of natural features such as water courses and vegetation;
- major open spaces and parklands;
- major public transport routes and facilities;
- the pattern and disposition of land uses;

(v) for local structure plans a map showing proposals for:
- neighbourhoods around proposed neighbourhoods and town centres;
- existing and proposed commercial centres;
- natural features to be retained;
- street block layout;
- the street network including street types;
- transportation corridors, public transport network, and cycle and pedestrian networks;
- land uses including residential densities and estimates of population;
- schools and community facilities;
- public parklands; and
- urban water management areas;

(vi) a written report to explain the mapping and to address the following:
- the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
- the site analysis including reference to the matters listed in clause 29AB(6)(a)(ii) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
- the context analysis including reference to the matters listed in clause 29AB(6)(a)(iii) above;
how planning for the structure plan area is to be integrated with the surrounding land;

• the design rationale for the propose pattern of subdivision, land use and development;

• traffic management and safety;

• parkland provision and management;

• urban water management;

• proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;

• the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.

(b) The maps referred to in clause 29AB(6)(a) are to:

(i) be drawn to a scale that clearly illustrates the details referred to in clause 29AB(6)(a); and

(ii) include a north point, visual bar scale, key street names and a drawing title and number.

(c) A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Planning Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Planning Codes when recommending subdivision or approving development of land within a Development Area.

(d) A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

(7) Submission to Local Government and Commission

(a) A proposed structure plan prepared by an owner is to be submitted to the local government.

(b) Within 7 days of preparing or receiving a propose structure plan which proposes the subdivision of land, the local government is to forward a copy of the propose structure plan to the Commission.

(c) The Commission is to provide comments to the local government as to whether it is prepared to endorse the propose structure plan with or without modifications.
(d) The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

(8) Advertising of Structure Plan

(a) Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 29AB(6) and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:

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

- notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
- a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and

(ii) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:

- all owners whose land is included in the proposed structure plan;
- all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
- such public authorities and other persons as the local government nominates.

(b) The advertisement and notice are to:

(i) explain the scope and purpose of the proposed structure plan;

(ii) specify when and where the proposed structure plan may be inspected; and

(iii) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
(9) **Adoption of Proposed Structure Plan**

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

(i) adopt the proposed structure plan, with or without modifications; or

(ii) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

(b) (i) In making a determination under clause 29AB(9)(a), the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

(ii) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 29AB(9)(a).

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

(i) readvertise the proposed structure plan; or

(ii) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 29AB(8)(a) onwards are to apply.

(d) If within the period referred to in clause 29AB(9)(a), or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 29AB(9)(a), the local government is deemed to have refused to adopt the proposed structure Plan.

(10) **Endorsement by Commission**

(a) If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 29AB(9)(a), the local government is to forward the proposed structure plan to the Commission for its endorsement.

(b) As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.
(c) The Commission is to notify the local government of its determination under clause 29AB(10)(b).

(11) Notification of Structure Plan

(a) As soon as practicable after adopting a proposed structure plan under clause 29AB(9)(a) and if clause 29AB(10) applies, as soon as practicable after being notified of the Commission’s decision under clause 29AB(10)(c), the local government is to forward a copy of the structure plan to:

(i) any public authority or person that the local government thinks fit; and

(ii) where the structure plan was submitted by an owner, to the owner.

(12) Operation of Structure Plan

(a) A structure plan comes into effect:

(i) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 29AB(10)(b); or

(b) If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

(c) Where land is within the area of a Structure Plan

(i) which specifies land use permissibility, then the land use permissibility in the Structure Plan will apply to that land and not the land use permissibility which would otherwise apply to the land under the Scheme; and

(ii) Which stipulates standards and requirements for development of land, then the standards and requirements for development in the Structure Plan will apply to that land and not any standards and requirements of the same kind which would otherwise apply to the land under the Scheme. Any standards or requirements of a kind which are provided for in the Scheme but not provided for in the Structure Plan shall continue to apply to the land.
(13) Inspection of Structure Plan

(a) The structure plan and the Commission’s notification under clause 29AB(10)(c) is to be kept at the local government’s administrative offices, and is to be made available for inspection by any member of the public during office hours.

(14) Variation to Structure Plan

(a) The local government may vary a structure plan:

(i) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;

(ii) otherwise, in accordance with the procedures set out in clause 29AB(6) onwards.

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

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

(d) As soon as practicable after receiving the copy of the variation referred to in clause 29AB(14)(c), the Commission is to determine whether to endorse the proposed variation.

(e) The Commission is to notify the local government of its determination under clause 29AB(14)(d).

(f) A variation to a structure plan by resolution comes into effect:

(i) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 29AB(14)(d), or

(ii) on the day on which the local government resolves to make the variation under clause 29AB(14)(a)(ii).
(15) Detailed Area Plan

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

(i) the local government; or

(ii) an owner.

(b) A detailed area plan may include details as to:

(i) building envelopes;

(ii) distribution of land uses within a lot;

(iii) private open space;

(iv) services;

(v) vehicular access, parking, loading and unloading area, storage yards and rubbish collection closures;

(vi) the location, orientation and design of buildings and the space between buildings;

(vii) advertising signs, lighting and fencing;

(viii) landscaping, finished site levels and drainage;

(ix) protection of sites of heritage, conservation or environmental significance;

(x) special development controls and guidelines; and

(xi) such other information considered relevant by the local government.

(c) When a proposed detailed area plan is prepared under clause 29AB(15)(a), the local government is to:

(i) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways:
• notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;

• a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and

(ii) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to:

• all owners whose land is included in the proposed detailed area plan;

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

• such public authorities and other persons as the local government nominates.

(d) The advertisement and notice are to:

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

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

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

(e) The local government is to consider all submissions received and:

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

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

(f) If within 60 days of receiving a detailed area plan prepared under clause 29AB(15)(a)(ii), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 29AB(15)(e), the local government is deemed to have refused to approve the detailed area plan.

(g) On approved by the local government, the detailed area plan constitutes a variation of the structure plan.
The local government may vary a detailed area plan in accordance with the procedures set out in clause 29AB(15) onwards provided such variations do not prejudice the intention of any related structure plan.

(16) Appeal

(a) An owner who has submitted a proposed structure plan under clause 29AB(7)(a) may appeal, under Part V of the Town Planning Act:

(i) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 29AB(8)(a);

(ii) any determination of the local government:
- to refuse to adopt a proposed structure plan (including a deemed refusal); or
- to require modifications to a proposed structure plan that are unacceptable to that owner.

(b) An owner who has submitted a detailed area plan in accordance with clause 29AB(15) may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the local government under clause 29AB(15).

DELETED BY AMD 75 GG 23/6/17
PART 4 - PLANNING DEVELOPMENT APPROVAL AMENDED BY AMD 75 GG 23/6/17

30. Need for Planning Approval
31. Exemption from Planning Approval
32. 26. Unauthorised Existing Developments
33. Form of Application
34. 27. Design Advisory Committee
35. Advertising Procedure
37. 28. Determination of Application for an Unlisted Use
38. 29. Determination of Non-Complying Applications
39. 30. Determination of Application for Demolition
39A. 30A. Determination of Application for Advertisement
40. Notice of Council Decision
41. Term of Planning Approval
42. Temporary Planning Approval
43. Deemed Refusal
44. 31. Revocation of Planning Development Approval for Home Occupations
45. Appeals

AMENDED BY AMD 75 GG 23/6/17
30. NEED FOR PLANNING APPROVAL

(1) A person shall not begin or continue development of any land or building in the Scheme area, unless it is a development exempted by clause 31, without first having applied for and obtained planning approval.

(2) To avoid any doubt, development for which planning approval is required includes both use (which is the subject of Part 2 of this Scheme) and development (which is the subject of Part 3).

31. EXEMPTION FROM PLANNING APPROVAL

(1) Planning approval is not required for the following development:

(a) building or other work for the alteration of any building or structure where those works affect only its interior or do not materially affect its external appearance unless the building or structure is:

(i) located in a place that has been entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;
(ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990; or
(iii) listed in the Register of Places of Cultural Heritage Significance; or

(b) building or other work carried out by the Town, a public authority or a Commonwealth agency in connection with the maintenance or improvement of a public street; or

(c) building or other work carried out by the Town, a public authority or a Commonwealth agency in connection with any public utility; or

(d) development on a Metropolitan Region Scheme Reserve; or

(e) all advertisements with the exception of land, buildings, objects, structures and places included on the Register of Places of Cultural Heritage Significance and those advertisements listed in Schedule 4; or

(f) a home office; AMD 6 GG 8/10/02

(g) a change in the use of land or a building where the new use and the last approved use are within the same Use Class that does not: AMD 6 GG 8/10/02; AMD 39 GG 10/7/07
(i) involve any internal works that alter the approved use areas; or

(ii) involve any external building works or that alters the external appearance of the building; or

(h) the use of land in a reserve, where such land is held by the Council or vested in a public authority.

AMD 6 GG 8/10/02

(i) for the purpose for which the land is reserved under the Scheme; or

(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.

(i) a family day care service for five children or less, when operated within the hours of 7am and 7pm by no more than one person in addition to any occupier of the dwelling. AMD 15 GG 4/2/03

(j) a satellite dish with a diameter of 1.0 metre or less not visible from the street. AMD 39 GG 10/7/07

DELETED BY AMD 75 GG 23/6/17

31A AMENDING OR REVOKING A PLANNING APPROVAL

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

AMD 63 GG 09/06/15 DELETED BY AMD 75 GG 23/6/17

32. 26 UNAUTHORISED EXISTING DEVELOPMENTS

AMENDED BY AMD 75 GG 23/6/17

(1) Where a development has been, or is being, carried out contrary to clause 30 deemed clause 60, a person may apply to the Council for planning development approval for that development.

(2) If the Council grants planning development approval in respect of an application made under subclause (1), the planning development approval is not to be taken as -

(a) authorising development before the date on which the Council resolved to grant the planning development approval; or

(b) preventing action being taken in respect of the unauthorised development before the date on which the Council resolved to grant planning development approval.

AMENDED BY AMD 75 GG 23/6/17
33. FORM OF APPLICATION

(1) An application for planning approval is to:

(a) be made generally in the form set out in Schedule 3 of the Scheme and contain the information and material set out in the Council’s Planning Policy for application for planning approval and be forwarded to the Council;

(b) be made by the owner of the land on which the development is proposed or a person authorised in writing by the owner to make an application for planning approval; and

(c) include all information, plans and documents required by a provision of this Scheme Text, a Planning Policy or otherwise, to be included in an application for planning approval.

NOTE: The prescribed form of an application for planning approval is set out in Schedule 3 of the Scheme Text.

REFER TO THE DEEMED PROVISIONS, CLAUSE 62 ‘FORM OF APPLICATION’ AND CLAUSE 63 ‘ACCOMPANYING MATERIAL’

34. 27. DESIGN ADVISORY COMMITTEE

(1) The Council may appoint a design advisory committee for the purpose of considering, and advising the Council with respect to, applications.

(2) The design advisory committee may be consulted on design matters relating to development.

35. ADVERTISING PROCEDURE

(1) Where an application involves an unlisted use, the Council is to direct the applicant to advertise the application in any matter that it considers to be appropriate.

(2) Where an application does not involve an unlisted use, the Council may direct the applicant to advertise the application in any manner that it considers to be appropriate.

(3) Written submissions in respect of an application advertised in accordance with this clause are to be lodged with the Council within the period and in the form (if any) prescribed in the relevant advertisement or notice.

