

CITY OF NEDLANDS

LOCAL PLANNING SCHEME NO. 3

Updated to Include AMD

[INSERT/DELETE AS NEEDED]

DISCLAIMER

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

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

LOCAL PLANNING SCHEME GAZETTAL DATE: XX/XX/20XX

This draft Local Planning Scheme No. 3 (LPS3) document was approved, subject to modifications, by Council at the Special Council Meeting of 13 December 2016. The draft LPS3 document must be read in conjunction with the modifications as set out in the Council resolution.

Please note this document is a draft only. The draft LPS3, including the Council modifications, may be further modified by the Western Australian Planning Commission before it is permitted to be advertised for public submissions.

Professional advice should be obtained before applying the information contained in this document to particular circumstances.

CITY OF NEDLANDS LOCAL PLANNING SCHEME NO. 3 - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

DRAFT

SCHEME DETAILS

CITY OF NEDLANDS
LOCAL PLANNING SCHEME NO. 3

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

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Part 1 - Preliminary

1. Citation

This local planning scheme is the City of Nedlands Scheme No 3.

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked:

Town Planning Scheme No. 2 1985

4. Notes do not form part of Scheme

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

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

5. Responsibility for Scheme

The City of Nedlands is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area shown on the Scheme Map being the whole district of the City of Nedlands.

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

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the **scheme text**), *this* Scheme includes the following -

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
- (b) the Scheme Map;
- (c) the following plans, maps, diagrams, illustrations or materials –

There are no plans, maps, diagrams, or illustrations or materials in addition to the provisions set out in this document.

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

8. Purposes of Scheme

The purposes of this Scheme are to -

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

9. Aims of Scheme

The aims of this Scheme are –

- (a) Protect and enhance local character and amenity;
- (b) Respect the community vision for the development of the district;
- (c) Achieve quality residential built form outcomes for the growing population;
- (d) To develop and support a hierarchy of activity centres;
- (e) To integrate land use and transport systems;
- (f) Facilitate improved multi-modal access into and around the district;
- (g) Maintain and enhance the network of open space;
- (h) Facilitate good public health outcomes;
- (i) Facilitate a high quality provision of community services and facilities;
- (j) Encourage local economic development and employment opportunities;
- (k) To maintain and enhance natural resources;
- (l) Respond to the physical and climatic conditions; and
- (m) Facilitate efficient supply and use of essential infrastructure.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

There are no other local planning schemes of the City of Nedlands which apply to the Scheme area.

12. Relationship with region planning scheme

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

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

Part 2 - Reserves

13. Regional Reserves

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

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

14. Local reserves

- (1) In this clause -

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows -

Table 1 - Reserve objectives

	Objectives
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental Conservation	<ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development subdivision. • To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Foreshore	<ul style="list-style-type: none"> • To set aside areas for foreshore reserved abutting a body of water or water course, particularly those required pursuant to State Planning Policy 2.6 State Coastal Planning Policy and any other Commission policy. • To provide for the protection of natural values, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/or support the amenity of the reservation.
Civic and Community	<ul style="list-style-type: none"> • To provide for a range of community facilities which are compatible with surrounding development.

	Objectives
	<ul style="list-style-type: none"> To provide for public facilities such as hall, theatres, art galleries, education, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential education facilities.
Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range government services.
Recreational	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of public recreational facilities.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Car Park	<ul style="list-style-type: none"> To set aside land required for a car park.
Drainage / Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15. Additional uses for local reserves

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

Part 3 - Zones and Use of Land

16. Zones

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

Table 2 - Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a limited range of non-residential uses, which are compatible with and complementary to residential development. • To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.
Mixed Residential	<ul style="list-style-type: none"> • To provide opportunity for high quality medium and high density residential development. • To comprise primarily of residential accommodation, together with a limited range of complementary non-residential uses. • To ensure that non-residential uses do not detract from the viability of activity centres and do not have a negative impact on the amenity of the residential area and are sensitive to the street environment.
Mixed Use	<ul style="list-style-type: none"> • To provide for a diversity of housing typologies in suitable locations, particularly with a view to accommodating well-designed higher density residential development. • To allow for the development of land uses compatible with residential uses, which do not generate nuisances detrimental to the amenity of the locality or to the health, welfare and safety of residents. • To facilitate mixed use and commercial development opportunities at an appropriate scale reflecting the transitional nature of the zone. • To ensure development is sympathetic with the desired character of each area, and that a significant residential component is included as part of any new development.
Centre – Local	<ul style="list-style-type: none"> • To provide a range of small-scale retail and service uses for the immediate neighbourhood, that are easily accessible but which do not adversely impact on the amenity of adjoining residential areas. • To focus on the main daily household shopping and community needs.

Zone name	Objectives
	<ul style="list-style-type: none"> • To encourage high quality, pedestrian friendly, street-orientated development. • To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community. • To ensure non-residential active uses are located at street level which are compatible with adjoining residential uses and other non-active uses on upper levels.
Centre – Neighbourhood	<ul style="list-style-type: none"> • To provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas. • To provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services. • To provide a broad range of employment opportunities to encourage diversity within the Centre. • To ensure a mix of commercial and residential development, which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links. • To provide for range of quality medium and high density residential development, to meet the diverse needs of the community. • To ensure non-residential active uses are located at street level which are compatible with adjoining residential uses and other non-active uses on upper levels.
Service Commercial	<ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of uses which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in centre, commercial or industrial zones. • To ensure land use is compatible with any adjacent commercial, mixed-use or residential areas and would not have a detrimental effect on the amenity of the locality. • To ensure the design and landscaping of development is conducive to safe and efficient vehicular access, safe and convenient pedestrian access between adjacent premises and a level of visual amenity which is compatible with any adjacent commercial, mixed-use or residential areas.
Light Industry	<ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

Zone name	Objectives
	<ul style="list-style-type: none"> • To ensure that development provides a high standard of design and amenity for the locality.
Private Community Purposes	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Urban Development	<ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions for this Scheme. • To identify areas that require comprehensive planning in order to provide for the coordination of subdivision, land use and development.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows -

Table 3 - Zoning Table

USE AND DEVELOPMENT CLASS	ZONES								
	Residential	Mixed Residential	Mixed Use	Centre - Local	Centre - Neighbourhood	Service Commercial	Light Industry	Private Community Purposes	Urban Development Zone
Aged care facility/nursing home	A	X	X	X	X	X	X	X	Refer deemed provisions (<i>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2</i>) Part 4 Cl.15 (ii)
Amusement parlour	X	X	X	X	D	X	X	X	
Animal establishment	X	X	X	X	X	X	A	X	
Animal husbandry — intensive	X	X	X	X	X	X	X	X	
Art gallery	X	A	P	P	P	D	I	I	
Bed and breakfast	A	D	P	P	D	X	X	X	
Betting agency	X	X	X	X	I	X	X	X	
Brewery	X	X	X	X	X	D	P	X	
Bulky goods showroom	X	X	X	X	X	P	D	X	
Caravan park	X	X	X	X	X	X	X	X	
Caretaker's dwelling	X	X	X	X	X	D	P	P	
Car park	X	I	I	I	I	I	P	I	
Child care premises	D	D	D	X	P	X	X	I	
Cinema/theatre	X	X	X	X	D	X	X	X	

USE AND DEVELOPMENT CLASS	ZONES								
	Residential	Mixed Residential	Mixed Use	Centre - Local	Centre - Neighbourhood	Service Commercial	Light Industry	Private Community Purposes	Urban Development Zone
Civic use	A	A	A	A	D	P	P	P	Refer deemed provisions (Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) Part 4 Cl. 15 (ii)
Club premises	X	X	X	X	D	D	D	P	
Commercial vehicle parking	X	X	X	X	X	P	P	A	
Community purpose	A	A	A	A	D	P	P	P	
Consulting rooms	X	D	P	P	P	I	I	I	
Convenience store	X	X	P	P	P	P	P	D	
Corrective institution	X	X	X	X	X	X	X	X	
Educational establishment	X	X	P	P	D	D	D	P	
Exhibition centre	X	X	P	P	P	D	D	P	
Family day care	P	P	P	P	D	X	X	I	
Fast food outlet – large	X	X	X	X	X	X	X	X	
Fast food outlet – small	X	X	X	X	A	X	X	X	
Freeway service centre	X	X	X	X	X	X	X	X	
Funeral parlour	X	X	X	X	X	D	X	X	
Garden centre	X	X	X	X	X	D	D	X	
Holiday accommodation	A	A	D	A	P	X	X	I	

USE AND DEVELOPMENT CLASS	ZONES								
	Residential	Mixed Residential	Mixed Use	Centre - Local	Centre - Neighbourhood	Service Commercial	Light Industry	Private Community Purposes	Urban Development Zone
Holiday house	X	A	D	X	X	X	X	I	Refer deemed provisions (Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) Part 4 Cl. 15 (ii)
Home business	A	D	D	D	D	X	X	X	
Home occupation	P	P	P	P	P	X	X	X	
Home office	P	P	P	P	P	X	X	X	
Home store	X	A	A	P	P	X	X	X	
Hospital	X	X	X	X	X	X	X	X	
Hotel	X	A	A	X	P	X	X	X	
Industry	X	X	X	X	X	X	P	X	
Industry — light	X	X	X	X	X	P	P	X	
Liquor store — large	X	X	X	X	X	X	X	X	
Liquor store — small	X	X	P	P	P	I	X	X	
Lunch bar/take-away food outlet	X	D	P	P	P	P	P	I	
Market	X	X	X	D	A	X	A	D	
Medical centre	X	A	A	D	D	X	X	X	
Motel	X	X	X	X	X	X	X	X	
Motor vehicle, boat or caravan sales	X	X	X	X	X	D	P	X	

USE AND DEVELOPMENT CLASS	ZONES								
	Residential	Mixed Residential	Mixed Use	Centre - Local	Centre - Neighbourhood	Service Commercial	Light Industry	Private Community Purposes	Urban Development Zone
Motor vehicle repair	X	X	X	X	X	A	P	X	Refer deemed provisions (Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) Part 4 Cl. 15 (ii)
Motor vehicle wash	X	X	X	X	X	A	P	X	
Nightclub	X	X	X	X	A	X	X	X	
Office	X	D	P	P	D	I	I	I	
Place of worship	X	X	A	X	D	X	P	P	
Reception centre	X	X	X	X	D	X	X	P	
Recreation — private	X	X	X	X	A	X	D	D	
Renewable energy facility	X	X	X	X	X	X	A	X	
Residential	P	D	D	D	D	X	X	D	
Resource recovery centre	X	X	X	X	X	X	A	X	
Restaurant/café	X	D	P	P	P	X	X	X	
Restricted premises	X	X	X	X	X	X	X	X	
Road house	X	X	X	X	X	X	X	X	
Serviced apartment	X	D	D	D	P	X	X	I	
Service station	X	X	X	X	X	X	P	X	
Shop – large	X	X	P	X	P	X	X	X	

USE AND DEVELOPMENT CLASS	ZONES								
	Residential	Mixed Residential	Mixed Use	Centre - Local	Centre - Neighbourhood	Service Commercial	Light Industry	Private Community Purposes	Urban Development Zone
Shop – small	X	I	P	P	P	A	I	I	Refer deemed provisions (<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2) Part 4 Cl. 15 (ii)
Small bar	X	X	X	A	A	X	X	X	
Tavern	X	X	X	X	A	X	X	X	
Telecommunications infrastructure	X	X	X	X	X	X	A	X	
Tourist development	X	X	I	X	P	X	X	I	
Trade display	X	X	X	X	I	P	P	X	
Trade supplies	X	X	X	X	X	D	D	X	
Transport depot	X	X	X	X	X	X	P	A	
Veterinary centre	X	X	A	X	D	P	P	X	
Warehouse/storage	X	X	I	I	I	D	P	I	
Waste disposal facility	X	X	X	X	X	X	X	X	
Waste storage facility	X	X	X	X	X	X	X	X	

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table (Table 3) and the list of zones at the top of the zoning table (Table 3).
- (2) The symbols used in the zoning table (Table 3) have the following meanings –
 - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Note 1: The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for *both* the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

Note 2: In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -
 - (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

- (7) If the zoning table (Table 3) does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
- (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local development plan.

