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# TOWN OF CAMBRIDGE

## Local Planning Scheme No. 1

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Updated to include AMD 40 GG 13/05/2022

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
31 March 1998

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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, Lands and Heritage of any errors or omissions in this document.

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## TOWN OF CAMBRIDGE LPS 1 –TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				28/10/97 Text to area team for checking 13/7/98 Corrections to text. Forwarded to Local Authority 14/7/98
1	27/4/99	4/5/99	DH	Schedule 2 - adding additional use "1. Lot 5 (no. 10) and Lot 4 (No. 12) Abbotsford Street, West Leederville".
	6/7/99	7/7/99	DH	Correction Notice Schedule 2 - modifying Clause 2(c).
4	15/12/00	18/12/00	DH	Clause 3 - deleting text "apart from the area illustrated on the Scheme Map comprising the land that is in the redevelopment area for the purposes of the Subiaco Redevelopment Act 1994". Clause 11 - deleting the words "Clause 36" in subclause (5) and inserting "Clause 37". Clause 13 and Clause 15 - deleting the words "Use Area" from Clause 13 Additional uses and Clause 15 Non-Conforming Uses subclauses (5) and (9) (b) and inserting the word "Zone" to replace the deleted text. Clause 12 - deleting the word "Use Area" from the footnotes numbered (6) and (8) which following the Zoning Table and inserting the word "Zone". Schedule 1 - inserting the definition "Conference Centre". Clause 12 - inserting the Use Classes "Conference Centre", "Hospital Special Purposes", and "Dwelling (Multiple)" within the Zoning Table and adding "(9) "AA" within Residential R40, R40/60, R60 Zones - "X" within Residential R12.5, R15, R20, R30 Zones".
6	12/4/02	10/4/02	DH	Clause 20 - modifying sub-clause 20(1)(a).
8	30/7/02	1/8/02	DH	Table 1 - changing the designation of the Office Use Class from "IP/AA(5) to "AA" in the Local Centre Zone. Table 1 - amending footnote (5) at the end of the Zoning Table by deleting the wording and inserting the words " <i>deleted as part of Amendment No. 8;</i> "
11	6/8/04	10/8/04	DH	Cause 9(1)(c) – adding "(viii) Development" to clause. Clause 12 – adding column for "Development" zone and use class symbols to Zoning Table. After Clause 55 – adding "Part 7 – Special Control Areas". Adding new "Schedule 7 – Provisions for Outline Development Plans".
12	31/8/04	31/8/04	DH	Table 1 – modifying footnote (9) to the zoning table to include R160 as an "AA" use.
16	7/2/06	8/2/06	DH	Schedule 2 (Additional Uses) – adding additional use area "2. Lot 4 (No. 17) Kerr Street, West Leederville"
15	28/8/07	6/9/07	DH	Clause 20 - insert Clause 20(3).
17	28/8/07	6/9/07	DH	Schedule 2 - inserting additional use area "3. Lot 4 (No. 134) Salvado Road, Wembley" together with additional uses and development standards.
18	17/2/09	26/2/09	DH	Schedule 2 - adding Additional use Area No. 4 "Lot 10 comprising Strata Lot 2 (No. 272) and Strata Lot 1 (No. 274) Cambridge Street, Wembley"
21	24/06/11	11/07/11	NM	Inserted "Lots 1 and 537 (No. 41-45) McCourt Street, West Leederville" into Schedule 3 – Special Use Zones.
23	19/4/13	30/4/13	NM	Inserted 'Lot 353 (No. 24) Floreat Avenue into Schedule 2.
25	06/06/14	18/06/14	ML	Re-zoning Lot 270 (No. 152) Jersey Street and Part Lot 1000 (No. 322-326) Cambridge Street, Wembley from Residential R20 – Local Centre
26	01/08/14	9/12/14	MLD	Zone unzoned portion of Lot 520 Salvado Road, Jolimont to 'Residential'. Introduce 'Special Control Area No. 2' to portion of Lot 520 Salvado Road, Jolimont. Modify Clause 56 – insert after Clause 56(9), 56A Special Control Area No. 2 - portion of Lot 520 Salvado Road, Jolimont
24	16/12/14	11/2/15	MLD	Amend Scheme Maps – Rezone portion of Lot 13409 from 'No Zone' to 'Residential R30'. Increase density coding for Lot 13409 to 'R30'.