(4) The Council may decline to consider a submission that has not been lodged on time or fails to comply with any other requirement applying to it.

(5) In relation to subclause (1) and (2), the Council is authorised to display development plans on the Council’s website for the purposes of advertising the application for public comments.

NOTE: Matters relating to the powers, constitution and procedures of an advisory committee are set out in section 5.8 – 5.18 of the Local Government Act 1995.

AMENDED BY AMD 75 GG 23/6/17

REFERENCES:

1. An application which seeks a variation to a development requirement under clause 29 must also be advertised in accordance with this clause.

2. The Council may make a planning policy under clause 46 setting out advertising requirements and procedures.

DELETED BY AMD 75 GG 23/6/17

REFERENCES:

REFER TO THE DEEMED PROVISIONS, CLAUSE 64 ‘ADVERTISING APPLICATIONS’

DELETED BY AMD 75 GG 23/6/17
36. **DETERMINATION OF APPLICATION—GENERAL PROVISIONS**

(1) The Council may refuse to consider an application which does not comply with the requirements of this Part.

(2) In assessing an application, the Council—

(a) may consult with any person or body; and

(b) is to have regard to any written submissions lodged with the Council under clause 35 (3).

(3) Subject to subclause (4), the Council may—

(a) refuse an application; or

(b) approve an application either—

(i) unconditionally; or

(ii) subject to such conditions as the Council considers to be appropriate.

(4) In respect of an application—

(a) for demolition; or

(b) which must be advertised or which requires the support of the Western Australian Planning Commission or both,

the Council may refuse or approve the application in accordance with clauses 16, 17, or 39 respectively.

(5) Without limiting the scope of the Council's discretion to determine an application under subclause (3), the Council is to have regard to—

(a) The provisions of this Scheme and of any other written law applying within the Scheme area including the Metropolitan Region Scheme;

(b) any relevant planning policy;

(c) any relevant precinct plan;

(d) any Statement of Planning Policy of the Western Australian Planning Commission;

(e) any planning study approved by the Council;

(f) any submission accompanying or related to the application;

(g) the orderly and proper planning of the locality;

(h) the conservation of the amenities of the locality; and

(i) the design, scale and relationship to existing buildings and surroundings of any proposed building or structure.

**NOTE:**

Applications for demolition are dealt with in clause 39.

DELETED BY AMD 75 GG 23/6/17

REFER TO THE DEEMED PROVISIONS, Clause 66 ‘CONSULTATION WITH OTHER AUTHORITIES’, Clause 67 ‘MATTERS TO BE CONSIDERED BY THE LOCAL GOVERNMENT’ AND Clause 68 ‘DETERMINATION OF APPLICATIONS’
37. 28. DETERMINATION OF APPLICATION FOR AN UNLISTED USE

(1) Subject to subclause (2), the Council may refuse or approve an application which involves an unlisted use.

(2) The Council cannot grant planning development approval for a development which involves an unlisted use unless -

(a) the advertising procedure referred to in clause 35 deemed clause 64 has been followed; and

(b) it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in clause 36 (5), deemed clause 67.

38. 29. DETERMINATION OF NON-COMPLYING APPLICATIONS

(1) In this clause -

(a) an application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy or in the relevant Precinct Plan), where the standard or requirement does not provide for any permitted variation, is called a non-complying application; and

(b) a non-complying application does not include an application involving a prohibited use.

(1) In this clause -

(a) An application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy or in relevant Precinct Plan), where that standard or requirement does not provide for variation, is called a "non-complying application";

(b) An application involving a prohibited use, and an application for residential development in a Residential zone, are not non-complying applications for the purpose of item (a) of this subclause(1); and

(c) In the case of development in a Non-Residential zone, notwithstanding that a relevant standard or requirement may provide for variation, an application for such development is to be treated as, and shall be considered always to have been, a non-complying application so as to attract the discretion in this clause 38.

(2) Subject to subclause (3), the Council may refuse or approve a non-complying application.

NOTE:
Unlisted uses are described and identified in clause 16.
(3) The Council cannot grant planning development approval for a non-complying application unless –

(a) if so required by the Council under clause 35 (2), deemed clause 64 the application has been advertised; and

(b) the Council is satisfied by an absolute majority that –

(i) if approval were to be granted, the development would be consistent with -

• the orderly and proper planning of the locality;

• the conservation of the amenities of the locality; and

• the statement of intent set out in the relevant Precinct Plan; and

(ii) the non-compliance would not have any undue adverse affect on -

• the occupiers or users of the development;

• the property in, or the inhabitants of, the locality; or

• the likely future development of the locality.

AMENDED BY AMD 75 GG 23/6/17

39. 30. DETERMINATION OF APPLICATION FOR DEMOLITION

AMENDED BY AMD 75 GG 23/6/17

(1) In considering an application for or involving demolition, the Council is to have regard to the matters listed in clause 36 (5), deemed clause 67 and -

(a) may defer consideration of the application until -

(i) it has granted planning development approval for subsequent development of the relevant site;

(ii) it has issued a building licence for that development; and

(iii) it is satisfied that the subsequent development will commence;

(b) may approve the application, subject to conditions including -

(i) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;

(ii) the screening of the site during redevelopment; and
(iii) where the development that has been approved has not been substantially commenced for a total period of more than six months, the landscaping of or other treatment of the site to the satisfaction of the Council; or

(c) may refuse the application.

AMENDED BY AMD 75 GG 23/6/17

39A. 30A. DETERMINATION OF APPLICATION FOR ADVERTISEMENT

AMD 40 GG 9/2/07; DELETED BY AMD 75 GG 23/6/17

(1) In considering an application for or involving an advertisement, the Council is to have regard to the matters listed in Clause 36(5) deemed clause 67 and -

(a) the impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;

(b) whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs substantially from the background against which the sign is to be displayed.

(c) whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;

(d) whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; and

(e) how many signs are on the land where the sign will be displayed.

AMENDED BY AMD 75 GG 23/6/17

(2) Council may refuse to approve an application, where -

(a) the sign may obstruct the sight lines of a person driving or riding a vehicle or a pedestrian;

(b) the sign may unreasonably distract persons driving or riding vehicles;

(c) the sign may detract from the quality of the streetscape or area where it is to be displayed;

(d) the size of the sign does not appropriately relate to the architectural style, design and size of a building on which the sign is to be displayed;
(e) the colour scheme and materials of the sign are not compatible with the architectural style and design of a building on which the sign is to be displayed;

(f) the colour scheme and materials of the sign are not compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; or

(g) the sign will be additional to other signs on the land where it will be displayed.

40. **NOTICE OF COUNCIL DECISION**

As soon as is practicable after making a decision in relation to an application, the Council is to give the applicant, in writing, generally in the form prescribed in Schedule 5—

(a) notice of the approval or refusal;

(b) the reason or reasons for the approval or refusal;

(e) the conditions, if any, to which approval is subject.

**NOTE:**
The prescribed form of the Notice of Council Decision is set out in Schedule 5 of the Scheme Text.

41. **TERM OF PLANNING APPROVAL**

(1) Subject to subclause (2), a planning approval is valid from the date on which the Council resolved to grant planning approval until expiry of the period, if any, imposed by the Council under clause 42.

(2) A planning approval is to lapse if the development has not been substantially commenced before the expiration of two years, or such further period as the Council may determine, from the date on which the Council resolved to grant planning approval.
42. **TEMPORARY PLANNING APPROVAL**

The Council may, in granting planning approval, limit the period during which the development may be carried out where—

(a) it considers that development in excess of that period might adversely affect the amenities of the locality or the orderly and proper planning of the locality; or

(b) for any other reason it considers that approval ought to be granted for a limited or trial period.

DELETE BY AMD 75 GG 23/6/17

43. **DEEMED REFUSAL**

(1) Subject to subclauses (2) and (3), an application is taken to have been refused where notice of planning approval is not given to the applicant by the Council within—

(a) 60 days of the receipt of the application; or

(b) such further time as may be agreed in writing between the applicant and the Council.

AMD 48 GG 25/01/11

(2) Subject to subclause (3), an application in respect of any place which—

(a) is listed in the Register of Places of Cultural Heritage Significance; or

(b) is being considered, under clause 25 or 26, for the purposes of being declared to be significant and worthy of conservation,

is taken to have been refused where notice of planning approval is not given to the applicant within;

(c) 90 days of the receipt of the application; or

(d) such further time as may be agreed in writing between the applicant and the Council.

AMD 48 GG 25/01/11

(3) Nothing in this clause prevents the Council from making a decision about an application after the expiry of the periods referred to in subclauses (1) and (2).

DELETE BY AMD 75 GG 23/6/17

NOTE:
An applicant for planning approval has a right of appeal where there has been a deemed refusal (see clause 45).
DELETE BY AMD 75 GG 23/6/17
44. 31. REVOCATION OF PLANNING DEVELOPMENT APPROVAL FOR HOME OCCUPATIONS

If, in the case of a planning development approval granted for a Home Occupation, a notice served under clause 52 (1) is not complied with, the Council may, without further notice to the owner or occupier, revoke its planning development approval.

AMENDED BY AMD 75 GG 23/6/17

45. APPEALS

(1) Subject to the provisions of the Act, an applicant for planning approval has a right of appeal against the exercise by the Council of a discretion to—

(a) impose a condition of planning approval; or

(b) refuse to grant planning approval.

AMENDED BY AMD 75 GG 23/6/17

NOTES:

1. The appeal provisions are set out in Part V of the Town Planning and Development Act 1928.

2. An appeal may be either to the Minister for Planning or to the Town Planning Appeal Tribunal.

DELETED BY AMD 75 GG 23/6/17

REFER TO THE DEEMED PROVISIONS, CLAUSE 76 ‘REVIEW OF DECISIONS’
PART 5 - MISCELLANEOUS

46. Planning Policies
47. 32. Amendment of Other Scheme Documents
48. Agreements and Dealings with Land
49. Delegation
50. 33. Compensation
51. 34. Election to Purchase and Valuation

AMENDED BY AMD 75 GG 23/6/17
46. LOCAL PLANNING POLICIES - AMD 68 GG 31/7/15

(1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

(2) A local planning policy -

(a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and

(b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.

(3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

(4) The local government may amend or repeal a local planning policy.

(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

DELETED BY AMD 75 GG 23/6/17
46A. PROCEDURE FOR MAKING OR AMENDING A LOCAL PLANNING POLICY

(1) If the local government resolves to prepare a local planning policy, the local government must advertise the proposed policy as follows—

(a) publish a notice of the proposed policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—

(i) the subject and nature of the proposed policy; and

(ii) the objectives of the proposed policy; and

(iii) where the proposed policy may be inspected; and

(iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;

(b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;

(c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the last day the notice of the policy is published under subclause (1)(a).

(3) After the expiry of the period within which submissions may be made, the local government must—

(a) review the proposed policy in the light of any submissions made; and

(b) resolve to—

(i) adopt the policy with or without modification; or

(ii) not to proceed with the policy.

(4) If the local government resolves to adopt the policy, the local government must publish notice of the policy once in a newspaper circulating in the Scheme area.

(5) A Policy has effect on publication of a notice under subclause (4).

(6) The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government.