19. Additional uses

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

Table 4 Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 378, House Number 49 and 51 Carrington Street, Nedlands	(i) Child care premises	
A2	Lot 380, House Number 47 Carrington Street, Nedlands	(i) Child care premises	
A3	Lot 92, House Number 32 Strickland Street, Mount Claremont	(i) Consulting rooms (ii) Medical centre	
A4	Lot 1, House Number 199; Lot 2, House Number 197; Lot 3, House Number 195 Stirling Highway, Nedlands	(i) Motor vehicle, boat or caravan sales (ii) Bulky goods showroom	(1) The additional use is to be "D" discretionary.
A5	Lots fronting Stirling Highway between Robinson Street and Loch Street and between Marita Road and Bay Road, as delineation on Scheme Map.	(i) Bulky goods showroom	(1) The additional use is to be "D" discretionary.
A6	Lot 200, House Number 154 Stirling Highway, Nedlands	(i) Shop – large (ii) Bulky goods showroom	(1) The additional use is to be "D" discretionary.
A7	Lot 64, House Number 145 Stirling Highway, Nedlands	(i) Shop – small (ii) Shop – large	(1) The additional use is to be "D" discretionary.
A8	Lot 317 and Lot 318, House Number 129 Stirling Highway, Nedlands	(i) Service station (ii) Motor vehicle wash	(1) The additional use is to be "D" discretionary.

No.	Description of land	Additional use	Conditions
A9	Lot 500, House Number 105 Stirling Highway, Nedlands	(i) Bulky goods showroom (ii) Motor vehicle, boat or caravan sales	(1) The additional use is to be "D" discretionary.
A10	Lot 14, House Number 9 Broadway, Nedlands	(i) Service station (ii) Motor vehicle wash	(1) The additional use is to be "D" discretionary.

(2) Despite anything contained in the zoning table (Table 3), land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

(1) Table 5 sets out -

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

Table 5 - Restricted uses for land in Scheme area

No.	Description of land	Restricted use	Conditions
R1	Lot 7, House Number 136, Waratah Avenue, Dalkeith	(i) Residential	(1) Residential development is restricted to aged or dependent persons' dwellings as per the R-Codes.
R2	Lot 9, House Number 8 Philip Road, Dalkeith	(i) Residential	(1) Residential development is restricted to aged or dependent persons' dwellings as per the R-Codes.
R3	Lot 200, House Number 9, Nandina Avenue, Mount Claremont	(i) Residential	(1) Residential development is restricted to aged or dependent persons' dwellings as per the R-Codes.

(2) Despite anything contained in the zoning table (Table 3), land that is specified in the Table to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. Special use zones

(1) Table 6 sets out -

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) the classes of special use that are permissible in that zone; and

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

Table 6 - Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU1	Hollywood Hospital	(i) Hospital (ii) Other uses associated with the Hospital are permitted provided they are "I" incidental uses.	(1) All development and uses are to be consistent and not detrimental to the primary function of the area being medical and hospital related. (2) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.
SU2	Hollywood Village	(i) Aged care facility/nursing home (ii) Residential (iii) The following are "I" incidental uses: (a) Consulting rooms (b) Office (c) Medical centre (d) Shop – small (e) Car park (f) Place of worship	(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.
SU3	Old Swanbourne Hospital	(i) Aged care facility/nursing home (ii) Caretakers dwelling (iii) Carpark (iv) Civic use (v) Club premise (vi) Consulting rooms (vii) Educational establishment (viii) Home business (ix) Home occupation (x) Medical centre (xi) Office (xii) Recreation – private (xiii) Restaurant/café (xiv) Residential	(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.

No.	Description of land	Special use	Conditions
SU4	HBF/UWA Sporting Precinct	<ul style="list-style-type: none"> (i) Caretakers dwelling (ii) Car park (iii) Club premises (iv) Community purpose (v) Civic (vi) Consulting rooms (vii) Medical centre (viii) Convenience store (ix) Child care premises (x) Lunch bar/take-away food outlet (xi) Office (xii) Reception centre (xiii) Recreation – private (xiv) Shop – small (xv) Telecommunications infrastructure (xvi) The following are “I” incidental uses: <ul style="list-style-type: none"> (a) Holiday accommodation (b) Serviced apartments (c) Warehouse/storage 	<ul style="list-style-type: none"> (1) All development and uses are to be consistent and not detrimental to the primary function of the area being sporting and recreation related. (2) The City reserves the right to request a Structure Plan and/or Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.
SU5	Bedbrook Place	<ul style="list-style-type: none"> (i) Permissibility of land uses in accordance with the Private Community Purpose Zone (ii) In addition to the uses permitted above, the following land uses are permitted: <ul style="list-style-type: none"> (a) Hospital (b) Light industry 	<ul style="list-style-type: none"> (1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary. (2) Where there is no Structure Plan, Local Development Plan and/or Activity Centre Plan approved, all development must comply with the following provisions: <ul style="list-style-type: none"> (a) Setbacks <ul style="list-style-type: none"> (i) 6.0m primary street setback;

No.	Description of land	Special use	Conditions
			<p>(b) Building Height</p> <p>(i) Maximum building height of 16.0m.</p> <p>(ii) Additional height may be considered as part of a Local Development Plan.</p>
SU6	Steves Hotel	<p>(i) Betting agency</p> <p>(ii) Carpark</p> <p>(iii) Consulting rooms</p> <p>(iv) Exhibition centre</p> <p>(v) Home business</p> <p>(vi) Home occupation</p> <p>(vii) Home office</p> <p>(viii) Hotel</p> <p>(ix) Motel</p> <p>(x) Office</p> <p>(xi) Restaurant/café</p> <p>(xii) Tavern</p> <p>(xiii) Service apartments</p> <p>(xiv) Holiday accommodation</p> <p>(xv) Liquor store – small</p> <p>(xvi) Lunch bar/take-away food outlet</p> <p>(xvii) Art gallery</p> <p>(xviii) Shop – small</p> <p>(xix) Small bar</p> <p>(xx) Reception centre</p> <p>(xxi) Residential</p>	<p>(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p>
SU7	Lisle Lodge	<p>(i) Aged care facility/nursing home</p> <p>(ii) Residential</p> <p>(iii) The following uses are “I” incidental uses:</p> <p>(a) Medical centre</p> <p>(b) Consulting rooms</p>	<p>(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p> <p>(2) Residential development is restricted to aged or dependent persons’ dwellings as per the R-Codes.</p>

No.	Description of land	Special use	Conditions
SU8	Melvista Lodge	(i) Aged care facility/nursing home (ii) Residential (iii) The following uses are "I" incidental uses: (a) Medical centre (b) Consulting rooms	(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary. (2) Residential development is restricted to aged or dependent persons' dwellings as per the R-Codes.
SU9	Regent Park Estate	(i) Aged care facility/nursing home (ii) Residential (iii) The following uses are "I" incidental uses: (a) Medical centre (b) Consulting rooms	(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary. (2) Residential development is restricted to aged or dependent persons' dwellings as per the R-Codes.

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

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

22. Non-conforming uses

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

- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

- (1) A person must not, without development approval –
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use -
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 - General Development Requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government -
 - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

There are no modifications to the R-Codes.

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

- (1) *State Planning Policy 3.6 - Development Contributions for Infrastructure*, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government -
 - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

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

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

30. Modification of State planning policies

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

31. Environmental conditions

- (1) The conditions set out in Table 7 are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.

Table 7 - Environmental conditions that apply to land in Scheme area

Scheme or amendment No.	Gazettal date	Environmental conditions

- (2) The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- (3) The local government -
- must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV;
 - Division 3; and
 - may publish those statements on the website of the local government.

32. Additional site and development requirements

- (1) Table 8 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

Table 8 - Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
32.1	All zoned land	<p>(1) The City reserves the right to determine the primary and secondary streets as part of any development application.</p> <p>(2) External ducting, air conditioners, plant, pipes, lift over-runs, telecommunication structures and similar building services shall be incorporated in the building design and be screened from view from the primary and/or secondary street; except where facing a laneway or right-of-way.</p>
32.2	All zoned land	<p>(1) Cash-in-lieu</p> <p>(a) An applicant for planning approval for a non-residential development or use may, if the City is in agreement, make a cash payment to the City, in lieu of providing all or any of the number of car parking spaces required under a Local Planning Policy for the development or use for which planning approval has been sought by the applicant.</p>