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Rezone Lot 87 to 'Parks and Recreation' and amend the Scheme Zoning Map (Map 2 Cambridge South West)
28	05/05/15	11/05/15	MLD	Introduced an additional use of 'local cafe' for Lot 336 (No. 58) St Leonards Avenue, West Leederville in Schedule 2. Amended the Scheme map accordingly.
29	16/10/15	05/11/15	RO	Schedule 2 amended to include Development Standards and Conditions for the additional use 'consulting rooms (group)' for Lots 165 & 166 (No.210) Cambridge Street, Wembley.
30	09/02/16	17/08/16	MLD	Introduce an additional use for "Hospital Special Purposes" at Lot 181 (No. 61-69) Cambridge Street, West Leederville to the existing 'Residential' R60 zone. Update Schedule 2 to include Development Standards and Conditions for the additional use – "Hospital Special Purposes" at Lot 181 (No. 61-69) Cambridge Street, West Leederville.
27	24/06/16	26/10/16	GM	Rezoned land in the West Leederville Activity Centre area to establish Special Control Area No. 3, Special Use zones, Mixed Use zones and Residential R-AC0 zone. Amended terminology and administrative provisions to be consistent with the Planning and Development Act 2005 and the Residential Design Codes. Introduced Mixed Use zone, replace the zoning table, replace clause 14 Special Use Zones, replace clause 15 Non-conforming use, insert subclauses 17 (3) and (4), delete clause 20(2)(b), insert clause 20(4), insert clause 23(A) Cash In Lieu Of Parking Bays, replace Part 7 - Special Control Areas (clauses 56, 57, 58 and 59). Amended Schedule 1 – Interpretations by – Inserting the following definitions: bed and breakfast, large format retail, liquor store, local development plan, local planning strategy, medical centre, pharmacy, small bar and wholesale; deleted the following definitions: fish shop, hospital special purposes, wholesale and wine house. modified the following definitions: Act, building line, caravan, child day care centre, club premises, commercial vehicle, Commission, consulting rooms, consulting rooms group, family day care centre, floor area of a building, height, hotel, Metropolitan Region Scheme, Minister, Motel, night club, nursing home, park home, plot ratio, private hotel, Residential Design Codes, restricted premises, service station, take-away food outlet, take-away food outlet (drive through and tavern). Delete Additional Use 1 relating to Lot 5 (No. 10) and Lot 4 (No. 12) Abbotsford Street, West Leederville from Schedule 2. Insert Special Use 3 relating to the Leederville Station Link to Schedule 3. Amended all references to Clause 37 (Advertising of Applications for Planning Approval) with a reference to Clause 64 (Advertising Applications) of the Planning and Development (Local Planning Schemes) Regulations 2015. Amended the Scheme Map accordingly.
32	02/08/16	26/10/16	GM	Zone and classify the Perry Lakes Redevelopment Area to Residential Zone and Local Reserve - Parks and Recreation. Introduce Special Control Area No. 4 over the Perry Lakes Redevelopment Area by modifying clause 56 and inserting a new clause 60.
35	04/11/2016	10/01/2017	MLD	Modify the Scheme Map to rezone Lot 101 (No. 95) Cambridge Street, Lot 102 (No. 103) Cambridge Street, Lot 1 (No. 105) Cambridge Street, Lot 3 (No. 26) Kimberley Street and Lot 2 (No. 28) Kimberley Street, West Leederville from Residential RAC - 0 to Mixed Use.
36	12/12/17	13/12/17	GM	Removed the area south of Hay Street and east of Selby Street, inclusive of the adjoining Selby Street and Hay Street road reserves, from the TPS No. 1 Scheme Area and amend the Scheme map and Scheme boundary accordingly.

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
33	27/03/18	28/03/18	GM	Rezoned portions of Lot 8 (350) Cambridge Street, Wembley from 'Residential R20' and 'Public Purpose' to 'Local Centre' and amending the Scheme Map accordingly. Part 3 – Development Requirements – Division 1 amended by inserting a new clause 23B titled Requirement for Local Development Plan.
38	30/08/19	04/09/19	GM	Amend scheme text to align with the deemed and model provisions.
37	10/09/19	24/09/19	MLD	Amend Clause 26 - Modification of R-Codes by including the following new subclauses.  Amend Schedule A - Supplemental Provisions to the Deemed Provisions by including new subclauses.
39	9/4/2021	12/4/2021	MLD	Insert an entry in Schedule B – A9 - 'Additional Uses' by including an additional use right over Lot 1 (No. 29) St Leonards Avenue, West Leederville for the purposes of 'Restaurant/Café' and 'Small Bar'.  Amend the Scheme Map accordingly.
40	13/5/2022	16/5/2022	MLD	Schedule B entitled 'Additional Uses' by including an additional use (A10) right over Lot 547 (No. 69) Mccourt Street, West Leederville for the purposes of 'Liquor Store' and 'Take Away Food Outlet'.  Amend the scheme map accordingly.