(7) Subclauses (1) to (6), with any necessary changes, apply...
46B. REVOCATION OF LOCAL PLANNING POLICY

A local planning policy may be revoked —

(a) by a subsequent local planning policy that —

(i) is prepared in accordance with this Part; and

(ii) expressly revokes the local planning policy;

or

(b) by a notice of revocation —

(i) prepared by the local government; and

(ii) published once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

47. 32. AMENDMENT OF OTHER SCHEME DOCUMENTS

(1) Council may only amend or revoke a Scheme document with the exception of a Council register in accordance with the procedures applying to a town planning scheme amendment. Refer to the Deemed Provisions, Clause 6 'Revocation of Local Planning Policy'.

(2) An amendment to a Council Register may be made by resolution of the Council.

48. AGREEMENTS AND DEALINGS WITH LAND

(1) For the purpose of carrying out this Scheme and ensuring compliance with it, the Council may —

(a) enter into any agreement with any owner, occupier or other person having an interest in land affected by this Scheme;

(b) acquire any land within the Scheme area; and

(c) deal with or dispose of any land which it has acquired.
49. DELEGATION

(1) The Council may, either generally or in a particular case or in a particular class of cases, by resolution passed by an absolute majority of the Council, delegate to

(a) a Committee of the Council; or

(b) an Officer of the Council, any power conferred or duly imposed on the Council under this Scheme.

NOTE:

Sections 58 and 59 of the Interpretation Act 1984 apply to the construction and scope of this delegation power.

REFER TO THE DEEMED PROVISIONS, DIVISION 2 'DELEGATIONS'
50. 33. COMPENSATION

AMENDED BY AMD 75 GG 23/6/17

(1) Except as otherwise provided, the time limit for the making of claims for compensation for injurious affection pursuant to Section 11 of the Act resultant from the making of, or the making of an amendment to the Scheme is six (6) months from the date of publication of the Scheme or the Scheme Amendment in the Government Gazette.

(2) Where, in respect of any application for planning development approval to commence and carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may, within six (6) months of the date of the relevant decision, claim compensation from the Council for injurious affection. AMENDED BY AMD 75 GG 23/6/17

51. 34. ELECTION TO PURCHASE AND VALUATION

AMENDED BY AMD 75 GG 23/6/17

(1) Where compensation for injurious affection is claimed pursuant to clause 50, the Council may, at its option elect to acquire the land so affected instead of paying compensation.

(2) Where the Council elects to acquire the land in respect of which the claim for compensation for injurious affection is made, the Council shall given notice of that election to the claimant by notice in writing within three (3) months of the claim for compensation being made.

(3) Where the Council elects to acquire land as provided in subclause (1), if the Council and the owner of the land are unable to agree as to the price to be paid for the land may be acquired by the Council shall be the value of the land as determined in accordance with sub-clause (4).

(4) The value of the land referred to in subclause (3) shall be the value thereof on the date that the Council elects to acquire the land and that value shall be determined -

(a) by arbitration in accordance with the Commercial Arbitration Act 1985; or

(b) by some other method agreed upon by the Council and the owner of the land,

and the value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to this Scheme.

(5) The Council may deal with or dispose of land acquired for a Council reserve pursuant to the preceding subclause (5) or upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.

NOTES:

1. The reference to the Act is to the Town Planning and Development Act 1928.

21. The “Gazettal date” is defined in Schedule 1B.

AMENDED BY AMD 75 GG 23/6/17
PART 6 - ENFORCEMENT

52. 35. Notice
53. Authorised Entry
54. 36. Offences

AMENDED BY AMD 75 GG 23/6/17
52. 35. NOTICES
AMENDED BY AMD 75 GG 23/6/17

(1) A notice required to be given by the Council under section 10 (1) of the Act is to be a 28 day notice signed by the Chief Executive and sent by registered post to the owner and to any occupier or lessee of the premises affected by the notice.

(2) The Council may recover expenses under section 10 (2) of the Act in any manner in which it is from time to time entitled to recover rates levied by it under the Local Government Act 1995.

AMENDED BY AMD 75 GG 23/6/17

53. AUTHORISED ENTRY

(1) An officer authorised by the Council may, with any assistance required, enter at any reasonable time any building or land to determine whether the provisions of this Scheme have been or are being observed.

(2) An authorised officer exercising the power of entry under subclause (1) or any other person accompanying an authorised officer who-

(a) finds a person committing; or

(b) on reasonable grounds suspects a person of having committed, a breach of a provision of this Scheme,

may ask that person for his or her name and address.

(3) A person who-

(a) in any way opposes the exercise of an authorised officer's power of entry; or

(b) when asked to do so under subclause (2), refuses to state his or her name or address or states a false name or address,

commits an offence.

(4) A person who gives or is suspected of giving a false name or address to the person making the enquiry under subclause (2) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

NOTE:
The reference to the Act is to the Town Planning and Development Act.

DELETED BY AMD 75 GG 23/6/17
54. 36. OFFENCES
AMENDED BY AMD 75 GG 23/6/17

(1) Subject to Part 4 of this Scheme, a person shall not erect, alter or add to a building or use or change the use of any land or building, or permit or suffer any land or building to be used, or the use of any land or building to be changed for any purpose -

(a) other than a purpose permitted or approved of by the Council in the zone in which that land or building is situated;

(b) unless all approvals, consents or licences required by this Scheme or any other law have been granted or issued;

(c) unless all conditions imposed upon the grant or issue of any approval, consent or licence required by this Scheme or any other law have been and continue to be complied with; and

(d) unless all standards laid down and all requirements prescribed by this Scheme or determined by the Council pursuant to this Scheme with respect to that building, or the use of that land or building have been and continue to be complied with.

(2) Where the Council has granted planning development approval for the development of land on a condition which involves the maintenance or continuance of the state or condition of any place, area, matter or thing a person shall not use or permit or suffer the use of that land for any purpose whole the state or condition of that place, area, matter or thing is not being maintained or continued in accordance with that condition.

NOTE:
A person who fails to comply with a provision of this Scheme is guilty of an offence and is subject of the penalty set out in Section 10 (4) of the Town Planning and Development Act 1928, the Act.

AMENDED BY AMD 75 GG 23/6/17
### SCHEDULES

<table>
<thead>
<tr>
<th>Schedule</th>
<th>A</th>
<th>Supplemental Provisions to the deemed provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule 1</td>
<td>B</td>
<td>Definitions</td>
</tr>
<tr>
<td>Schedule 2</td>
<td>C</td>
<td>Additional Uses</td>
</tr>
<tr>
<td>Schedule 3</td>
<td></td>
<td>Application for Planning Approval</td>
</tr>
<tr>
<td>Schedule 4</td>
<td>D</td>
<td>Advertisements Requiring Planning Development Approval</td>
</tr>
<tr>
<td>Schedule 5</td>
<td></td>
<td>Notice of Council Decision</td>
</tr>
<tr>
<td>Schedule 6</td>
<td></td>
<td>Register of Places of Cultural Heritage Significance</td>
</tr>
<tr>
<td>Schedule 7</td>
<td>E</td>
<td>Special Control Areas</td>
</tr>
</tbody>
</table>

AMENDED BY AMD 75 GG 23/6/17; SCHEDULE D DELETED BY AMENDMENT 81 GG 25/1/2019
SCHEDULE A: SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

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

Deemed Clause 61

(6) In accordance with deemed clause 61, for the purposes of the Scheme the following development does not require the development approval of the Council:

(k) building or other work carried out by the Town, a public authority or a Commonwealth agency in connection with the maintenance or improvement of a public street; or

(l) building or other work carried out by the Town, a public authority or a Commonwealth agency in connection with any public utility; or

(m) all advertisements with the exception of land, buildings, objects, structures and places in a heritage area, on a heritage list or those advertisements listed in Schedule D; DELETE BY AMENDMENT 81 – GG 25/1/2019

(om) the use of land in a reserve, where such land is held by the Council or vested in a public authority-

(i) for the purpose for which the land is reserved under the Scheme; or

(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.

(on) a family day care service for five children or less (including any children of the service provider(s)), when operated within the hours of 7am and 7pm by no more than one person in addition to any occupier of the dwelling.

(po) a satellite dish with a diameter of 1.0 metre or less not visible from the street

Deemed Clause 79

(3) An authorised officer exercising the power of entry under subclause (2) or any other person accompanying an authorised officer who -

(a) finds a person committing; or

(b) on reasonable grounds suspects a person of having committed, a breach of a provision of this Scheme may ask that person for his or her name and address.

(4) A person who -

(a) in any way opposes the exercise of an authorised officer’s power of entry; or

(b) when asked to do so under subclause (3), refuses to state his or her name or address or states a false name or address, commits an offence.

(5) A person who gives or is suspected of giving a false name or address to the person making the enquiry under subclause (3) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

INSERTED BY AMD 75 GG 23/6/17
SCHEDULE 1 B : DEFINITIONS

1. In this Scheme, unless the contrary intention appears -

"absolute majority" means in relation to the Council, means a total majority of the members for the time being of the Council, whether present and voting or not;

"Act" means the Town Planning and Development Act 1928; DELETED BY AMD 75 GG 23/6/17

"Act" - Refer definition in clause 1 of the deemed provisions.

"additional use" means a use, in respect of a specific site, listed in Schedule 2 C to which clause 17 applies; AMENDED BY AMD 75 GG 23/6/17

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purpose of an advertisement, announcement or direction and includes any hoarding or similar structure used or adapted for use, for the display of advertisements and "advertising" has a correlative meaning. DELETED BY AMD 75 GG 23/6/17

"advertisement" – Refer definition in clause 1 of the deemed provisions.

"aged or dependent persons’ dwelling" means an independently constructed dwelling for the purpose of accommodating a person who is aged 55 years or over or is a person with a recognised form of handicap requiring special accommodation provisions for independent living or special care. DELETED BY AMD 80 GG 14/04/19

"aged person" has the same meaning given to it in the R-Codes; INSERTED BY AMD 80 GG 14/04/19

"amenity" - Refer definition in clause 1 of the deemed provisions.

"amenities", depending on its context, means -

(a) the expectations of those living and working in an area about the quality of their environment including its pleasantness, character, beauty, harmony in the exterior design of buildings, privacy and security; or

(b) facilities providing use, convenience or enjoyment; AMENDED BY AMD 75 GG 23/6/17

"amusement facility" means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use. DELETED BY AMD 80 GG 14/04/19

"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; INSERTED BY AMD 80 GG 14/04/19

"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; INSERTED BY AMD 80 GG 14/04/19

"animal husbandry-intensive" means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens; INSERTED BY AMD 80 GG 14/04/19

"application" means an application for planning development approval; AMENDED BY AMD 75 GG 23/6/17

"approved plan" means any plan that -
(a) forms part of an application for which planning development approval has been granted; and
(b) has been endorsed with the approval of the Council; AMENDED BY AMD 75 GG 23/6/17

“art gallery” means premises-
(a) that are open to the public; and
(b) where artworks are displayed for viewing or sale; INSERTED BY AMD 80 GG 14/04/19

“betting agency” means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003; INSERTED BY AMD 80 GG 14/04/19

“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; INSERTED BY AMD 80 GG 14/04/19

“building” includes a structure erected or placed on land;

“Building Code” - Refer definition in clause 1 of the deemed provisions.