		<p>(b) Before the City agrees to accept a cash-in-lieu payment, it must have a reasonable expectation that a cash payment can be applied by the City:</p> <ul style="list-style-type: none"> (i) to provide additional transport infrastructure in the vicinity of the development site; and/or (ii) to acquire land for the provision of additional transport infrastructure. <p>(c) The amount of the cash-in-lieu payment shall be the cost estimated by Council to provide and construct the number of car parking spaces and/or other transport infrastructure, comprising the difference between the number of car parking spaces required under the Local Planning Policy and the number of car parking spaces to be provided on the development site.</p> <p>(d) The estimated cost of providing the car parking space may include:</p> <ul style="list-style-type: none"> (i) the cost of land on which the car parking spaces are to be constructed, to be estimated by a licensed valuer appointed by the Council; (ii) the cost of constructing the car parking spaces and/or other transport infrastructure; (iii) the cost of constructing or installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the car parking spaces; and (iv) the cost of constructing infrastructure, facilities or equipment for non-car based transport. <p>(e) Any cost incurred by the City in estimating the cost of providing the car parking spaces shall be paid by the applicant.</p> <p>(f) The cash-in-lieu payment shall be payable in such a manner and at such time as the City determines.</p> <p>(g) If an applicant does not pay the cash-in-lieu payment and the costs referred to in this clause in the manner or at the time determined by the City, the City may revoke the planning approval granted for the development or use to which the cash-in-lieu payment relates.</p> <p>(h) Cash-in-lieu payments received by the City under this clause shall be paid into appropriate funds to be used for the provision and maintenance of transport infrastructure within reasonable proximity to the development. The cash-in-lieu payment may be used to reimburse the City for any expenses, including loan repayment, which it incurs in providing and maintaining car parking spaces or facilities.</p> <p>(i) Where this Scheme or a Local Planning Policy made under this Scheme contains provisions concerning the payment of cash-in-lieu of car parking spaces in particular of the Scheme area, those provisions shall apply to the exclusion of the provisions of this clause.</p>
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No.	Description of land	Requirement
32.3	All zoned land	<p>(1) Reciprocal Car Parking</p> <p>(a) Where an application for planning approval is made for a non-residential development or use which does not provide the number of car parking spaces required by the Local Planning Policy, the City may permit the car parking spaces for that development or use to be provided jointly with one or more other developments or uses whether or not those other developments or uses have the number of car parking spaces required by the Local Planning Policy.</p> <p>(b) In considering an application with reciprocal car parking, the City must first be satisfied:</p> <ul style="list-style-type: none"> (i) that the peak hours of operation of the developments or uses which are subject of the application and the development or uses within which it is proposed to jointly provide car parking spaces are different and do not substantially overlap; (ii) that the number of car parking spaces to be provided by the development or use which is not the subject of the application does not exceed the number of car parking spaces reasonably anticipated to be in excess of the requirement of that development or use during its off-peak hours of operation; and (iii) any other matters which, in the circumstances of a proposed development or use, are considered relevant by the City. (iv) The application shall provide information concerning the matters above as part of a development application. <p>(c) Where the City exercises its discretion to permit reciprocal car parking, it may require the owner of the land to which the application relates and the owner of the land which is not the subject of the application and which is to provide car parking spaces and any other person specified by the City, to enter into a legal agreement, to which the City may also be a party, which provides for the provision and use of car parking spaces. The legal agreement:</p> <ul style="list-style-type: none"> (i) must be to the City's satisfaction; (ii) must be prepared at the expense of the applicant; (iii) must, if required by the City, provide for easements, restrictive covenants, rights of way and reciprocal access and circulation arrangements; and

No.	Description of land	Requirement
		<p>(iv) must ensure that the agreement and any easement, restrictive covenant, right of way or reciprocal access and circulation arrangement under the agreement are not amended, removed or terminated without the prior consent of the Council.</p> <p>(d) Developments and uses proposing a Reciprocal Car Parking arrangement must be accompanied by a Parking Management Plan.</p>
32.4	All zoned land	<p>(1) Ceding of Rights-Of-Way and Laneway Widening</p> <p>(a) The owner of any site affected by a right-of-way under the Scheme, Structure Plan, Local Development Plan, Activity Centre Plan and/or Local Planning Policy shall cede and construct such right-of-way free of cost as a condition of development approval.</p> <p>(b) The owner of any site affected by a laneway that requires widening under the Scheme, Structure Plan, Local Development Plan, Activity Centre Plan and/or Local Planning Policy shall cede and construct the portion of laneway free of cost as a condition of development approval; or as a condition of subdivision or strata subdivision.</p>
32.5	All zoned land	<p>(1) Vehicle Access</p> <p>(a) Where a site has more than one street frontage, vehicle access must be obtained from the lowest hierarchy road; this is inclusive of laneways and rights-of-way.</p>
32.6	Residential zone	<p>(1) Notwithstanding any other provision of the Scheme, where a site has been developed (as approved by the City) for residential purposes at a greater density than that permitted under the relevant R-Code applicable under the Scheme, the City may permit the site to be redeveloped up to the same density.</p> <p>(2) Except as otherwise required in the Scheme, Local Development Plan and/or Local Planning Policy, non-residential development within the Residential Zone is to comply with the requirements of the relevant R-Code of the Residential Design Codes.</p> <p>(3) Setbacks</p> <p>(a) Residential lots with a density code of R10, R12.5 and R15 to have a 9.0m minimum front setback, with the exception of the following:</p> <p>(i) St John's Wood (refer Schedule A) residential lots with a density code R12.5. Minimum 7.5m front setback.</p>

No.	Description of land	Requirement
		(ii) Hollywood (refer Schedule B) residential lots with a density code R15. Minimum 6.0m and maximum 8.0 front setback.
32.7	Mixed Residential zone	(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.
32.8	Mixed Use zone	<p>(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p> <p>(2) Land Use</p> <p>(a) Residential uses are not permitted on the ground floor facing a primary and/or secondary street; except where the use faces a laneway or right-of-way.</p> <p>(b) Buildings are to have active frontages to the primary and/or secondary street; except where a use faces a laneway or right-of-way.</p> <p>(c) Active uses on the ground floor facing a street must have a minimum tenancy depth of 10m.</p>
32.9	Centre – Local zone	<p>(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p> <p>(2) Land use</p> <p>(a) Residential, Office and Consulting rooms uses are not permitted on the ground floor facing a primary and/or secondary street; except where the use faces a laneway or right-of-way.</p> <p>(b) Buildings are to have active frontages to the primary and/or secondary street; except where a use faces a laneway or right-of-way.</p> <p>(c) Active uses on the ground floor facing a street must have a minimum tenancy depth of 10m.</p> <p>(d) Residential development within the Local Centre zone is to comply with the requirements of the multiple dwelling R60 density code.</p> <p>(3) Setbacks</p> <p>(a) 3.0m primary street setback to all floors.</p> <p>(b) 3.0m secondary street setback to all floors.</p>

No.	Description of land	Requirement
		<p>(c) 3.0m deep awning is to be provided on the ground floor, with a nil setback to the primary and/or secondary streets; except where the development faces a laneway or right-of-way.</p> <p>(d) Nil side setback to ground floors where development abuts non-residential zoned lots. Side setback variation may be permitted where vehicle and/or pedestrian access is required.</p> <p>(e) Where adjoining residential zoned lots all side and rear setbacks to the ground floor and upper floors, shall be calculated in accordance with the R-Code of the adjoining lot, assessed with a major opening.</p> <p>(4) Awnings</p> <p>(a) All developments are required to provide awnings to the ground floor facing the primary and/or secondary streets; except where the development faces a laneway or right-of-way.</p> <p>(5) Building Height</p> <p>(a) Maximum 10.0m building height above natural ground level.</p> <p>(b) An additional 1.5m to building height (overall height of 11.5m) is permitted for architectural features.</p> <p>(6) Overshadowing</p> <p>(a) Overshadowing is to comply with the Residential Design Codes as calculated based on the R-Code of the affected adjoining residential zoned properties.</p>

No.	Description of land	Requirement
32.10	Centre – Neighbourhood zone	<p>(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p> <p>(2) Land Use</p> <p>(a) Residential, Office and Consulting rooms uses are not permitted on the ground floor facing a primary and/or secondary street; except where the use faces a laneway or right-of-way.</p> <p>(b) Buildings are to have active frontages to the primary and/or secondary street; except where a use faces a laneway or right-of-way.</p> <p>(c) Active uses on the ground floor facing a street must have a minimum tenancy depth of 10m.</p>
32.11	Service Commercial zone	<p>(1) Subdivision lot layout.</p> <p>(a) Parent lot size is not to be less than 600m².</p> <p>(2) Setbacks</p> <p>(a) 2.0m primary street setback.</p> <p>(b) Nil side setback is required.</p> <p>(3) Building Height</p> <p>(a) Maximum 10.0m building height above natural ground level.</p>
32.11	Light Industry zone	<p>(1) Subdivision lot layout</p> <p>(a) Lots are not permitted to be less than 2,000m² with a minimum 30m lot width.</p> <p>(2) Setbacks</p> <p>(a) 4.5m minimum primary street setback.</p> <p>(b) 4.5m minimum secondary street setback.</p> <p>(c) 5.0m minimum rear setback where the property adjoins any non-light industry zoned land.</p> <p>(3) Plot Ratio</p> <p>(a) Maximum 1.0 plot ratio.</p>

No.	Description of land	Requirement
32.12	Private Community Purpose zone	<p>(1) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p> <p>(2) Where there is no Structure Plan, Local Development and/or Activity Centre Plan approved all development must comply with the following provisions:</p> <p>(a) Land Use</p> <p>(i) Residential development permitted within the Private Community Purpose zone is to comply with the requirements of the R60 density code.</p> <p>(ii) Buildings are to have active frontages to the primary and/or secondary street; except where a use faces a laneway or right-of-way.</p> <p>(b) Setbacks</p> <p>(i) 6.0m primary street setback; except where adjacent sites have a lesser setback, the setback requirement may match that of the adjoining site.</p> <p>(ii) Where adjoining residential zoned lots all side and rear setbacks shall be calculated in accordance with the R-Code of the adjoining lot, assessed with a major opening.</p> <p>(iii) Where adjoining non-residential zones, setbacks shall be in accordance with the setback requirements of the adjoining zone.</p> <p>(c) Building Height</p> <p>(i) Maximum building height of 8.5m within 10.0m of a boundary abutting any Residential zoned lot or street boundary. Maximum 12.0m for the remainder of the site.</p> <p>(ii) Additional height may be considered as part of a Local Development Plan.</p>

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

33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

There are no additional requirements that apply to this Scheme.

- (1) To the extent that a requirement referred to in Clause 33 of this Scheme is inconsistent with a requirement in Clause 32, the requirements referred to in Clause 33 prevails.

34. Variations to site and development requirements

(1) In this clause –

additional site and development requirements means requirements set out in clauses 32 and 33.

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

35. Restrictive covenants

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

Part 5 - Special Control Areas

36. Special control areas

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

Table 9 - Special Control Areas in Scheme area

Name of Area	Purpose/ Objectives	Additional Provisions
Special Control Area – Development Control Area/Plan		
<p>SCA 1 Aberdare Road</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • To comprehensively plan for Aberdare Road as a whole in a coordinated manner. <p>Objectives:</p> <ul style="list-style-type: none"> • Aberdare Road to function as a high density Transit Corridor; • Minimise and rationalise vehicle access to Aberdare Road; • Development is to have high quality built form design; • Development is to address the interface with existing low density adjoining properties; • Comprehensive planning to ensure a consistent streetscape; and • To ensure maximum development potential is realised to achieve the density code. 	<ol style="list-style-type: none"> (1) Any major modification, addition or alteration to a building which changes the original built form shall be subject to redevelopment in accordance with this Special Control Area, as deemed by the City. (2) Residential development may be approved in accordance with the provisions of residential coding of R60 provided that: <ol style="list-style-type: none"> (a) The proposed development is consistent with an approved Local Development Plan and/or Local Planning Policy applicable to this Special Control Area. <ol style="list-style-type: none"> (i) The Local Development Plan is to include all residential zoned properties identified in the Special Control Area. (ii) The Local Development Plan is to address the objectives of this Special Control Area. (3) Applications for subdivision will be assessed against the base R-coding unless consistent with the approved development of the subject site at the R60 Coding, and the approved development has been constructed to plate height.