**TOWN OF CAMBRIDGE**  
**LOCAL PLANNING SCHEME NO. 1**

The Town of Cambridge, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act, 2005* (as amended), hereinafter referred to as The Act, hereby makes the following Local Planning Scheme for the purposes laid down in The Act.

The text of this local planning scheme must be read in conjunction with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Where a provision of this scheme is inconsistent with a deemed provision, the deemed provision shall prevail.

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# PART 1 – PRELIMINARY

## 1. CITATION

*AMD 38 GG 30/08/19*

This local planning scheme is the Town of Cambridge Town Planning Scheme No. 1.

## 2. COMMENCEMENT

*AMD 38 GG 30/08/19*

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

## 3. SCHEME REVOKED

*AMD 4 GG 15/12/00; AMD 38 GG 30/08/19*

No local planning schemes are revoked.

## 4. NOTES DO NOT FORM PART OF SCHEME

*AMD 38 GG 30/08/19*

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

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

## 5. RESPONSIBILITY FOR SCHEME

*AMD 27 GG 24/06/16; AMD 38 GG 30/08/19*

The Town of Cambridge 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

*AMD 38 GG 30/08/19*

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

## 7. CONTENTS OF SCHEME

*AMD 38 GG 30/08/19*

- (1) In addition to the provision 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;
- (2) The supplementary provisions set out in Schedule A of the scheme text.
- (3) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

## 8. PURPOSES OF SCHEME

*AMD 27 GG 24/06/16; AMD 38 GG 30/08/19*

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**

*AMD 38 GG 30/08/19*

The aims of this Scheme are -

- (a) to control and guide development and growth in a responsible manner and which can initiate, accommodate and respond to change;
- (b) to ensure that the Town of Cambridge will be widely recognised as providing a high level of services and amenities in a friendly and accountable manner;
- (c) to cater for the diversity of demands, interests by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;
- (d) to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment;
- (e) to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which: -
  - (i) recognises the individual character and needs of localities within the Scheme Area; and
  - (ii) can readily respond to change;
- (f) to ensure planning at a local level is consistent with the Metropolitan Region Scheme and wider regional planning strategies and objectives;
- (g) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
- (h) to promote and safeguard the economic well-being and functions of the Town;
- (i) to co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which:
  - (i) makes optimum use of the Town's growing infrastructure and resources;
  - (ii) promotes an energy efficient environment; and
  - (iii) respects the natural environment;
- (j) to promote and safeguard the cultural heritage of the Town by: -
  - (i) identifying, conserving and enhancing those places which are of significance to the Town's cultural heritage; and

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

(k) to facilitate the achievement of the objectives of an adopted Local Planning Strategy.

**10. RELATIONSHIP WITH LOCAL LAWS**

*AMD 38 GG 30/08/19*

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**

*AMD 27 GG 24/06/16; AMD 38 GG 30/08/19*

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

**12. RELATIONSHIP WITH REGION PLANNING SCHEME**

*AMD 38 GG 30/08/19*

The Metropolitan Region Scheme 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

AMD 38 GG 30/08/19

### 13. REGIONAL RESERVES

AMD 38 GG 30/08/19

- (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 land for a public purpose under the Metropolitan Region Scheme.

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

### 14. LOCAL RESERVES

AMD 27 GG 24/06/16; AMD 38 GG 30/08/19

- (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 -

Reserve name	Objectives
Parks and recreation	<ul style="list-style-type: none"> <li>• To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>• To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ul>
Public purpose - car park	<ul style="list-style-type: none"> <li>• To set aside land required for car park.</li> </ul>
Public purpose - civic use	<ul style="list-style-type: none"> <li>• To provide for a range of community facilities which are compatible with surrounding development.</li> <li>• To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.</li> </ul>
Public purpose - primary school	<ul style="list-style-type: none"> <li>• Public purposes which specifically provide for a range of essential educational facilities.</li> </ul>

### 15. ADDITIONAL USES FOR LOCAL RESERVES

AMD 38 GG 30/08/19

- (1) Table 2 sets out –
  - (a) Classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
  - (b) the conditions that apply to that additional use.

**Table 2 - Specified additional uses for land in local reserves in Scheme area**

No.	Description of land	Additional use	Conditions
There are no additional uses for land in local reserves that apply to this Scheme.			