“building height”-

(a) for development in the Residential Zone, has the same meaning given to it in the Residential Design Codes and is subject to the provisions of Table 3 of the Residential Design Codes, unless other building heights are prescribed under the Scheme or Council policy; and

(b) for all other instances (including where building heights are not subject to the provisions of Table 3 of the Residential Design Codes), means the vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding:

(i) any enclosed roof structures of a high quality design that reduce the visual impact of lift plan and other similar utility or services and/or provide weather protection to areas used for private or communal open space, not exceeding 3.0 metres in height, such that the roof structure does not represent more than 25% of the floor area of the uppermost level of the building and is no more than 50% of the length or width of the uppermost level of the building; and

(ii) Minor architectural projections or external fixtures above the roof line.

And where the building heights are prescribed as maximums for the number of storeys and metric dimension, both limits apply in all instances, as the intent is to enable flexibility to permit floor to floor dimensions for each storey to be increased to allow variations in flooring, services systems and ceiling heights, in excess of any minimum standard prescribed by the Building Code of Australia.

Note:
“natural ground level” is defined elsewhere is this Schedule; AMD 46 GG 03/09/10

“building height”, in relation to a building-

(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
(b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes; AMENDED BY AMD 80 GG 14/04/19

“built heritage conservation” - Refer definition in clause 1 of the deemed provisions.

“bulk 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 by retail 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 building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or reception area carried on or existing on the same site;

“caretaker's dwelling” means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

“car park” means premises used primarily for parking private vehicles or taxis whether or not -

(a) as a public or private car park; and
(b) for reward

but does not include -

(c) any part of a public road used for parking or for a taxi rank, or
(d) any premises used for the display of vehicles for sale;

“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;

“Chief Executive” means the Chief Executive or Deputy Chief Executive of the Council; DELETED BY AMD 75 GG 23/6/17

“child care premises” has the same meaning as in the Community Services (Child Care) Regulations 1988.

Amended by AMD 15 GG 4/2/03

Note:
Section 3 of the Community Services (Child Care) Regulations 1988 defines “child care premises" to mean “premises specified in a licence or permit as premises in which a child care service may be provided”.

“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;

Amended by AMD 80 GG 14/04/19

“cinema/theatre” means premises where the public may view a motion picture or theatrical production; INSERTED BY AMD 80 GG 14/04/19
“civic use” means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes; INSERTED BY AMD 80 GG 14/04/19

“club premises” means premises used by a legally constituted club or association or other body of persons united by a common interest; INSERTED BY AMD 80 GG 14/04/19

“commercial” means any activity involving any form of purchase, hire or sale of goods or services;

“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); INSERTED BY AMD 80 GG 14/04/19

“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; INSERTED BY AMD 80 GG 14/04/19

“commencement day” means the day this Scheme comes into effect under section 87(4) of the Act; INSERTED BY AMD 80 GG 14/04/19

“Commonwealth agency” includes a Commonwealth Minister, department, body or officer and an agency or instrumentality of the Crown in right of the Commonwealth;

“community uses” means those uses, in a particular locality, which provide services or facilities, such as health or social services or meeting facilities, to those who live or work in that locality;

“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;

“conservation” has the same meaning given to it in the Heritage of Western Australia Act 1990;

Note: Under the Heritage of Western Australia Act 1990, “conservation” is defined to mean, in relation to any place –

the management of that place in a manner that will –
(a) enable the cultural heritage significance of that place to be retained; and
(b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place, and may include the preservation, establishment, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting”; DELETED BY AMD 75 GG 23/6/17

“conservation area” means an area declared by the Council under clause 26 of this Scheme; DELETED BY AMD 75 GG 23/6/17

“consulting rooms” means premises used for the investigation and/or treatment of physical or mental injuries or ailments (not including a hospital) in the practice of a profession by a person who is a legally qualified medical practitioner, dentist, physiotherapist, podiatrist or similar, but does not include a masseur and does not include a premises practising therapeutic massage or similar services;

“convenience store” means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which may include, but which may extend beyond
normal trading hours and provide associated parking. The buildings associated with a convenience store shall not exceed 300m² gross leasable area;

“Council” means the Council of the Town of Victoria Park;

“Council register” means -

(a) register of places of cultural heritage significance;
(b) register of non-conforming uses; and
(c) any other register kept by the Council under this Scheme;

“cultural heritage significance” has the same meaning given to it in the Heritage of Western Australia Act 1990;

Note:
The Heritage of Western Australia defines “cultural heritage significance” to mean, in relation to a place - “the relative value which that place has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations”.

“cultural heritage significance” - Refer definition in clause 1 of the deemed provisions.

“day care centre” means “Child Care Premises” or “Family Day Care” as defined in this schedule;

“deemed clause” refers to the relevant clause in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 ‘Deemed provisions for local planning schemes’;

“dependant person” has the same meaning given to it in the R-Codes;

“development” has the same meaning as is given to it in the Act;

NOTE
Section 2 (1) of the Town Planning and Development Act 1928 defines “development” to mean — At the development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works and, in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, also includes any act or thing that —

(a) is likely to change the character of that place or the external appearance of any building; or
(b) would constitute an irreversible alteration of the fabric of any building.

The Planning and Development Act 2005 defines “development” to mean — “the development or use of any land, including —

(a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
(b) the carrying out on the land of any excavation or other works;
(c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —
   (i) is likely to change the character of that place or the external appearance of any building; or
   (ii) would constitute an irreversible alteration of the fabric of any building.”

“development contribution plan” - Refer definition in clause 1 of the deemed provisions.

“discretionary use” means a use described in clauses 13 and 15;
“dwelling” has the same meaning given to it in the Residential Design Codes R-Codes; AMEND 29 GG 10/7/07

NOTE:
Clause 2.2 of The Residential Design Codes R-Codes defines “dwelling” to mean - “a building or portion of a building being used, adapted or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family”; AMENDED BY AMD 75 GG 23/6/17

“educational establishment” means a school, college, university, technical institute, kindergarten, academy or other educational centre, but does not include an institutional building;

“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; AMENDED BY AMD 80 GG 14/04/19

“exhibition centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum; INSERTED BY AMD 80 GG 14/04/19

“family day care” means premises used to provide family day care within the meaning of the Community Services (Child Care) Regulations 1988. AMD 15 GG 4/2/03

Note:
Section 3 of the Community Services (Child Care) Regulations 1988 defines “family day care” to mean “a child care service provided to a child in a private dwelling in a family or domestic environment.

“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; AMENDED BY AMD 80 GG 14/04/19

“fast food outlet” means premises where food is prepared and sold-

(a) to be taken away; or
(b) for consumption on those or adjacent premises - if the operation of the premises is likely to attract considerable vehicular traffic to those premises for short periods; DELETED BY AMD 80 GG 14/04/19

NOTE:
The related definition of “restaurant” is set out later in this schedule.

“fast food outlet/lunch bar” means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten-

(a) without further preparation; and
(b) primarily off the premises; INSERTED BY AMD 80 GG 14/04/19

“floor area of a building” means - AMD 39 GG 10/7/07

(a) for a private building used for residential purposes - has the same meaning as plot ratio as defined in the Residential Design Codes;

(b) for a non-private building used for residential purposes - the gross total area of-

(i) each of the floors of a lodging house; or

(ii) those parts of each of the floors used for residential purposes of a hotel, a motel, a serviced apartment, a private hotel, an educational establishment, an institutional building or a hospital which accommodates members of the staff of the hospital, including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floorspace in basements, private car parks and any portion of an open balcony which portion is of not more than 2.4 metres in depth provided that the longest open side of the balcony has no enclosure other than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it
forms an exclusive part; and

(c) for a building not used for residential purposes - the gross total area of each of the floors of the building including the area of car parking spaces in public fee-paying car parks but shall not include the area of private car parks, the areas of lift shafts, stairs, toilets, amenities, plant rooms and the thickness of any external walls.

“funeral parlour” means premises used-

(a) to prepare and store bodies for burial or cremation;
(b) to conduct funeral services.

“frontage” means the boundary line or lines between land and the street or streets upon which that land abuts;

“frontage” in relation to a building-

(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
(b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces.

“Gazettal date” means the date on which this Scheme is published in the Government Gazette;

“general industry” means an industry other than a cottage, extractive, hazardous, light or noxious industry.

“grouped dwelling” has the same meaning given to it in the Residential Design Codes R-Codes;

Note: Clause 2.2 of The Residential Design Codes R-Codes defines “grouped dwelling” to mean - “a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property”;

“hazardous industry” means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or poverty, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries;

“Health Act” means the Health Act 1911 Health (Miscellaneous Provisions) Act 1911;

“height” when used in relation to a building that is used for -

(a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; or
(b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level at the top of the eaves, parapet or flat roof, whichever is the highest, but does not include-

(i) any lift plant, water tower or similar utility or service, not exceeding 3.0 metres in height; or
(ii) any architectural feature or decoration (other than a free-standing sign) not used for any form of accommodation which may be approved by the Council.
“heritage agreement” means an agreement entered into under clause 28 of this Scheme and section 29 of the Heritage of Western Australia Act;

“Heritage of Western Australia Act” means the Heritage of Western Australia Act 1990;

“home occupation” means the carrying on or any business conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed but does not include the sale or hire of any goods;

“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 a 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 of more than 4.5 tonnes tare weight; and
(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

Home Office: means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—
(a) entail clients, customers or delivery vehicles travelling to and from the dwelling;
(b) involve any advertising signs on the premises; or
(c) require any external change to the appearance of the dwelling.

“home 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 100 m²; and
(b) is operated by a person residing in the dwelling;

“hospital” means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital;

“hospital” means premises that are a hospital within the meaning given in the Health Services Act 2016 section 8(4);

“hotel” means premises providing accommodation for the public the subject of a hotel licence under the Liquor Licensing Act 1988 and may include a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960 Racing and Wagering Western Australia Act 2002, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act;

“hotel” means premises the subject of a hotel licence other than a small bar or tavern licence.
“incidental use” means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

“industry” means the carrying out of any process for or incidental to—

(a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale or the breaking up or demolition of any article or part of any article;

(b) the winning, processing or treatment of minerals;

(c) the generation of electricity or the production of gas;

(d) the manufacture of edible goods for human or animal consumption—being a process carried on in the course of trade or business, whether or not for gain, but the term does not include operations connected with—

(e) the carrying out of agriculture;

(f) site work on buildings, works or land; and

(g) in the case of the manufacture of goods referred to in paragraph (d), the preparation of food for sale on the premises of a shop;

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; and
(e) incidental purposes.

“land” has the same meaning given to it in the Act;

Note:
Section 2 (1) of the Town Planning Development Act 1928 defines “land” to include—land tenements and hereditaments and any interest therein, and also houses, buildings, and other works and structures

“landscaped area” means any area developed by the planting of lawns, garden beds, shrubs or trees and includes any area developed with rockeries, ornamental ponds, swimming pools, barbecue areas or children’s playgrounds and includes any other area approved by the Council as Landscaped area;

“light industry” means an industry:

(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and

(b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services;

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 – Small” means premises with a net lettable area not exceeding 300m² which are subject to, or will require, a liquor store licence under the Liquor Control Act 1988 (WA).

“liquor store – small” 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 300m²; AMENDED BY AMD 80 GG 14/04/19

“Liquor Store – Large” means premises with a net lettable area exceeding 300m² which are subject to, or will require, a liquor store licence under the Liquor Control Act 1988 (WA).

“liquor store – large” means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of more than 300m²; AMENDED BY AMD 80 GG 14/04/19

“local area traffic management” means the management of traffic on residential or other streets;

“local government” - Refer definition in clause 1 of the deemed provisions.

“local government CEO” - Refer definition in clause 1 of the deemed provisions.