Name of Area	Purpose/ Objectives	Additional Provisions
<p>SCA 2</p> <p>Stirling Highway Precinct</p>	<p>Purpose:</p> <ul style="list-style-type: none"> To comprehensively plan for Stirling Highway as a whole in a coordinated manner. <p>Objectives:</p> <ul style="list-style-type: none"> Maximum intensity of development along Stirling Highway as the transit corridor, with gradual reduction in intensity behind the corridor; To ensure that zones within the Special Control area are distinctive and provide nodes of activity and intensity; Ensure that development along Stirling Highway is not monotonous in terms of bulk and scale across the whole length of the corridor; To encourage land assembly for large scale development to avoid fragmentation of land; To coordinate vehicle access via the creation of rear laneway and right-of-way access to enable safe and appropriate access to development fronting Stirling Highway; To ensure that new built form is of a high architectural standard and is designed to positively contribute to the streetscape and surrounding area; and Avoid underdevelopment within this Special Control Area as the City's most intense activity corridor. 	<p>(1) Any major modification, addition or alteration to a building which changes the original built form shall be subject to redevelopment in accordance with this Special Control Area, as deemed by the City.</p> <p>(2) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p> <p>(3) Development within the Centre - Neighbourhood zone is to comply with the following:</p> <p>(a) 11.0m minimum wall height at the primary and/or secondary street setbacks, this exclude rights-of-ways and laneways.</p> <p>(b) Lots with an area of 2,000m² or less:</p> <p>(i) 14.5m maximum wall height; and</p> <p>(ii) 17.5m maximum building height.</p> <p>(c) Lots with an area of 2,000m² or more:</p> <p>(i) 21.5 maximum wall height; and</p> <p>(ii) 24.5m maximum building height.</p> <p>(iii) The City may permit additional height to 35.5m maximum wall height and 38.5m maximum building height, in accordance with an approved Local Development Plan and/or Local Planning Policy.</p>

		<p>(4) Development within the Mixed Use zone is to comply with the following:</p> <ul style="list-style-type: none"> (a) 11.0m minimum wall height at the primary and/or secondary street setbacks, this excludes rights-of-ways and laneways. (b) Lots with an area less than 2,000m² <ul style="list-style-type: none"> (i) 14.5m maximum wall height; and (ii) 17.5m maximum building height. (c) Lots with an area of 2,000m² or more: <ul style="list-style-type: none"> (i) 21.5m maximum wall height; and (ii) 24.5m maximum building height. (iii) The City may permit additional height to 28.5m maximum wall height and 31.5m maximum building height, in accordance with an approved Local Development Plan and/or Local Planning Policy. <p>(5) Development within the Mixed Residential zone within this Special Control Area are to comply with the following:</p> <ul style="list-style-type: none"> (a) Land use: <ul style="list-style-type: none"> (i) Office and Consulting rooms uses are not permitted on the ground floor facing a primary and/or secondary street; except where the use faces a laneway or right-of-way. (ii) Buildings are to have active frontages to the primary and/or secondary street; except where a use faces a laneway or right-of-way. (b) 7.5m minimum wall height at the primary and/or secondary street setbacks, this excludes rights-of-way and laneways.
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Name of Area	Purpose/ Objectives	Additional Provisions
		<p>(c) Lots with an area less than 2,000m²:</p> <p>(i) 11.0m maximum wall height; and</p> <p>(ii) 14.0m maximum building height.</p> <p>(d) Lots with an area of 2,000m² or more:</p> <p>(i) 18.0m maximum wall height; and</p> <p>(ii) 21.0m maximum building height.</p>
<p>SCA 3</p> <p>Hampden Road Precinct</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • To comprehensively plan for Hampden Road as a whole in a coordinated manner; and • Respond to the unique needs of the surrounding Specialised Activity Centre. <p>Objectives:</p> <ul style="list-style-type: none"> • To encourage ground floor uses to interact at the street level; • Ensure development is designed in a way that complements the fine grain nature of Hampden Road as a main street; • To ensure that new built form is of a high architectural standard and is designed to positively contribute to the streetscape and surrounding area; and • Provide convenient access, whilst reducing the visual dominance of car parking on the streetscape. 	<p>(1) Any major modification, addition or alteration to a building which changes the original built form shall be subject to redevelopment in accordance with this Special Control Area, as deemed by the City.</p> <p>(2) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p> <p>(3) Development within the Centre - Neighbourhood is to comply with the following:</p> <p>(a) 11.0m minimum wall height at the primary and/or secondary street setback, this excludes rights-of-ways and lane-ways;</p> <p>(b) 14.5m maximum wall height; and</p> <p>(c) 17.5m maximum building height.</p> <p>(4) Development within the Mixed Residential zone is to comply with the following:</p> <p>(a) Lots with an area less than 2,000m² or lots with a street frontage to Leura Street or Hardy Road:</p> <p>(i) 11.0m maximum wall height; and</p> <p>(ii) 14.0m maximum building height.</p>

Name of Area	Purpose/ Objectives	Additional Provisions
		<p>(b) Lots with an area of 2,000m² or more:</p> <p>(i) 18.0m maximum wall height; and</p> <p>(ii) 21.0m maximum building height.</p>
<p>SCA 4 Broadway Precinct</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • To comprehensively plan for Broadway as a whole in a coordinated manner; and • Respond to the unique needs of the surrounding Specialised Activity Centre. <p>Objectives:</p> <ul style="list-style-type: none"> • To ensure that new built form is of a high architectural standard and is designed to positively contribute to the streetscape and respond to the context of the site; • To encourage land assembly for large scale development to avoid fragmentation of land; and • Reduce the visual dominance of car parking on the streetscape. 	<p>(1) Any major modification, addition or alteration to a building which changes the original built form shall be subject to redevelopment in accordance with this Special Control Area, as deemed by the City.</p> <p>(2) The City reserves the right to request a Local Development Plan for any redevelopment, substantial addition, change of use or modification, as the City deems necessary.</p> <p>(3) Development within the Centre - Neighbourhood zone is to comply with the following:</p> <p>(a) Lots located north of Edward Street:</p> <p>(i) 11.0m minimum wall height to the primary and/or secondary street setback, this excludes rights-of-ways and laneways.</p> <p>(ii) Lots with an area of 2,000m² or less:</p> <p>a) 14.5m maximum wall height; and</p> <p>b) 17.5m maximum building height.</p> <p>(iii) Lots with an area of 2,000m² or more:</p> <p>a) 21.5m maximum wall height; and</p> <p>b) 24.5m maximum building height.</p>

Name of Area	Purpose/ Objectives	Additional Provisions
		<p>c) The City may permit addition height to 35.5m maximum wall height and 38.5m maximum building height, in accordance with an approved Local Development Plan and/or Local Planning Policy.</p> <p>(b) Lots located south of Princess Road:</p> <p>(i) 11.0m minimum wall height at the primary and/or secondary street setbacks, this excludes rights-of-ways and laneways; and</p> <p>(ii) 14.5m maximum wall height; and</p> <p>(iii) 17.5m maximum building height.</p> <p>(4) Development within the Mixed Use zone is to comply with the following:</p> <p>(a) 11.0m minimum wall height at the primary and/or secondary streets, this excludes rights-of-ways and laneways.</p> <p>(b) Lots with an area less than 2,000m²:</p> <p>(i) 14.5m maximum wall height; and</p> <p>(ii) 17.5m maximum building height.</p> <p>(c) Lots with an area of 2,000m² and greater:</p> <p>(i) 21.5m maximum wall height; and</p> <p>(ii) 24.5m maximum building height.</p> <p>(iii) The City may permit addition height to 28.5m maximum wall height and 31.5m maximum building height, in accordance with an approved Local Development Plan and/or Local Planning Policy.</p>

Name of Area	Purpose/ Objectives	Additional Provisions
		<p>(5) Development within the Mixed Residential zone shall be limited to the following:</p> <p>(a) 7.5m minimum wall height at the primary and/or secondary street setback; this excludes rights-of-ways and laneways.</p> <p>(b) Lots with an area less than 2,000m²:</p> <p>(i) 11.0m maximum wall height; and</p> <p>(ii) 14.0m maximum building height.</p> <p>(c) Lots with an area of 2,000m² or more:</p> <p>(i) 18.0m maximum wall height; and</p> <p>(ii) 21.0m maximum building height.</p>
Special Control Area – General		
<p>SCA 5 Residential Frame Precinct</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • To provide for greater intensity of residential uses as a transition from mixed use development along adjacent corridors. <p>Objectives:</p> <ul style="list-style-type: none"> • To provide for residential built form transition between activity corridors and traditional suburban areas; • To ensure that intensification of residential uses does not detrimentally impact existing and future residents; and • To ensure that new residential built form is of a high architectural standard and is designed to positively contribute to the streetscape and surrounding area. 	<p>(1) Any major modification, addition or alteration to a building which changes the original built form shall be subject to redevelopment in accordance with this Special Control Area, as deemed by the City.</p> <p>(2) Residential development may be approved in accordance with the provisions of residential coding of R50 provided that:</p> <p>(a) The proposed development is consistent with an approved Local Development Plan and/or Local Planning Policy applicable to this Special Control Area.</p> <p>(3) Applications for subdivision will be assessed against the base R-coding unless consistent with the approved development of the subject site at the R50 Coding, and the approved development has been constructed to plate height.</p>

Name of Area	Purpose/ Objectives	Additional Provisions
<p>SCA 6</p> <p>Dalkeith Redevelopment Area</p>	<p>Purpose:</p> <ul style="list-style-type: none"> To manage redevelopment of the Special Control Area consistent with the scale of the centres. <p>Objectives:</p> <ul style="list-style-type: none"> Development is to address the interface between new development and surrounding residential properties; To ensure that new built form is of a high architectural standard and is designed to positively contribute to the streetscape and surrounding area; To coordinate vehicle access via the creation of rear laneway and right-of-way access; and To encourage active land uses to interact at the street level. 	<p>(1) Any major modification, addition or alteration to a building which changes the original built form shall be subject to redevelopment in accordance with this Special Control Area, as deemed by the City, as deemed by the City.</p> <p>(2) The provisions within this Special Control Area are to be read in conjunction with the precinct plan in Schedule C – Precinct Plans Dalkeith Redevelopment Area.</p> <p>(3) Lot Size</p> <p>(a) Lots are required to be minimum 1,000m² prior to development in accordance with these Special Control Areas.</p> <p>(4) Access</p> <p>(a) Laneways shall be provided in accordance with the precinct plan in Schedule C – Precinct Plans Dalkeith Redevelopment Area.</p> <p>(b) All laneways are to be minimum 7.0m.</p> <p>(c) Laneways are to include 1.0m infrastructure and servicing strip.</p> <p>(d) All vehicle access and garaging shall be from a laneway.</p> <p>(e) The owner of a lot affected by a laneway shall cede and construct the laneway (including lighting and landscaping) to the City's satisfaction, free of cost as a condition of development approval; or as a condition of subdivision or strata subdivision.</p> <p>(5) Land Use</p> <p>(a) Residential uses are not permitted on the ground floor fronting Waratah Avenue.</p>