- (2) Despite anything contained in clause 14, land that is specified in the Table to sub clause (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.

## PART 3 - ZONES AND USE OF LAND

AMD 38 GG 30/08/19

### 16. ZONES

AMD 38 GG 30/08/19

(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 3 - Zone objectives**

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complimentary to residential development.</li> </ul>
Local Centre	<ul style="list-style-type: none"> <li>• Provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas.</li> <li>• Provide for neighbourhood and local centres to focus on the main daily household shopping and community needs.</li> <li>• Encourage high quality, pedestrian-friendly, street-orientated development.</li> <li>• Provide a focus for medium density housing.</li> <li>• 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.</li> </ul>
District Centre	<ul style="list-style-type: none"> <li>• Provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas.</li> <li>• Provide for district centres to focus on weekly needs and services for a wider district catchment.</li> <li>• Provide a broad range of employment opportunities to encourage diversity within the Centre.</li> <li>• 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.</li> <li>• Provide for a wide range of different types of residential accommodation, including high density residential, to meet the diverse needs of the community.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment</li> </ul>

	<p>and design of facades or improve the existing streetscape.</p> <ul style="list-style-type: none"> <li>To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul>
Mixed Use	<ul style="list-style-type: none"> <li>To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.</li> <li>To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.</li> </ul>
Special Use	<ul style="list-style-type: none"> <li>To facilitate special categories of land uses which do not sit comfortably within any other zone.</li> <li>To enable the Council to impose specific conditions associated with the special use</li> </ul>

**17. ZONING TABLE**  
AMD 38 GG 30/08/19

The zoning table for this Scheme is as follows –

**Table 4 - Zoning Table**

Use Class	Zones								
	Residential	Residential/ Commercial	Local Centre	District Centre	Commercial	Medical	Development	Mixed Use	Special Use
<b>Commercial, Retail and Entertainment Uses</b>									
Restaurant/cafe Shop Take Away Food Outlet Market	X	X	P	P	D	X	A	P	Refer to Clause 21 and Schedule C
Large Format Retail	X	X	A	D	A	X	A	D	
Local Shop	A	A	P	P	D	D	A	P	
Petrol and Convenience Store	X	X	A	A	A	X	X	A	
Liquor Store	X	X	D	D	D	X	A	D	
Cinema/Theatre	X	X	D	D	D	X	A	P	
Amusement Parlour	X	X	A	A	A	X	X	P	
Amusement Facility	D	D	P	P	P	D	A	P	
Office	X	D	D	D	D	D	A	D(1)	
Bulky Goods Showroom	X	X/D (2)	X	D	D	X	A	D(1)	
Hotel, Tavern or Small Bar	X	X	A	A	A	X	X	D	

Take away food outlet (drive through)	X	X	A	A	A	X	X	X	
Amenity Building	X	D	D	D	D	D	A	D	
<b>Health and Medical Uses</b>									
Consulting Rooms Veterinary Clinic	X	D	D	D	D	D	A	D(1)	Refer to Clause 21 and Schedule C
Consulting Rooms (group)	X	A	A	D	D	D	A	D(1)	
Medical Centre	X	X	X	A	D	P	A	D	
Hospital	X	A	A	D	D	D	A	A	
Pharmacy	X	X	P	P	D	D	A	P	
Veterinary Hospital	X	X	X	X	A	X	A	A	
Health Studio	X	X/D(3)	D	D	D	X	A	D(1)	
Massage Rooms	X	X	A	A	A	X	X	A	
<b>Community and Education Uses</b>									
Child care premises Community Purpose Educational establishment	A	A	D	D	D	D	A	D(1)	Refer to Clause 21 and Schedule C
Place of Worship	A	A	A	D	D	D	A	D(1)	
Recreation - Public	D	D	D	D	D	D	A	D(1)	
Recreation - Private Club Premises	X	X	D	D	D	X	A	D(1)	
Civic Use	D	D	D	D	D	D	A	D	
Conference Centre	X	A	D	D	D	A	A	D(1)	
Reception Centre	X	X	A	A	A	X	X	D(1)	
<b>Residential, Accommodation and Associated Uses</b>									
Dwelling (Single)	P/D(4)	P	D	D	D	D	A	X	Refer to Clause 21 and Schedule C
Dwelling (Grouped)	D/X(5)/ P(6)	D	D	D	D	D	A	X	
Dwelling (Multiple)	P/D/X (7)	D	D	D	D	D	A	D(1)	
Service Apartments	X/D(8)	A	D	D	D	D	A	D(1)	
Family Day Care	P(9)	P(9)	P(9)	P(9)	P(9)	P(9)	A(9)	D(1) (9)	
Home Occupation	D(9)	D(9)	D(9)	D(9)	D(9)	D(9)	A(9)	D(1) (9)	
Nursing Home	A	A	D	D	D	D	A	D	
Retirement Village	D	D	D	D	D	D	A	D	
Caretaker's Dwelling	X	D	D	D	D	D	A	X(1)	
Motel	X	X	A	A	A	X	X	D	
Bed and Breakfast	A(9)	A(9)	A(9)	A(9)	A(9)	A(9)	A(9)	A(9)	
<b>Industrial and Associated Uses</b>									
Industry - Service	X	X	X	D	D	X	A	D	1