“local planning strategy” - Refer definition in clause 1 of the deemed provisions.

“lodging house” has the same meaning given to it in the Health Act;

Note:
Section 3 (1) of the Health Act defines “Lodging house” to mean “any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 4 persons, exclusive of the family or the keeper thereof, for hire or reward; but the term does not include—

(a) premises licensed under a publican’s general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911;

(b) premises used as a boarding school approved under the Education Act 1928; or

(c) any building comprising residential flats”.

“lot” has the same meaning given to it in the Act;

Note:
Section 2 (1) of the Town Planning and Development Act 1928 defines “Lot” to mean “a defined portion of land depicted on a plan or diagram publicly exhibited in the public office of the Department of Land Administration, or deposited in the Office of Titles or Registry of Deeds and for which a separate Crown Grant or Certificates of Title has been or can be issued; or depicted on a subdivisional plan or diagram, whether so exhibited or deposited or not, but which is, whether before or after the coming into operation of the Town Planning and Development Act Amendment Act 1956, approved by the Commission and includes the whole of the land the subject—

(a) of a crown Grant issued under the Land Act 1933; or

(b) of a certificate of title issued under the Transfer of Land Act 1893; or

(c) of a survey into a lot pursuant to a direction given under section 17 of the Land Act 1933; or

(d) of a part-lot shown on a plan or subdivision or diagram deposited in the Department of Land Administration, Office of Titles, or Registry of Deeds; or

(e) of a conveyance registered under the Registration of Deeds Act 1856.” AMENDED BY AMD 75 GG 23/6/17
“marina” means-
(a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
(b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;  

“market” means premises used for the display and sale of goods from stalls by independent vendors;  

“massage rooms” means premises used by a masseur or which provides therapeutic massage or similar services;  

“Metropolitan Region Scheme” means the Metropolitan Region Scheme made under the Metropolitan Region Town Planning Scheme Act 1959 Act; AMENDED BY AMD 75 GG 23/6/17

“Metropolitan Region Scheme reserve” means land reserved under the Metropolitan Region Scheme;

“Minister” means the Minister for Planning or the Minister of the Western Australian Government responsible for town planning;

“motel” means any land or buildings used or intended to be used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and to which a licence under the Liquor Licensing Act 1988 may have been granted.

“motel” means premises, which may be licensed under the Liquor Control Act 1988 -
(a) used to accommodate guests in a manner similar to a hotel; and
(b) with specific provision for the accommodation of guests with motor vehicles; AMENDED BY AMD 80 GG 14/04/19

“motor vehicles and marine sales premises” means any land or buildings used for the display and sale of new or second hand motor-cycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site;

“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 re-treading of tyres; INSERTED BY AMD 80 GG 14/04/19

“motor vehicle wash” means premises primarily used to wash motor vehicles; INSERTED BY AMD 80 GG 14/04/19

“multiple dwelling” has the same meaning given to it in the Residential Design Codes R-Codes. AMD 39 GG 10/7/07

Note:
Clause 2.2 of the Residential Design Codes defines “multiple dwelling” to mean – “a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other but does not include a grouped dwelling”;

“The R-Codes defines “multiple dwelling” to mean – “a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but :
• does not include a grouped dwelling; and
• includes any dwellings above the ground floor in a mixed use development.” AMENDED BY AMD 75 GG 23/6/17

“natural ground level” for all forms of development means the levels on a site which precede the proposed development. Where it is evident that the site has been substantially modified by a previous development, the natural ground level will be determined at Council’s discretion using...
either the corners of the site as reference points or historical data;  

“net floor area” for the purpose of determining car parking requirements under the parking policy, has the same meaning as “plot ratio floor area”, but does not include any area of public fee paying car parks.  

“net lettable area” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

(a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
(b) lobbies between lifts facing other lifts serving the same floor;
(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;  

“net lettable area” means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas—

(a) stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
(b) lobbies between lifts facing other lifts serving the same floor;
(c) areas set aside as public spaces and thoroughfares and not for the exclusive use of occupiers of the floor or building;
(d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;  

“night-club” means premises in respect of which a cabaret licence is required pursuant to the Liquor Licensing act 1988 in order to trade and includes any land or other premises associated with the licensed premises;

“nightclub” means premises the subject of a nightclub licence granted under the Liquor Control Act 1988;  

“non-conforming use” means a use of land which, although lawful immediately prior to the coming into operation of this Scheme, is a prohibited use;

“non-conforming use” has the meaning given in the Planning and Development Act 2005 section 172;  

“noxious industry” means an industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Act 1986 (as amended);

“nursing home” means any building used for the medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms;

“office” means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking;

“office” means premises used for administration, clerical, technical, professional or similar business activities;  

“open air sales and display” means the use of land for the display, sale or hire of goods or equipment in the open air;

“owner” in relation to any land includes the Crown in right of the State and the Commonwealth and every person who jointly or severally, whether at law or in equity—
(a) is entitled to the land for any estate of fee simple in possession; or

(b) is person to whom the Crown has lawfully contracted to grant the fee simple of the land; or

(c) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profits, whether as a beneficial owner, trustee, mortgagee in possession or otherwise;  

“owner” - Refer definition in clause 1 of the deemed provisions.

“permanently”, in relation to the term used in the land use definition of “residential building means six months or more.  

“permitted use” means a use described in clauses 13 and 15;

“place” for the purposes of Division 2 of Part 3 dealing with places of cultural heritage significance, has the same meaning as given to it in the Heritage of Western Australia Act, 1990:

Note:
Section 3 (1) of the Heritage of Western Australia Act 1990 defines “place” to mean “an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

(a) an area of land situated below low water mark on the sea shore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary,

(b) any works or buildings situated there, their contents relevant to the purposes of this Act and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings;

(c) as much of the land beneath the place as is required for the purposes of its conservation”.

“planning development approval” means approval, with or without conditions, granted by Council in respect of an application, to begin or continue development;

“place of worship” means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

“planning policy” means a local planning policy made by the Council under clause 46 pursuant to Part 2 Division 1 of the deemed provisions;

“plot ratio” means—

(a) Residential Development: the ratio of the gross total of all floors of buildings on a site to the area of land in the site boundaries. For this purpose, such areas shall include the area of any walls but excludes the area of any lift shafts, the stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, space that is wholly below natural ground level, areas used exclusively for the parking of vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs;

(b) Non-Residential Development: The ratio of the gross total area of fully enclosed covered areas of a building(s) on a site to the area of land in the site boundaries, excluding—

—— Toilets and bathrooms;
—— Lift shafts, stairs and stair landings;
—— Machinery, air conditioning, storage, equipment and plant rooms;
—— Lobbies and circulation spaces common to two or more tenancies;
—— Staff tea preparation, lunch areas or amenities;
—— Staff changeroom/locker facilities;
—— Areas used for the parking of vehicles at or below ground level;
“plot ratio” means the ratio of the gross plot ratio area of buildings on a development site to the area of land in the site boundaries;

“plot ratio floor area” means the floor area of a building as calculated in accordance with the definition of “plot ratio”;

“plot ratio area” –
(a) Residential Development: as defined by the R-Codes;
(b) Non-Residential Development: The ratio of the gross total area of fully enclosed covered areas of a building(s) on a site to the area of land in the site boundaries, excluding -
- Toilets and bathrooms;
- Lift shafts, stairs and stair landings;
- Machinery, air conditioning, storage, equipment and plant rooms;
- Lobbies and circulation spaces common to two or more tenancies;
- Staff tea preparation, lunch areas or amenities;
- Staff changeroom locker facilities;
- Areas used for the parking of vehicles at or below ground level;
- Balconies, verandahs, terraces and courtyards; and
- Space that is wholly below natural ground level;

“precinct” means an area or neighbourhood of limited size having –
(a) a similar use or other characteristics; and
(b) specified boundaries.

“precinct” means a definable area where particular planning policies, guidelines or standards apply;

“precinct plan” means a document setting out the planning intentions for a particular precinct;

“predominant use” means the primary use of premises to which all other uses carried out on the premises are incidental;

“premises” includes land and buildings;

“premises” - Refer definition in clause 1 of the deemed provisions.

“prohibited use” means a use described in clauses 13 and 15;

“public authority” has the same meaning given to it in the Act;

Note:
Section 2 (1) of the Act defines “public authority” to mean -
a Minister of the Crown acting in his official capacity, a State Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.

“public utility” means any works or undertaking constructed or maintained by a public authority, Commonwealth agency or municipality to provide water, sewerage, electricity, gas, drainage, communications or other similar services;

“public worship – place of” means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution;

“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;

“region planning scheme” - Refer definition in clause 1 of the deemed provisions.

“register of non-conforming uses” means the register kept in accordance with clause 19;

“register of places of cultural heritage significance” means the register kept in accordance with clause 27; DELETED BY AMD 75 GG 23/6/17

“research and development” means scientific and industrial research and the development, production and assembly of products associated with that research;

“reserve” - Refer definition in clause 1 of the deemed provisions.

“residential building” has the same meaning given to it in the Residential Design Codes R-Codes. AMD 39 GG 10/7/07

Note:
Clause 2.2 of The Residential Design Codes R-Codes defines “residential building” to mean - “a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

• temporarily by two or more persons, or
• permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanitorium, a prison, a hotel, a motel, or a residential school”;
AMENDED BY AMD 75 GG 23/6/17

“Residential Design Codes” means the Residential Design Codes set out in Appendix 1 of the Statement of Planning Policy No. 3.1 prepared under Section 5AA of the Act, as amended from time to time; AMD 39 GG 10/7/07

“Residential Planning Codes” means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1 prepared under 5AA of the Act, gazetted on 13 December 1991. AMD 39 GG 10/7/07

Note:
The Statement of Planning Policy No. 1 Residential Planning Codes has been revoked as of 4 October 2002 and replaced with Statement of Planning Policy No. 3.1 Residential Design Codes. Reference to the Residential Planning Codes shall be regarded as a reference to the Residential Design Codes;
DELETED BY AMD 75 GG 23/6/17

“R-Codes” - Refer definition in clause 1 of the deemed provisions.

“restaurant” means premises where food is prepared and sold principally for consumption on those or adjacent premises but does not include a fast food outlet;

Note:
A “fast food outlet” is defined earlier in this Schedule.

“restaurant/café” means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;

“restricted premises” means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or exhibition, display or delivery of-
(a) publications that are classified as restricted under the Censorship Act 1996;
(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;

“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 Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or
(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; AMENDED BY AMD 80 GG 14/04/19

“retail” means the sale or hire of products, goods or services to the public generally in small quantities and from a shop, showroom or fast food outlet;

“retail” means the sale or hire of goods or services to the public; AMENDED BY AMD 80 GG 14/04/19

“retail floor area” means the floor area of each of the floors of a building used for the display or sale of goods but does not include floor areas used for concealed storage, food preparation, a workshop or a toilet;

“Scheme area” means the area defined in clause 4 of this Scheme; DELETED BY AMD 75 GG 23/6/17

“Scheme area” - Refer definition in clause 1 of the deemed provisions.