Name of Area	Purpose/ Objectives	Additional Provisions
		<p>(b) All new development to have a minimum residential density of two dwellings per 1,000m² of gross site area.</p> <p>(6) Building Height</p> <p>(a) Precincts 1 – 3</p> <p>(i) 13.6m maximum wall height; and</p> <p>(ii) 16.5m maximum building height.</p> <p>(b) Precincts 4 & 5</p> <p>(i) 10.5m maximum wall height; and</p> <p>(ii) 12.0m maximum building height.</p> <p>(7) Landscaping</p> <p>(a) A Landscaping Plan is required for any development application, to the satisfaction of the City.</p>
Special Control Area – Environment		
<p>SCA 7</p> <p>Subiaco Strategic Water Resource Precinct</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • Identify the area as the Subiaco Waste Water Treatment Plant Odour Buffer for orderly and proper planning. <p>Objectives:</p> <ul style="list-style-type: none"> • To prevent the introduction and intensification of land uses or development which would be incompatible with: <ul style="list-style-type: none"> – the ongoing operation of the Subiaco Waste Water Treatment Plant; – the expansion of the capacity of the treatment plant to support population growth in the catchment; and – the establishment and operation of resource recovery infrastructure and land uses. 	<p>(1) No residential or other sensitive land uses are to be located within this Special Control Area (sensitive land uses as defined by EPA Guidance Statement No. 3 - Separation Distances Between Industrial And Sensitive Land Uses, June 2005).</p> <p>(2) In considering any application for development approval, Scheme Amendment request, Structure Plan or subdivision application and in addition to matters listed in clause 67 of the deemed provisions the local government shall have regard to the following:</p> <p>(a) the recommendations of the Water Corporation and Department of Environment Regulation; and</p> <p>(b) the potential odour impact of the waste water treatment plant and whether the proposal is compatible with the existing and proposed future use of the plant.</p>

Name of Area	Purpose/ Objectives	Additional Provisions
	<ul style="list-style-type: none"> • To facilitate the use and development of land for uses which are beneficial to the operation of the Subiaco Waste Water Treatment Plant and the surrounding catchment. • To prevent adverse impacts on residential and other sensitive uses. 	

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Part 6 - Terms Referred to in Scheme

Division 1- General Definitions used in Scheme

37. Terms used

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

Active frontages	means building frontage which contains uses that promote both activity on the street and active visual engagement between the street and the ground floor of the building.
Building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
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.
Cabin	means a dwelling forming part of a tourist development or caravan park that is - (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests.
Chalet	means a dwelling forming part of a tourist development or caravan park that is - (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.
Commencement day	means the day this Scheme comes into effect under section 87(4) of the Act.
Commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including - (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
Floor area	has meaning given in the Building Code.

Frontage	in relation to a building - <ul style="list-style-type: none"> (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 road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.
Incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use
Minerals	has the meaning given in the Mining Act 1978 section 8(1).
Net lettable area or NLA	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas - <ul style="list-style-type: none"> (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 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 those facilities are not for the exclusive use of occupiers of the floor or building.
Non-conforming use	has the meaning given in the Planning and Development Act 2005 section 172.
Plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
Precinct	means a definable area where particular planning policies, guidelines or standards apply.
Predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental.
Retail	means the sale or hire of goods or services to the public.
Short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest/s accommodated for periods totalling more than 3 months in any 12 month period.
Wall height	in relation to a wall of a building – <ul style="list-style-type: none"> (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 vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.
Wholesale	means the sale of goods or materials to be sold by others.

(2) A word or expression that is not defined in this Scheme -

(a) has the meaning it has in the *Planning and Development Act 2005*; or

(b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.

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Division 2 - Land use terms used in Scheme

38. Land use terms used

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

Aged care facility/nursing home means premises used to provide accommodation and personal or nursing care for the aged and may include recreational, health or laundry facilities and services for residents of the facility.

Amusement parlour means premises -

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines.

Animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.

Animal husbandry – intensive means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) sheep or other livestock in feedlots, sheds or rotational pens.

Art gallery means premises –

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale.

Bed and breakfast means a dwelling -

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and,
- (b) containing not more than 2 guest bedrooms.

Betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*.

Brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*.

Bulky goods showroom means premises -

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and children's goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools.

and

- (b) used to sell goods and accessories by retail if -
 - (i) an area larger than 300m² 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.

Caravan park

means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5 (1).

Caretaker's dwelling

means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.

Car park

means premises used primarily for parking vehicles whether open to the public or not but does not include -
any part of a public road used for parking or for a taxi rank; or
any premises in which cars are displayed for sale.

Child care premises

means premises where -

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* Section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

Cinema/theatre	means premises where the public may view a motion picture or theatrical production.
Civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
Club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
Commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include - <ul style="list-style-type: none"> (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land.
Community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
Consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Convenience store	means premises - <ul style="list-style-type: none"> (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 150m² net lettable area.
Corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
Educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
Exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
Family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided.
Fast food outlet – large	means 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 – <ul style="list-style-type: none"> (a) without further preparation; (b) primarily off the premises; and (c) with a net lettable area of 300m² or more.

Fast food outlet – small means 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;
- (b) primarily off the premises; and
- (c) with a net lettable area of less than 300m².

Freeway service centre means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services -

- (a) service station facilities;
- (b) emergency breakdown repair for vehicles;
- (c) charging points for electric vehicles;
- (d) facilities for cyclists;
- (e) restaurant, cafe or fast food services; excluding the sale or consumption of alcohol under the *Liquor Licensing Act 1988*;
- (f) take-away food retailing, without a drive-through facility;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas;
- (j) dump points for the disposal of black and/or grey water from recreational vehicles.

Funeral parlour means premises used –

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

Garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.

Holiday accommodation means 2 or more dwellings on one lot used to provide short-term accommodation for persons other than the owner of the lot.

Holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.

Home business

means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession -

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Home occupation

means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that -

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet;

and does not -

- (f) require a greater number of parking spaces than
- (g) normally required for a single dwelling; or
- (h) result in an increase in traffic volume in the neighbourhood; and
- (i) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (j) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (k) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Home office	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation - <ul style="list-style-type: none"> (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 - <ul style="list-style-type: none"> (a) has a net lettable area not exceeding 100 m²; and (b) is operated by a person residing in the dwelling.
Hospital	means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1).
Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
Industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes - <ul style="list-style-type: none"> (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.
Industry – light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
Liquor store – large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300 m ² .
Liquor store – small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m ² .
Lunch bar/take-away food outlet	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation).
Market	means premises used for the display and sale of goods from stalls by independent vendors.
Medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

Motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> - (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.
Motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.
Motor vehicle repair	means premises used for or in connection with - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres.
Motor vehicle wash	means premise primarily used to wash motor vehicles.
Nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
Office	means premises used for administration, clerical, technical, professional or similar business activities.
Place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
Reception centre	means premises used for hosted functions on formal or ceremonial occasions.
Recreation – private	means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
Renewable energy facility	means premises used to generate energy from a renewable energy source and includes any building or other structures used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.
Residential	means a premises used for residential development as defined by State Planning Policy 3.1 – Residential Design Codes.
Resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.
Restaurant/cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .

Restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; and
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements.

Roadhouse means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services -

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;
- (f) Dump points for the disposal of black and/or grey water from recreational vehicles.

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.

Service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

Shop – large means premises –

- (a) 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; and
- (b) with a net lettable area of 300m² or more.

Shop – small means premises –

- (a) 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; and
- (b) with a net lettable area less than 300m².

Small bar	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
Tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
Telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
Tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide - <ul style="list-style-type: none"> (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
Trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
Trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises - <ul style="list-style-type: none"> (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; and (g) use by government departments or agencies, including local government.
Transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including - <ul style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.
Veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
Warehouse/storage	means premises including indoor or outdoor facilities used for <ul style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods.

Waste disposal facility means premises used -

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste.

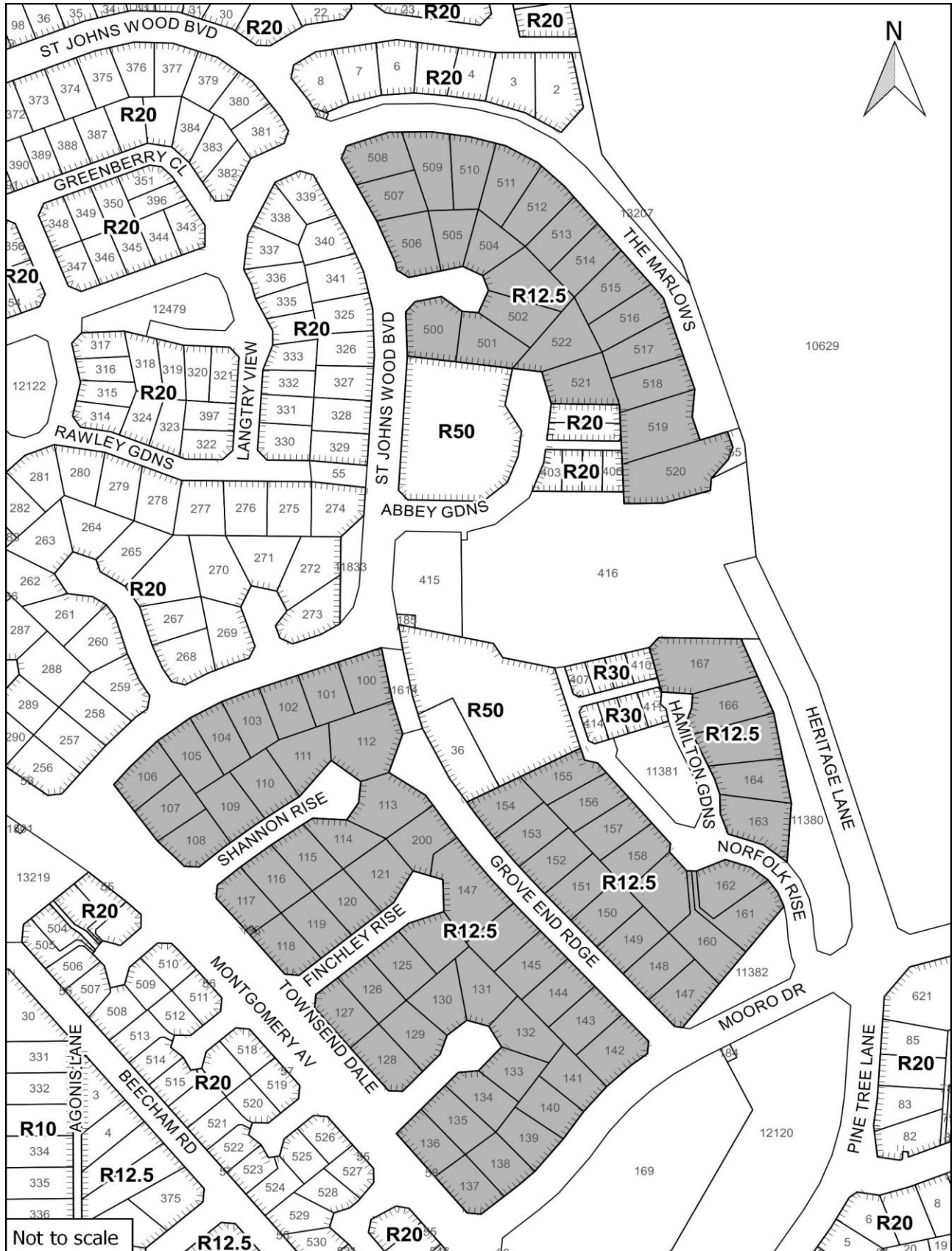
Waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

DRAFT

Schedule A – St John’s Wood

These provisions are to be read in conjunction with Clause 32 Additional site and development requirements (Table 10) contained in the Scheme.

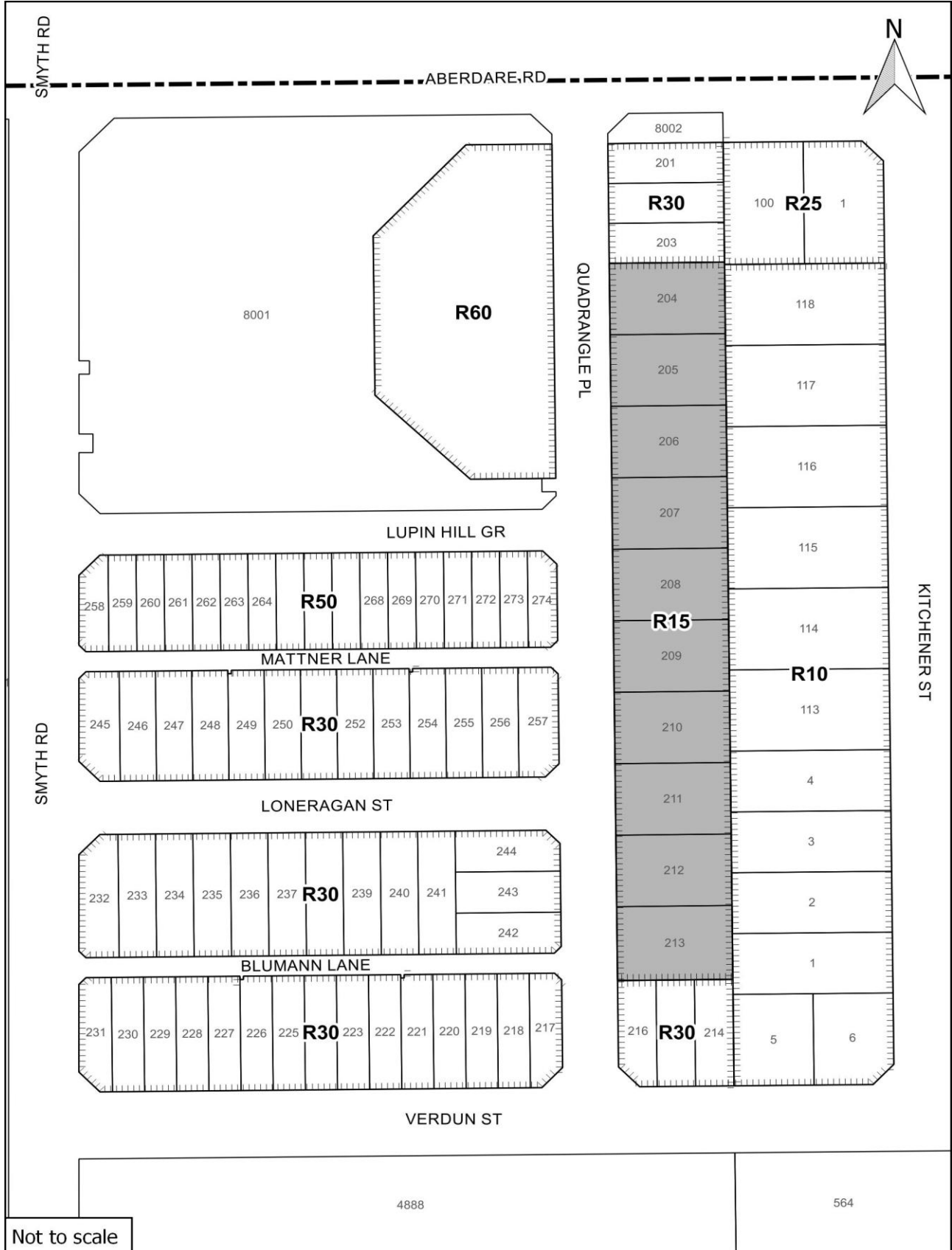
The area identified in this Schedule A as St John’s Wood Area 1 lots coded Residential R12.5 to have a minimum 7.5m front setback.



Schedule B – Hollywood

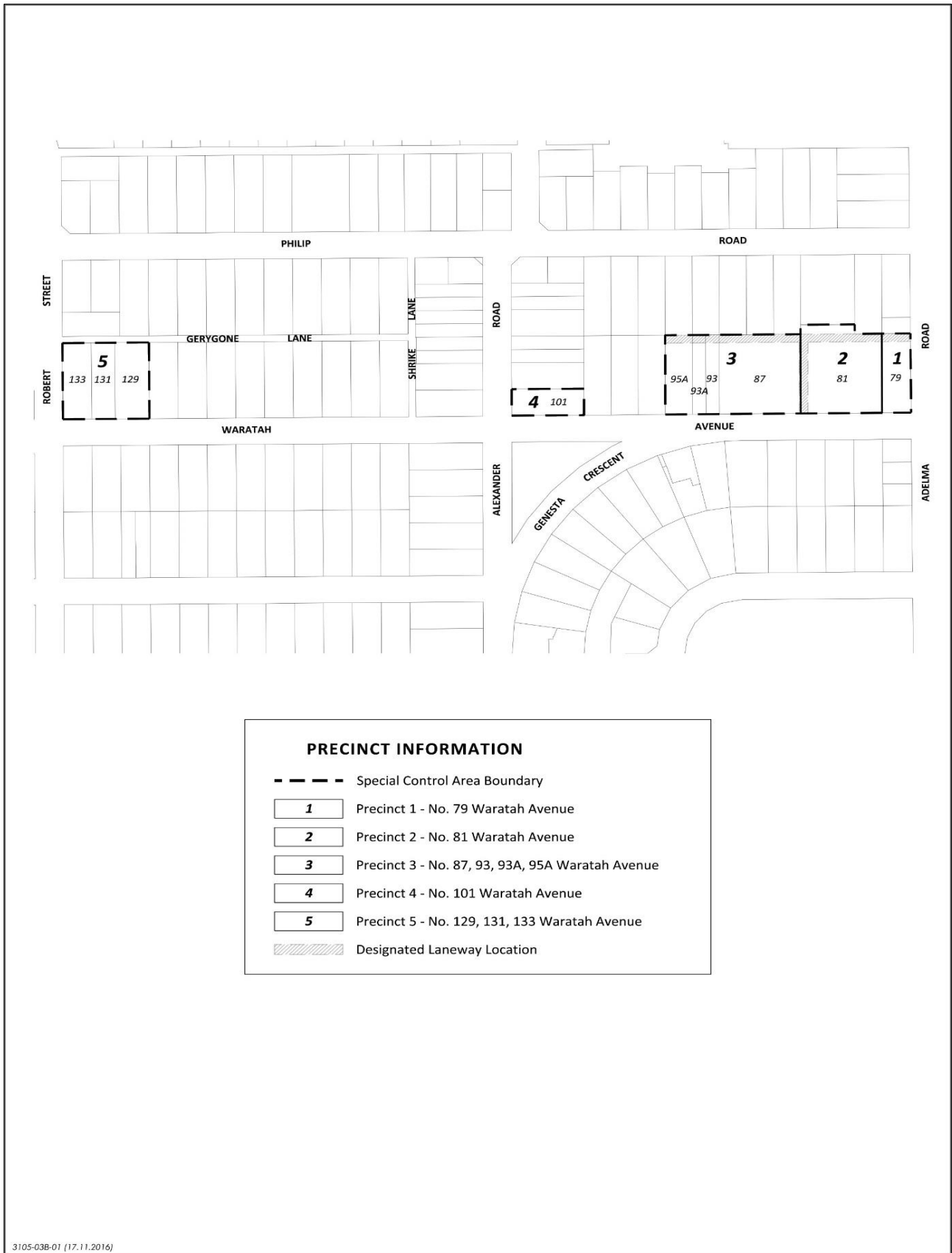
These provisions are to be read in conjunction with Clause 32 Additional site and development requirements (Table 10) contained in the Scheme.

The area identified in this Schedule B as Hollywood lots coded Residential R15 to have a minimum 6.0m and maximum 8.0m front setback.



Schedule C – Precinct Plans Dalkeith Redevelopment Area

These provisions are to be read in conjunction with Clause 36 Special Control Area 6 – Dalkeith Redevelopment Area.