“Scheme text” means the document to which this Schedule is attached and includes this and all other Schedules;

“Scheme zone” means an area, identified in clause 12 (1), for which permitted uses are described in the Zoning Table;

“serviced apartment” means a building or buildings which include self-contained units for transient accommodation;

“serviced apartment” means a group of units or apartments providing –

(a) self-contained short stay accommodation for guests; and
(b) any associated reception or recreational facilities; AMENDED BY AMD 80 GG 14/04/19

“service industry”

(a) a light industry carried out from premises which may have a retail shop front and from which goods manufactured on premises may be sold; or
(b) premises having a retail shop front and used as a depot for receiving goods to be serviced; AMD 77 GG 19/06/18

“service station” means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking;

“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 vehicles accessories and goods of an incidental or convenience nature; or
(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles; AMENDED BY AMD 80 GG 14/04/19

“shop” means any building premises wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, liquor store or fast food outlet, or any other premises specifically defined elsewhere in this part; AMD 81 GG 14/01/14.
Note:
The Interpretation Act 1984 defines "sell" to include barter, exchange, offer to sell and expose for sale. AMENDED BY AMD 16 GG 03/02/19

"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; AMENDED BY AMD 80 GG 14/04/19

"showroom" means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment; INSERTED BY AMD 80 GG 14/04/19

"single bedroom dwelling" has the same meaning given to it in the Residential Design Codes R-Codes. AMD 39 GG 10/7/07; AMENDED BY AMD 75 GG 23/6/17

Note:
Clause 2.2 of The Residential Design Codes R-Codes defines "single bedroom dwelling" to mean - a dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom"; AMENDED BY AMD 75 GG 23/6/17

"single house" has the same meaning given to it in the Residential Design Codes R-Codes; AMD 39 GG 10/7/07; AMENDED BY AMD 75 GG 23/6/17

Note:
Clause 2.2 of The Residential Planning Codes R-Codes defines "single house" to mean - "a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property"; AMENDED BY AMD 75 GG 23/6/17

"small bar" means premises the subject of a small bar licence granted under the Liquor Control Act 1988; INSERTED BY AMD 80 GG 14/04/19

"special control area" - Refer definition in clause 1 of the deemed provisions.

"storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling or underside of a roof above it, with the following exclusions:

(a) roof structures of a high quality design that reduce the visual impact of lift plant and other similar utility or services, not exceeding 3.0 metres in height; and
(b) unenclosed roof structures of a high quality design that provide weather protection to areas used for private or communal open space, not exceeding 3.0 metres in height, such that the roof structure does not represent more than 25% of the floor area of the uppermost level of the building and is no more than 50% of the length or width of the uppermost level of the building; and
(c) minor architectural projections or external fixtures above the roof line; and
(d) any portion of a building having 50% or more of its volume located below natural ground level; and
(e) a floor area wholly contained within the roof space and having no vertical walls extending outside the external angle of the roof space, with the exception of the dormer windows.

Note: The definition of storey does not apply to Single Houses and Grouped Dwellings within the ‘Residential Zone’. The height standards for these forms of development are as per the Residential Design Codes R-Codes; AMD 46 GG 03/09/10; AMENDED BY AMD 75 GG 23/6/17

"street alignment" means the boundary between the land comprising a street and the land abutting it, but, where a new street alignment is prescribed, means the boundary between that land and that new street alignment;

"substantially commenced" means that work or development the subject of planning approval...
has been begun by the performance of some substantial part of that work or development;  

“substantially commenced” - Refer definition in clause 1 of the deemed provisions.

“tavern” means any land or buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988;

“tavern” means premises the subject of a tavern licence granted under the Liquor Control Act 1988;  

“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;  

“temporary”, in relation to the term used in the land use definition of ‘residential building’ means less than six months.  

“Town” means the Town of Victoria Park established as a municipality under the Local Government Act;

Note: The division of the municipality of the former City of Perth was effected by S.9 of the City of Perth Restructuring Act 1993.

“Town of Victoria Park Scheme reserve” means land reserved under this Scheme and shown on a Precinct Plan as a Town of Victoria Park Scheme reserve;

“transport depot” means any premises used -

(a) for the garaging of vehicles used or intended for use for the carriage of goods for hire or reward; or

(b) for the transfer of goods from one such vehicle to another such vehicle whether or not the land or the building is also used for the maintenance and repair of the vehicles;

“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;  

“unlisted use” has the meaning given to it in clause 16 of the Scheme Text;

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

“warehouse” means a building wherein goods are stored and may be offered for sale by wholesale;  

“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 sale by wholesale of goods;  

“Western Australian Planning Commission” means the Commission established by Section 4 of the Western Australian Planning Commission Act 1985 the Act;  

“wholesale” means the sale of goods or materials to be sold by others;  

“works” - Refer definition in clause 1 of the deemed provisions.
“zone” - Refer definition in clause 1 of the deemed provisions.

“Zoning Table” means the table set out at the end of clause 15;

2. In this Scheme, unless the contrary intention appears, a reference to -
   (a) land, includes part of the land;
   (b) premises, includes part of the premises; and
   (c) a building, includes part of the building;

Note:
The reference to "this Scheme" in clauses 1 and 2 includes all the Scheme documents listed in clause 3 (1) of the Scheme text.
## SCHEDULE 2 C: ADDITIONAL USES

*Amended by AMD 75 GG 23/6/17*

<table>
<thead>
<tr>
<th>Ref. No.</th>
<th>Land Particulars</th>
<th>Permitted Uses</th>
<th>Development Standards/Conditions</th>
</tr>
</thead>
</table>
| **A1** 1 | No. 47 (Lot 10) Star Street, Carlisle on Diagram 65589 | Office for Accountants only | 1. Additional Use of Office is restricted to use by accountants.  
2. Additional Use of Office for accountants to be limited to the existing building identified by Strata Lot 2 on Strata Plan 11861.  
3. Additional Use of Office for Accountants to be limited to existing building only with any redevelopment, extension or demolition relating to the subject Strata Lot 2 extinguishing the Additional Use.  
4. A maximum of one sign to a maximum size of 1m² is permitted on Strata Lot 2. |
| **A2** 2 | No. 9 (Lot 712, Strata Lot 11) McMillan Street, Victoria Park on Vol 2546 Fol 485 Strata Plan 43914 | Office for Financial Planning Service only | 1. Additional Use of Office is restricted to use by Financial Planning Service.  
2. Additional Use of Office for Financial Planning Service to be limited to the existing building identified by Strata Lot 11 on Strata Plan 43914.  
3. Additional Use of Office for Financial Planning Service to be limited to existing building only with any redevelopment, extension or demolition relating to the subject Strata Lot 11 extinguishing the Additional Use.  
4. A maximum net floor area of 94.6m² to be used for the Office for Financial Planning Service.  
5. A minimum of two carparking bays to be provided on Strata Lot 11 at all times for use of the Office for Financial Planning Service. |
<table>
<thead>
<tr>
<th>Ref. No.</th>
<th>Land Particulars</th>
<th>Permitted Uses</th>
<th>Development Standards/Conditions</th>
</tr>
</thead>
</table>
| A3 3 | No. 10-12 (Lot 100) Asquith Street, Burswood on Diagram 72633, Volume 1781, Folio 957 | Motor Vehicle and Marine Sales Premises | 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 planning development approval for the use is first granted by the Council, except where a further application(s) for planning 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. |
<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. |
|        |                  |                | 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 planning development approval for the site. |
|        |                  |                | 5. The existing building being externally upgraded to the satisfaction of the Town. |</p>
<table>
<thead>
<tr>
<th>Ref. No.</th>
<th>Land Particulars</th>
<th>Permitted Uses</th>
<th>Development Standards/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A4</td>
<td>No. 101 (Lot 800) Albany Highway, Victoria Park on Volume 2639, Folio 400</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A5</td>
<td>No. 107 – 111 (Lots 4 &amp; 5) Albany Highway, Victoria Park on Volume 33, Folio 50A</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A6</td>
<td>No. 115 (Lot 51, Strata Lots 1, 2, 3, 4 &amp; 5) Albany Highway, Victoria Park on Volume 2001, Folio 53, 54, 55, 56 &amp; 57</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A7</td>
<td>No 141 (Lot 800) Albany Highway, Victoria Park on Volume 1906, Folio 175</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A8</td>
<td>No. 1-7 (Lot 22) Shepperton Road, Victoria Park on Volume 1930, Folio 266</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------</td>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>A9</td>
<td>No. 160 (Lots 1 &amp; 2) Albany Highway, Victoria Park on diagram P002908 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A10</td>
<td>No. 9 (Lot 100) Albany Highway, Victoria Park on Volume 1930, Folio 268 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A11</td>
<td>No. 49-51 (Lots 51, 29, 9 &amp; 10) Shepperton Road, Victoria Park on Volume 1422, Folio 574 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A12</td>
<td>No. 182 (Lot 1) Albany Highway, Victoria Park on Volume 1618, Folio 187 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A13</td>
<td>No. 184 (Lot 11) Albany Highway, Victoria Park on Volume 1218, Folio 305 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------</td>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>A14</td>
<td>No. 188 (Lots 4) Albany Highway, Victoria Park on Volume 1303, Folio 371</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A15</td>
<td>No. 190 (Lot 5) Albany Highway, Victoria Park on Volume 1303, Folio 371</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A16</td>
<td>No. 192 (Lot 6) Albany Highway, Victoria Park on Volume 1624, Folio 473</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A17</td>
<td>No. 196 (Lot 7 &amp; 8) Albany Highway, Victoria Park on Volume 335, Folio 38A</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A18</td>
<td>No. 181 (Lots 283, 284 &amp; 285) Albany Highway, Victoria Park on Volume 1458, Folio 947, Diagram P004377</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------</td>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>A19</td>
<td>No. 211-213 (Lot 1) Albany Highway, Victoria Park on Volume 145, Folio 120A AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A20</td>
<td>No. 210-246 (Lot 8) Albany Highway, Victoria Park on Volume 2122, Folio 537 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A21</td>
<td>No. 2 (Lots 3 &amp; 92) Teddington Road, Victoria Park on Volume 1356, Folio 715, Diagram D046191 &amp; D002908 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A22</td>
<td>No. 9 (Lot 7) Rushton Street, Victoria Park on Volume 2104, Folio 881 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A23</td>
<td>No. 61 – 61B (Lot 1) Shepperton Road, Victoria Park on Volume 1908, Folio 710 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>---------</td>
<td>----------------</td>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>A24 24</td>
<td>No. 495-513 (Lot 50) Albany Highway, Victoria Park on Volume 1834, Folio 825 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A25 25</td>
<td>No. 529-541 (Lot 101) Albany Highway, Victoria Park on Volume 2609, Folio 88 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A26 26</td>
<td>No. 526-528 (Lots 300 &amp; 301) Albany Highway, Victoria Park on Volume 1667, Folio 479, Diagram P002916 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A27 27</td>
<td>No. 530-534 (Lot 299) Albany Highway, Victoria Park on Volume 1845, Folio 685 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A28 28</td>
<td>No. 544 (Lot 3) Albany Highway, Victoria Park on Volume 1652, Folio 156 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------</td>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>A29 29</td>
<td>No. 546 (Lot 2) Albany Highway, Victoria Park on Volume 1627, Folio 704 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A30 30</td>
<td>No. 552 (Lot 1) Albany Highway, Victoria Park on Volume 780, Folio 64 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A31 31</td>
<td>No. 554 (Lots 76 &amp; 77) Albany Highway, Victoria Park on Volume 1086, Folio 139 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A32 32</td>
<td>No. 574 (Lot 17) Albany Highway, Victoria Park on Volume 105, Folio 10A AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A33 33</td>
<td>No. 577 (Lot 991) Albany Highway, Victoria Park on Volume 1474, Folio 183 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------</td>
<td>----------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>A34</td>
<td>No. 579A (Lot 992) Albany Highway, Victoria Park on Volume 1028, Folio 839 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A35</td>
<td>No. 593-595 (Lot 171) Albany Highway, Victoria Park on Volume 809, Folio 51 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A36</td>
<td>No. 614 (Lot 19) Albany Highway, Victoria Park on Volume 1683, Folio 846 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A37</td>
<td>No. 621-623 (Lot 201) Albany Highway, Victoria Park on Volume 1087, Folio 751 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A38</td>
<td>No. 625-629 (Lot 203) Albany Highway, Victoria Park on Volume 1366, Folio 345 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>---------</td>
<td>------------------</td>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>A39</td>
<td>No. 635-639 (Lot 1053) Albany Highway, Victoria Park on Volume 1718, Folio 525 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A40</td>
<td>No. 645-645A (Lot 56) Albany Highway, Victoria Park on Volume 1327, Folio 175 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A41</td>
<td>No. 1 (Lot 57) Tuam Street, Victoria Park on Volume 1225, Folio 832 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A42</td>
<td>No. 646 (Lots 451, 1 &amp; 2) Albany Highway, Victoria Park on Volume 1685, Folio 987 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A43</td>
<td>No. 652 (Lot 327) Albany Highway, Victoria Park on Volume 1205, Folio 955 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>----------</td>
<td>------------------</td>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>A44</td>
<td>No. 1-3 (Lot 329) Miller Street, Victoria Park on Volume 1430, Folio 968</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A45</td>
<td>No. 660 (Lot 24) Albany Highway, Victoria Park on Volume 1104, Folio 273</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A46</td>
<td>No. 661 (Lots 1 &amp; 2) Albany Highway, Victoria Park on Volume 1240, Folio 947, Diagram 005338</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A47</td>
<td>No. 667 (Lot 1083) Albany Highway, Victoria Park on Volume 1571, Folio 20</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A48</td>
<td>No. 671 (Lot 84) Albany Highway, Victoria Park on Volume 2568, Folio 378</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>Ref. No.</td>
<td>Land Particulars</td>
<td>Permitted Uses</td>
<td>Development Standards/Conditions</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------</td>
<td>----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>A49</td>
<td>No. 688 (Lot 2) Albany Highway, Victoria Park on Volume 1342, Folio 96 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A50</td>
<td>No. 707-709 (Lots 4 &amp; 6) Albany Highway, Victoria Park on Volume 1166, Folio 413 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A51</td>
<td>No. 716 (Lot 6) Albany Highway, Victoria Park on Volume 1655, Folio 220 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A52</td>
<td>No. 720 (Lot 7) Albany Highway, Victoria Park on Volume 1655, Folio 219 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A53</td>
<td>No. 767 (Lots 11 &amp; 12) Albany Highway, Victoria Park on Volume 1471, Folio 296 AMD 60 GG 19/8/14</td>
<td>Motor Vehicle and Marine Sales Premises</td>
<td>The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish where the use of the site for Motor Vehicle and Marine Sales Premises is discontinued for a period of six months or more, except where the site is being redeveloped in accordance with a valid planning development approval for Motor Vehicle and Marine Sales Premises.</td>
</tr>
<tr>
<td>A54</td>
<td>2 – 8A (Lots 1,2,137-141) Basinghall Street, Victoria Park AMD 67 GG 5/5/17</td>
<td>Multiple Dwellings</td>
<td>Development to be in accordance with the following development standards and conditions, with variations permitted subject to achieving the outcomes identified in the relevant section below:</td>
</tr>
</tbody>
</table>
General