3105-038-01 (17.11.2016)

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the City of Nedlands at the Special Meeting of Council held on the 13/12/2016

CHIEF EXECUTIVE OFFICER

PRESIDENT/ MAYOR

DRAFT

COUNCIL RESOLUTION TO [SELECT AN OPTION] SCHEME FOR APPROVAL

Council resolved to [Select an option] approval of the draft Scheme of the City of Nedlands at the [Insert Meeting Type] Meeting of Council held on the [Date]

The Common Seal of the City of Nedlands was hereunto affixed by authority of a resolution of the Council in the presence of:

CHIEF EXECUTIVE OFFICER

PRESIDENT/ MAYOR

****delete whichever is not applicable***
WAPC Recommended for Approval

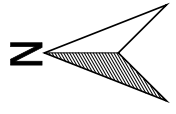
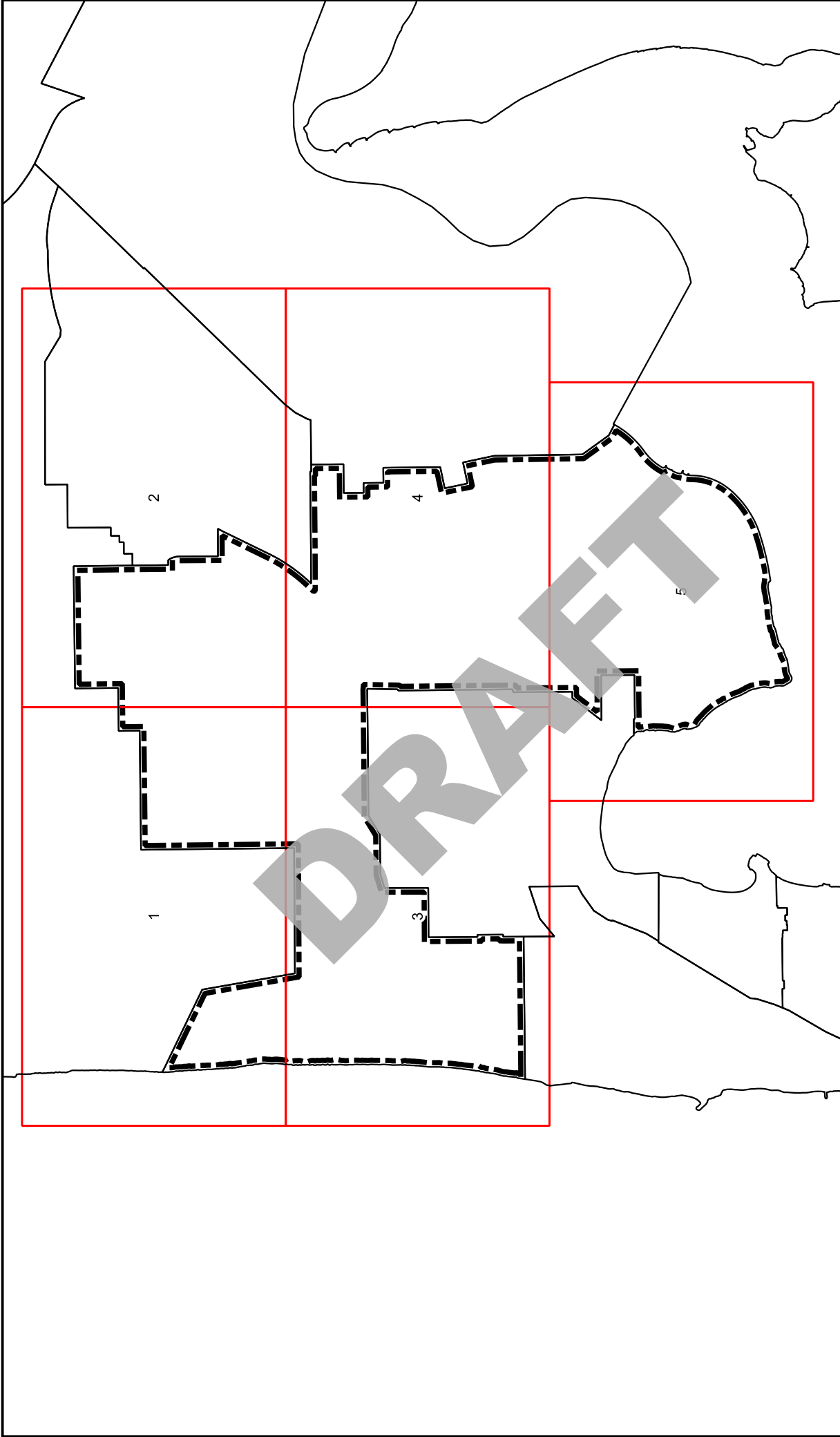
Delegated under S.16 of the Planning and Development Act, 2005

Date: _____

Approval Granted

MINISTER FOR PLANNING

Date: _____



CITY OF NEDLANDS
LOCAL PLANNING SCHEME NO 3
SHEET INDEX

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Legend

 Nedlands LGA Boundary

 LPS3 Rcodes

LPS3 Additional Information

 Additional Use

 Restricted Use


 Special Control Area - Development Control Area/Plan

 Special Control Area - Environment

 Special Control Area - General

LPS3 Zones

 Centre - Local

 Centre - Neighbourhood


 Light Industry


 Mixed Residential

 Mixed Use

 Private Community Purpose

 Residential

 Service Commercial

 Special Use Zone

 Urban Development

LPS3 Reserves

 Cemetery

 Civic and Community

 Drainage/Waterway

 Education

 Environmental Conservation

 Government Services

 Infrastructure Services


 Local Road


 Public Open Space


 Recreational


MRS

 Industrial

 Other regional roads

 Parks and recreation

 Parks and recreation - restricted public access

 Primary regional roads

 Public purposes

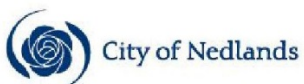
 Railways

 Urban

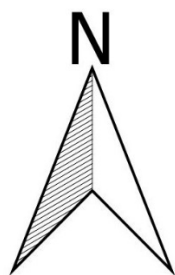
 Urban deferred

 Waterways

DRAFT



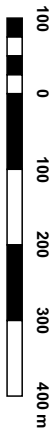
71 Stirling Highway
PO Box 9
Nedlands WA 6009
Phone: 9273 3500
Fax: 9273 3670
Email: council@nedlands.wa.gov.au



**LOCAL PLANNING SCHEME 3 (DRAFT)
CITY OF NEDLANDS**

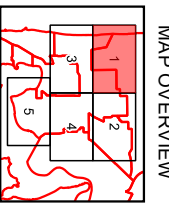
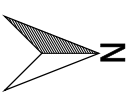


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LOCAL PLANNING SCHEME NO 3**

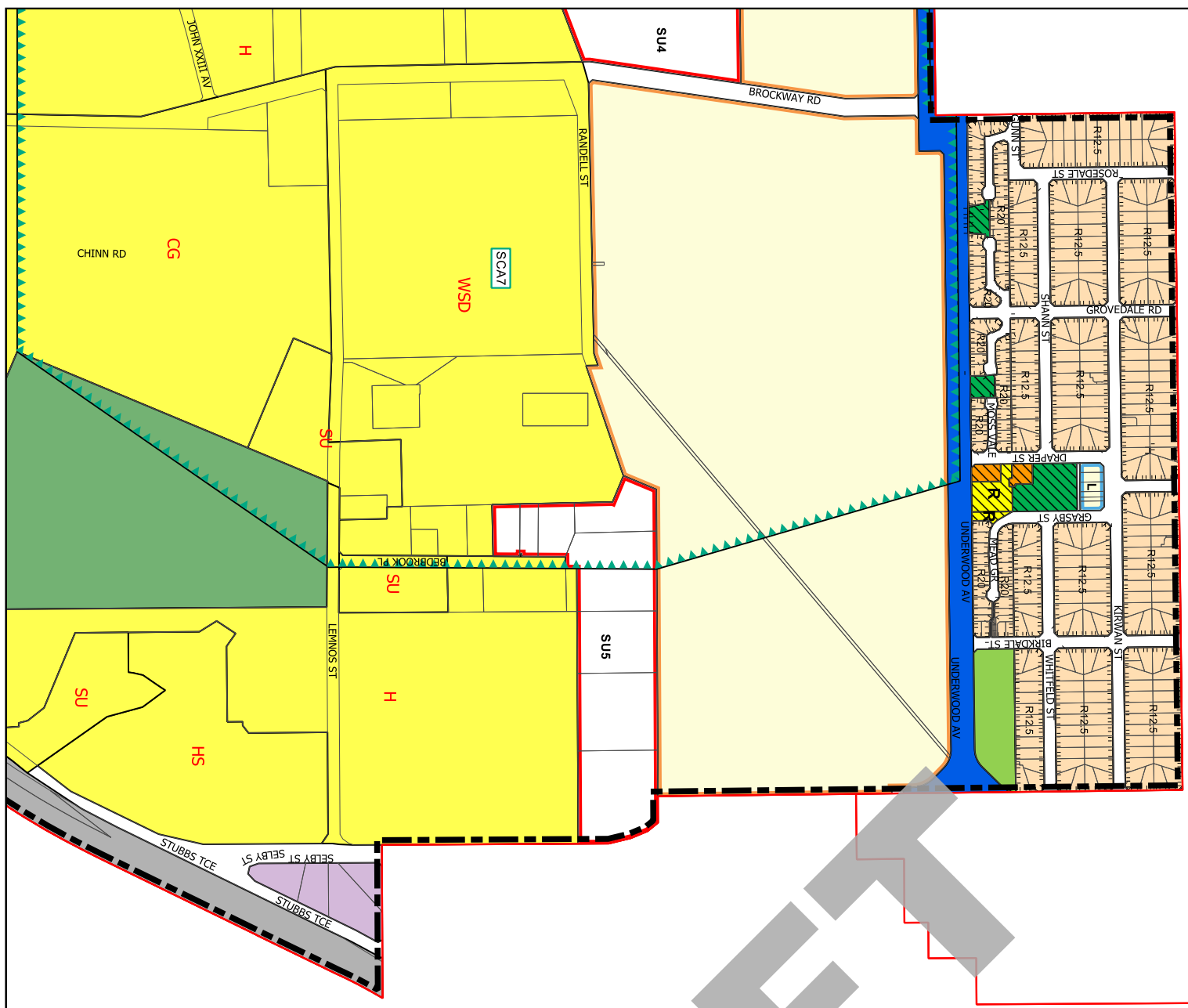


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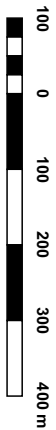
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MAP OVERVIEW

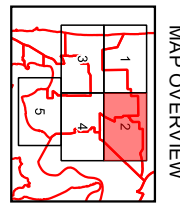
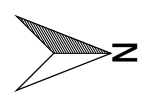


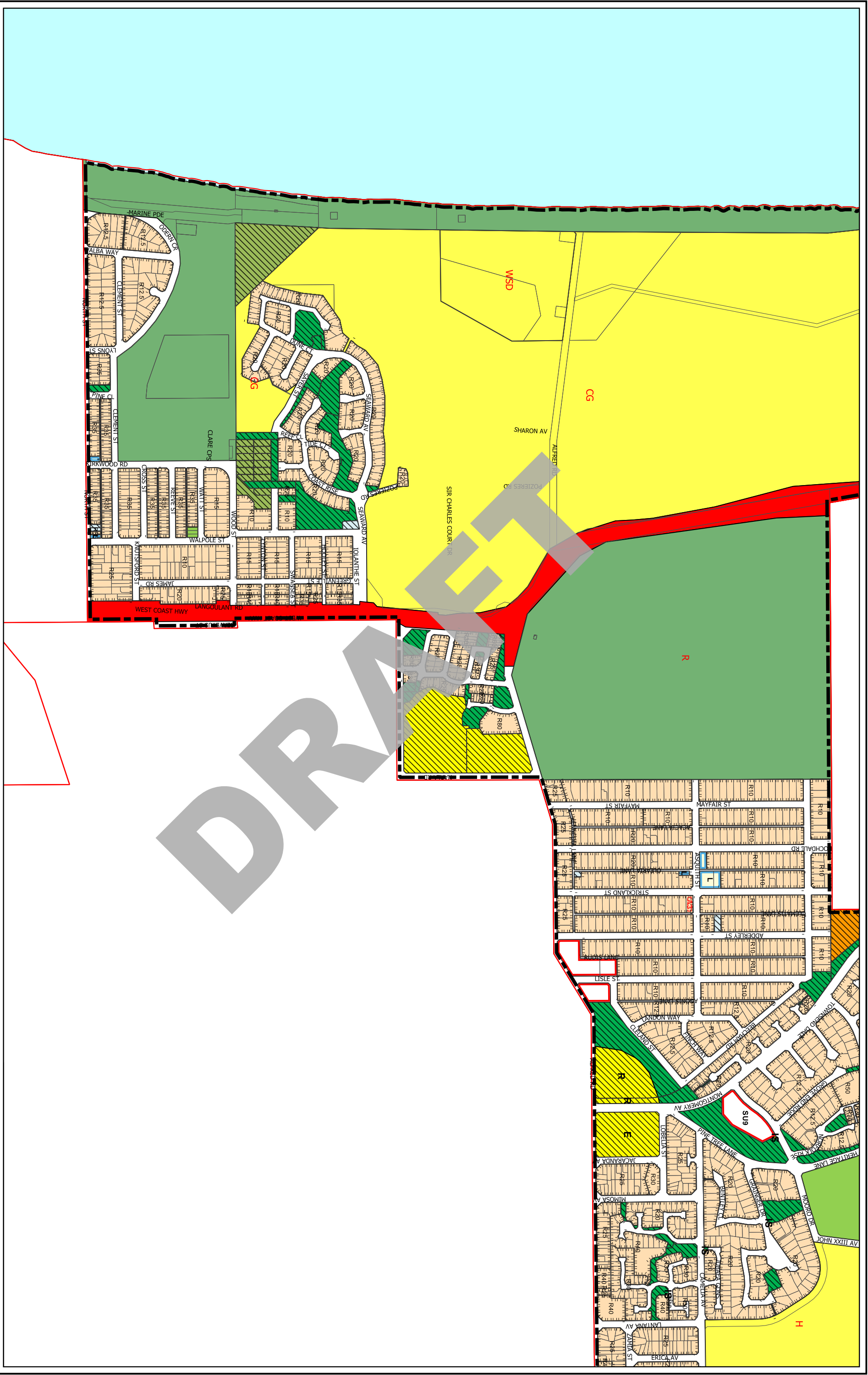
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LOCAL PLANNING SCHEME NO 3**



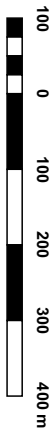
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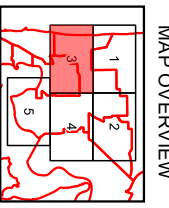
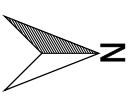


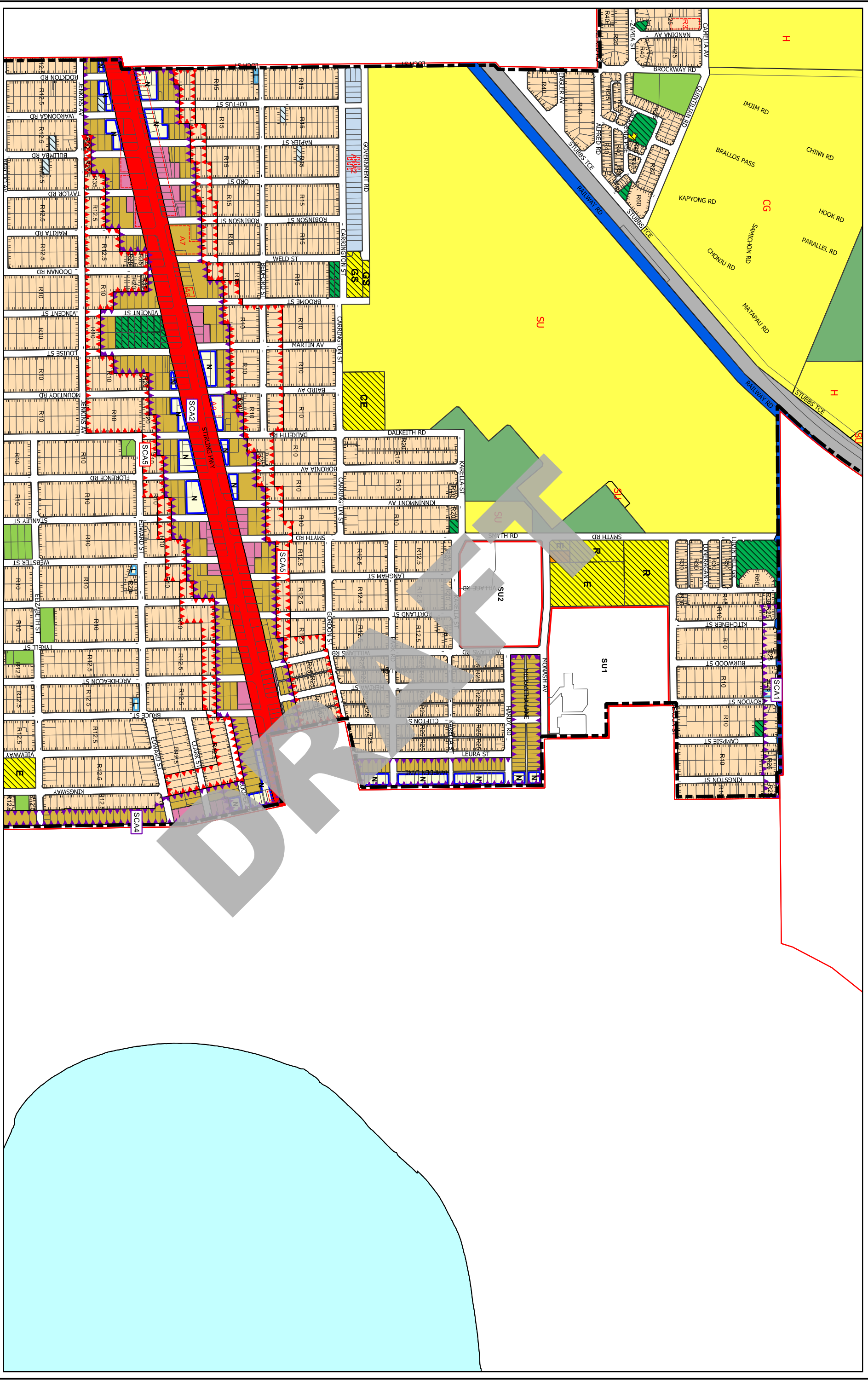
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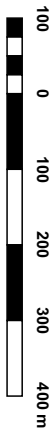
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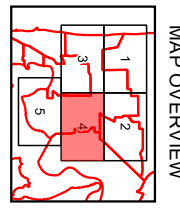
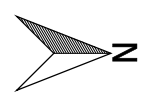


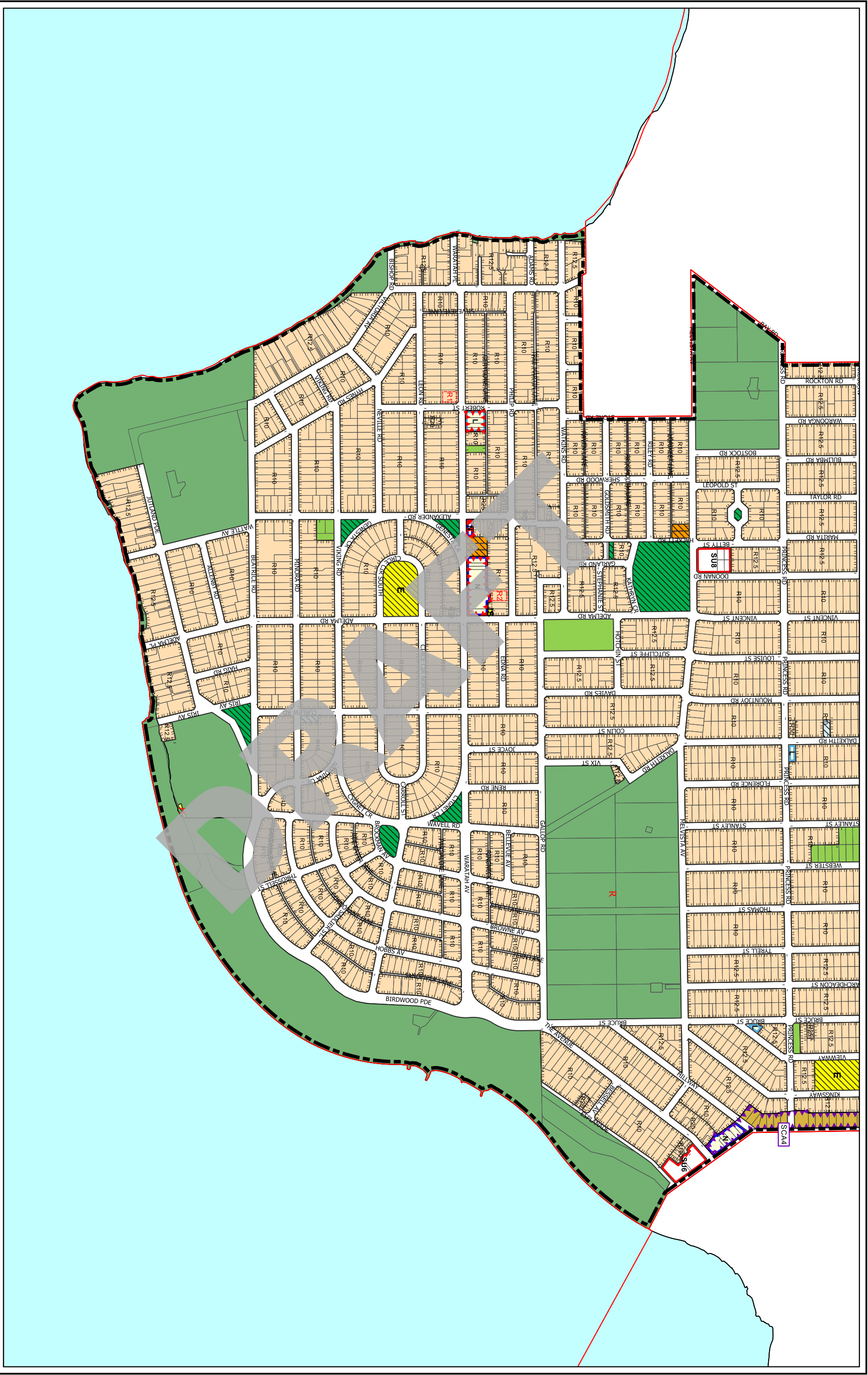
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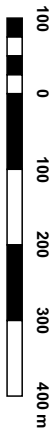
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