- Where there is an inconsistency between the development standards and conditions applicable to additional use A54 and the provisions of the Scheme, the Residential Codes and/or Council policies, the development standards and conditions applicable to additional use A54 prevail.

Residential Density

- Development to be in accordance with the R60 residential code.

Setbacks

- Minimum 4.0 metre setback to Basinghall Street.
- Minimum 4.0 metre setback from the north-eastern boundary.
- Other boundary setbacks as per the Residential Design Codes.

Building Height

Subject to the setback requirements stated above the following building height limits apply:

- Single storey development on any portion of the site.
- Development setback a minimum of 6.5 metres from the south-eastern boundary and setback consistent with Residential Design Codes from the south-western site boundary may comprise 2 storeys up to a maximum wall height of 6 metres.
- Development setback a minimum of 10.5 metres from the south-eastern boundary and a minimum of 5.5 metres from the south-western site boundaries may comprise 3 storeys up to a maximum wall height of 9 metres.
- Development to a maximum of 4 storeys up to a maximum wall height of 15 metres is permitted, where;
  - Adjacent to the Basinghall Street frontage the 4th storey is located behind the alignment of the 3rd storey within a 45 degree recession plane.
  - The 4th storey is setback a minimum of 19.5 metres from
the south – eastern boundary.

- The 4th storey is setback a minimum of 14 metres from the south – western boundary.

Variations to Development Standards

- Variation to development standards including a plot ratio of up to a maximum of 1.0 may be considered by Council where the variations and resulting development achieve positive design outcomes, positive streetscape outcomes, high levels of amenity in new dwellings, and the protection of the amenity of adjoining residential properties.

Vehicular Access

- A 4m wide building setback being applied over Lot 1 from the adjoining boundary of the rear of commercial zoned lots 1, 2 and 148 Albany Highway to allow for vehicular access to the properties fronting Albany Highway as a joint benefit. Additional vehicular access will be considered to the site if required as part of the development design, or as part of a staged development provided the number of vehicle access points in minimised as far as practical.

Basinghall Street Façade

- Buildings designed to address Basinghall Street with individual access to the ground floor units to Basinghall Street and with a high degree of surveillance over Basinghall Street are preferred.
- The proposed development is to include design elements that reflect the architectural elements and streetscape of the locality.

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 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 buildings(s) on the land approved to carry out the use; |
|   |   | 2. The sale and display of vehicles is 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 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. |

AMENDED BY SAH Amendment 76 18/12/2017
## SCHEDULE 3: APPLICATION FOR PLANNING APPROVAL

**TOWN OF VICTORIA PARK**

### APPLICATION FOR PLANNING APPROVAL

<table>
<thead>
<tr>
<th>Property Details</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Number:</td>
<td></td>
</tr>
<tr>
<td>House/Street Number:</td>
<td></td>
</tr>
<tr>
<td>Street Name:</td>
<td></td>
</tr>
<tr>
<td>Suburb:</td>
<td></td>
</tr>
<tr>
<td>Nearest Street Intersection:</td>
<td></td>
</tr>
</tbody>
</table>

### Owner Details

<table>
<thead>
<tr>
<th>Name(s):</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Person:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Phone (Home):</td>
<td>(Work): (Mobile):</td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>Landowner Signature:</td>
<td>Date:</td>
</tr>
<tr>
<td>Company Office Bearer:</td>
<td>Position(s):</td>
</tr>
<tr>
<td>Strata Owners Signature(s):</td>
<td>Address:</td>
</tr>
<tr>
<td>Signature(s):</td>
<td>Address:</td>
</tr>
<tr>
<td>Signature(s):</td>
<td>Address:</td>
</tr>
<tr>
<td>Signature(s):</td>
<td>Address:</td>
</tr>
</tbody>
</table>

*The signature of the owner(s) is required for Planning Approval. This application will not proceed without that signature(s).*

### Applicant Details

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Name:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>Post Code:</td>
</tr>
<tr>
<td>Phone (Home):</td>
<td>(Work): (Mobile):</td>
</tr>
<tr>
<td>Fax:</td>
<td></td>
</tr>
<tr>
<td>Applicant Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

### Development Details

<table>
<thead>
<tr>
<th>PROPOSED DEVELOPMENT OR LAND USE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>□ New Dwelling(s)</td>
<td>□ Mixed Use Development:*</td>
</tr>
<tr>
<td>□ New Non-Residential Building(s)</td>
<td>□ Additions and Alterations</td>
</tr>
<tr>
<td>□ Modification to Planning Approval</td>
<td>□ Outbuilding</td>
</tr>
<tr>
<td>□ Retrospective Planning Approval</td>
<td>□ Garage or Carport</td>
</tr>
<tr>
<td>□ Change of Use:*</td>
<td>□ Satellite Dish</td>
</tr>
<tr>
<td>□ Home Occupation</td>
<td>□ Sign(s)</td>
</tr>
<tr>
<td>□ Patio or Pergola</td>
<td>□ Other(s):*</td>
</tr>
</tbody>
</table>

*Others (Specify):……………………………………………………………………………………………………………….

*Description of Development:………………………………………………………………………………………………….

### AUTHORITY TO COPY AND DISTRIBUTE PLANS (VOLUNTARY)

<table>
<thead>
<tr>
<th>Distribution of Plans Details</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority to Copy and Distribute Plans (Voluntary):</td>
<td></td>
</tr>
<tr>
<td>I, ………………………………………………………………………………………… (Name of Person authorised to Sign) of</td>
<td></td>
</tr>
<tr>
<td>………………………………………………………………………………… (Company and/or Address) agree that, during the</td>
<td></td>
</tr>
<tr>
<td>application process, copies of the plans (Plans Reference and/or Address of Property) can be made by Council’s</td>
<td></td>
</tr>
<tr>
<td>Administration and distributed to adjoining/affected owners and occupiers for the purpose of community</td>
<td></td>
</tr>
<tr>
<td>consultation in accordance with the Town of Victoria Park Council Policy GEN3.</td>
<td></td>
</tr>
<tr>
<td>Signature …………………………………………………… (Company or individuals responsible for preparation of Plans and/or Owner of Copyright).</td>
<td></td>
</tr>
</tbody>
</table>

*Note: This section is to be signed by the person/company that has prepared the plans, not by the owner, applicant or any other person involved in the application.*

### Office Use

<table>
<thead>
<tr>
<th>METROPOLITAN REGION</th>
<th>APPLICATION No:</th>
<th>DATE RECEIVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serial No:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Planning Fee

<table>
<thead>
<tr>
<th>Office Use</th>
<th>Fee</th>
<th>Receipt No:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**AMD 39 GG 10/7/07; AMD 51 GG 30/12/11 DELETED BY AMD 75 GG 23/6/17**
SCHEDULE 4 D: ADVERTISEMENTS REQUIRING PLANNING DEVELOPMENT APPROVAL

<table>
<thead>
<tr>
<th>Type of Advertisement</th>
<th>Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signs that require planning development approval under Part 6 of the Town of Victoria Park Signs Local Law 2006 (as amended from time to time)</td>
<td>All properties within the municipal district of the Town</td>
</tr>
</tbody>
</table>

AMENDED BY AMD 40 GG 9/2/07, AMENDED BY AMD 75 GG 23/6/17

DELETED BY AMDT 81. GG 25/1/2019
SCHEDULE 5: NOTICE OF COUNCIL DECISION

PLANNING AND DEVELOPMENT ACT 2005
TOWN OF VICTORIA PARK TOWN PLANNING SCHEME NO. 1

NOTICE OF PLANNING APPROVAL/REFUSAL

PROPOSAL: ________________________________________________________________

LOCATION: ________________________________________________________________

NAME OF OWNER OF LAND ON WHICH THE DEVELOPMENT IS PROPOSED: _______

SURNAME/COMPANY NAME: ________________________________________________

OTHER NAMES: ____________________________________________________________

ADDRESS: ________________________________________________________________

Approval to commence development in accordance with the Application for Planning Approval dated _______ and the approved/refused plans date stamped _______ was APPROVED/REFUSED by the Council, at its Meeting held on _______, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the attached conditions and having regard to the matters it is required to consider by the Schemes generally and in particular for the following reasons:

NOTE: SHOULD THE APPLICANT BE AGGRIEVED BY THIS DECISION A RIGHT OF APPEAL MAY EXIST UNDER THE PROVISIONS OF THE TOWN PLANNING SCHEME OR THE METROPOLITAN REGION SCHEME.

This approval is valid for a period of _______ months only. If development is not substantially commenced within this period a fresh approval must be obtained before commencing or continuing the development.

__________________________________________  ____________________________
CHIEF EXECUTIVE OFFICER  DATE
SCHEDULE 6: REGISTER OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

This Register contains places of cultural heritage significance. Places will be added to the Register occasionally and the Council’s Planning Department should be contacted to conform whether or not a place is being considered for inclusion on the Register.

It should be noted that the Register contains the following three types of listings:

- individual places;
- groups of places; and
- precincts.

Where a letter appears after the address of a place it signifies that the place is either part of a group of places (G), a precinct (P) or both (PG).

<table>
<thead>
<tr>
<th>Location</th>
<th>Place</th>
<th>Estimated Date of Construction</th>
<th>Entry into Register of Places of Cultural Heritage Significance</th>
<th>Heritage Council of WA - Register of Heritage Places &amp; Date of Listing</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 314 Albany Hwy, Victoria Park</td>
<td>Broken Hill Hotel</td>
<td>1899</td>
<td>Gazettal date of Town Planning Scheme No 1</td>
<td></td>
</tr>
<tr>
<td>No. 414-420 Albany Hwy, Victoria Park</td>
<td>Victoria Park Post Office</td>
<td>1913 to c1955</td>
<td>Gazettal date of Town Planning Scheme No 1</td>
<td>Permanent Listing - 10 October 1995</td>
</tr>
<tr>
<td>No. 990 Albany Hwy, East Victoria Park</td>
<td>Edward Millen Home (Hillview)</td>
<td>1912</td>
<td>Gazettal date of Town Planning Scheme No 1</td>
<td></td>
</tr>
<tr>
<td>No. 1 Cargill Street, Victoria Park</td>
<td>Victoria Park Primary School</td>
<td>C1894 to 1940</td>
<td>Gazettal date of Town Planning Scheme No 1</td>
<td>Permanent Listing - 27 February 1996</td>
</tr>
<tr>
<td>No. 86 Mackie Street, Victoria Park</td>
<td>‘Devenish House’ (formerly known as ‘Forrest Farmhouse’)</td>
<td>1890</td>
<td>Gazettal date of Town Planning Scheme No 1</td>
<td></td>
</tr>
</tbody>
</table>
### SCHEDULE 7-E: SPECIAL CONTROL AREAS

**Purpose and Particular Requirements**

A structure Plan must be prepared and approved prior to any subdivision and/or development of the land, with the exception of development or use associated with the current racecourse activities.

<table>
<thead>
<tr>
<th>Area No</th>
<th>Land Description</th>
<th>Purpose and Particular Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA1</td>
<td>The whole of the area being portion of Swan Loc 35 (known as Belmont Park Racecourse)</td>
<td><strong>Planning Objectives</strong>&lt;br&gt;(a) the development of BD 1 as a whole in a co-ordinated manner; (b) the adequate provision of carparking areas for residents and visitors; (c) the adequate provision of landscaped areas and green space offering attractive areas for pedestrians and residents; (d) where provision is made between subdivisional lots for the sharing of open space, ensuring the long term availability of shared communal open space to occupiers of those lots; and (e) ensuring the long term re-arrangement of plot ratio entitlements between parts of BD 1 which are or may be subdivided into separate lots.</td>
</tr>
<tr>
<td>BD1</td>
<td>Lot 905 Burswood Road (known as Sands &amp; McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood”</td>
<td>(2) In addition to the matter referred to in clause 36(5) deemed clause 67 the Council shall have regard to the objectives set out in the preceding subclause when determining any application for planning development approval on land within BD 1.</td>
</tr>
</tbody>
</table>

**Conflict with other provisions of the Scheme**

Where a provision contained in this Schedule pertaining to BD 1 is inconsistent with any other provision of the Scheme, the provision contained in this
<table>
<thead>
<tr>
<th>Area No</th>
<th>Land Description</th>
<th>Purpose and Particular Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>BD1</td>
<td>Lot 905 Burswood Road (known as Sands &amp; McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood” (Cont’d)</td>
<td>Schedule pertaining to BD 1 shall prevail.</td>
</tr>
</tbody>
</table>

**AMENDED BY AMD 75 GG 23/6/17**

**4) Plot Ratio**

(a) Reference in this clause to Lot 1, Lot 2, Lot 3 or Lot 4, or to the ROW is a reference to the land so designated in Plan ‘BD 1 – Lot 905 Burswood Road’ as contained in this Schedule.

(b) For the purpose of determining plot ratio with respect to land within BD 1, Lot 1 and Lot 2 shall be treated as separate sites, each having plot ratio entitlements in accordance with the Scheme.

(c) The area of any land taken from either of Lot 1 or Lot 2 and added to the ROW shall be notionally added back to the area of the Lot from which it was taken for the purpose of calculating the plot ratio entitlement of that lot.

(d) Lots 3 and 4 shall be treated as one site for the purpose of calculating plot ratio. Regardless of how the plot ratio is distributed between the lots, the total plot ratio entitlements over the area of the two lots shall not exceed the plot ratio entitlements applicable to that area of land under this Scheme.

**5) Carparking**

(a) Reference in this clause to Lot 1, Lot 2, Lot 3 or Lot 4, or to the ROW is a reference to the land so designated in Plan BD 1 ‘Lot 905 Burswood Road’ as contained in this Schedule.
BD1  Lot 905 Burswood Road (known as Sands & McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood” (Cont’d)

AMD 24 GG 18/2005

(b) For the purpose of determining provisions for parking under the Scheme with respect to the land within BD 1, Lot 1 and Lot 2 shall be treated as separate sites, each having parking requirements and making provision for parking as required by any development approval issued by the Council.

(c) Lot 3 and Lot 4 shall be treated as one site for the purpose of calculating parking requirements. Regardless of how parking areas are distributed between the lots, the total requirement for parking for the development established on the two lots shall comply with the requirements of the Scheme. The Council shall not allow any deficit of parking bays for development on one of the lots which is not made up by additional parking already provided or otherwise secured to the satisfaction of the Council on the other lot.

(d) When the Council has approved development on either Lot 3 or Lot 4 that depends upon the provision of parking on the other lot, nothing may be done on either lot which would restrict free access from the lot benefited to the parking provided on the lot burdened by that requirement.

(6) Open Space

(a) Reference in this clause to Lot 1, Lot 2, Lot 3 or Lot 4, or to the ROW is a reference to the land so designated in Plan ‘BD’ Lot 905 Burswood Road as contained in this Schedule.
(b) For the purpose of determining the allocation of communal open space on private land within BD 1, Lots 3 and 4 shall be treated as one site. The requirement for open space applicable to the total area of those lots may be distributed between the lots in such manner as the Council approves.

(c) Subject to any determination by the Council to the contrary, nothing shall be done on either Lot 3 and Lot 4 which restricts free access for persons on one of those lots to communal open space areas provided on the other lot.

(7) **Staged Development**

(a) Reference in this clause to Lot 1, Lot 2, Lot 3 or Lot 4, or to the ROW is a reference to the land so designated in Plan ‘BD 1 – Lot 905 Burswood Road’ contained in this Schedule.

(b) If development on either Lot 3 or Lot 4 or Lots 3 and 4 combined occurs in stages, each stage shall be constructed in such a manner that the stage has the appearance of a completed development, and without limiting the generality of the foregoing:

(i) the common facilities such as basement carparking areas and any common areas of open space shall be completed as part of the first stage of development; and
<table>
<thead>
<tr>
<th>Area No</th>
<th>Land Description</th>
<th>Purpose and Particular Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>BD1</td>
<td>Lot 905 Burswood Road (known as Sands &amp; McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood” (Cont’d)</td>
<td>(ii) should either Lot 3 or Lot 4 be developed and development on the other lot not be commenced within twelve months after commencement of development on the first lot, the vacant land is to be landscaped to prevent unsightly vacant area.</td>
</tr>
</tbody>
</table>

(8) Application for Town Planning Development Approval

Notwithstanding any other provision of the Scheme, Council shall seek comments from all owners in the BD 1 area prior to determination of an Application for Planning Development Approval by the Council.

(9) Existing Planning Development Approval

(a) The provisions contained in this Schedule pertaining to BD1 do not in any way extend the validity of any current planning development approval issued prior to the coming into operation of these provisions, beyond the time period stipulated in that approval.

(b) If at the time of coming into operation of the provisions contained in this Schedule pertaining to BD 1 a valid planning development approval remains in operation in respect to the whole or part of any land within the area of BD 1, development may be carried out in accordance with the terms of the approval.
Area No BD1

Lot 905 Burswood Road (known as Sands & McDougall site) as being land designated on Precinct Plan P3 – Causeway Precinct as BD 1 and included in Plan “BD 1 – Lot 905 Burswood Road, Burswood” (Cont’d)

AMD 24 GG 18/2005

Purpose and Particular Requirements

(c) Notwithstanding the preceding provisions of this subclause, any development carried out within BD 1 whether planning development approval was given before or after the coming into operation of the provisions contained in this Schedule pertaining to BD 1, shall comply with the provisions of this Schedule pertaining to BD 1, and the use of land within the area of BD 1 shall be carried out in accordance with the provisions contained in this Schedule pertaining to BD 1.

(d) To give effect to the provisions of paragraph (c), to the extent that it is necessary, it is intended that the provisions contained in this Schedule pertaining to BD 1 shall have retrospective effect.

(10) Cessation of the Provisions Contained in This Schedule Pertaining to BD 1

(a) The provisions contained in this Schedule pertaining to BD 1, with the exception of this clause, shall cease to have effect if within 5 years of the gazettal date of the amendment adding the BD 1 area to this Schedule 100% of the earthworks and footings for the floor area of the development of any one of the four lots has not been completed.

(b) In the event that the provisions contained in this Schedule pertaining to BD 1 cease to have effect by the operation of subclause (a), any special endorsement notation or provision whatsoever on Precinct Plan P3 – Causeway Precinct relating to BD 1 shall cease to have effect.

AMENDED BY AMD 75 GG 23/6/17
ADOPTION

Adopted by resolution of the Council of the Town of Victoria Park at the Ordinary Meeting of the Council held on the 9th day of August 1994.

_____________________________
J A E LEE
MAYOR

_____________________________
J M BONKER
CHIEF EXECUTIVE OFFICER

FINAL ADOPTION

Adopted for final approval by resolution of the Council of the Town of Victoria Park at the Ordinary meeting of the Council held on the 11th day of August 1998 and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of:

_____________________________
J A E LEE
MAYOR

_____________________________
J M BONKER
CHIEF EXECUTIVE OFFICER

RECOMMENDED FOR FINAL APPROVAL

_____________________________
CHAIRMAN OF THE
WESTERN AUSTRALIAN PLANNING COMMISSION

Date

FINAL APPROVAL GRANTED

_____________________________
MINISTER FOR PLANNING

Date  20 August 1998