Industry- Light	X	X/D (10)	D	D	D	X	X	D
Warehouse/storage	X	X/D (2)	D	D	A	X	A	X (11)
Dry cleaning Premises	X	X	D	D	D	X	A	D
<b>Infrastructure and Utilities</b>								
Public parking station	X	X	D	D	D	X	A	D
Communications antennae (domestic) Public utilities	D	D	D	D	D	D	A	D
Telecommunications infrastructure	X	X	D	D	D	X	A	D
<b>Other</b>								
Advertisement	X/P (12)	D/P (13)	D/P (13)	D/P (13)	D/P (13)	D/P (13)	A	D/P (13)
Open Air Display	X	X	D	D	D	X	A	A
Motor vehicle, boat or caravan sales	X	X	X	A	A	X	X	X
Funeral Parlour	X	X	A	A	A	A	A	A
Restricted Premises Motor Vehicle Wash Service Station	X	X	A	A	A	X	X	A

#### Notes -

1. "P" within all building levels other than street level.
2. "X" within Precinct P5 (West Leederville); and  
"D" within Precinct P4 (Wembley) where vehicular access is not provided from Herdsman Parade.
3. "X" within Precinct P5 (West Leederville); and  
"D" within Precinct P4 (Wembley).
4. "P" within all residential zones other than the Residential R-AC 0 Zone; and  
"D" within the Residential R-AC 0 Zone.
5. "D" within Residential R15, R20, R30, R40, R40/60, R60 and R-AC 0 Zones; and "X" within Residential R12.5 Zone. The "D" permissibility in the Residential R20 zone is subject to Note 6.
6. "P" for the Residential R20 Zone in the Wembley Precinct where a density bonus is obtained for grouped dwellings on a corner lot in conformity with Clause26(4).
7. "P" within Residential R-AC 0 Zone;  
"D" within Residential R40, R40/60 and R60 Zones; and  
"X" within Residential R12.5, R15, R20, R30 Zones;
8. "D" within Residential R40, R40/60, R60 and R-AC 0 Zones; and  
"X" within Residential R12.5, R15, R20 and R30 Zones.
9. The permissibility of this use is also subject to the associated residential use first being approved.
10. "X" within Precinct P5 (West Leederville); and  
"D" within Precinct P4 (Wembley);
11. "D" within all building levels other than street level.
12. "P" where exempt from the requirement to obtain planning approval under Clause 61 of Deemed Provisions and "X" in all other cases.
13. "P" where exempt from the requirement to obtain planning approval under Clause 61 of Deemed Provisions and "D" in all other cases.

#### 18. INTERPRETING ZONING TABLE

AMD 27 GG 24/06/16; AMD 38 GG 30/08/19

(1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

(2) The symbols used in the zoning table have the following meanings -

P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;



- I means that the use is permitted if it is incidental or ancillary, 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.
  2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.
  3. The numbered notes which appear at the foot of the Zoning Table explain the effect of the corresponding numbers which appear in the zoning table.
- (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 of 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 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.
- (8) Where more than one symbol is used in the cross reference in the Zoning Table, the permissibility of that use is to be determined by reference to the numerical figure shown in brackets following the symbols. An explanation of the meaning of the numerical figures is shown below the Zoning Table.

**19. ADDITIONAL USES**

*AMD 27 GG 24/06/16; AMD 38 GG 30/08/19*

- (1) Schedule B sets out -
  - (a) classes of use of specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
  - (b) the conditions that apply to that additional use.
- (2) Despite anything contained in the zoning table, land that is specified in the Schedule to sub clause (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**

*AMD 38 GG 30/08/19*

- (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
There are no restricted uses which apply to this Scheme.			

- (2) Despite anything contained in the zoning table, land that is specified in the Table to sub clause (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.

**21. SPECIAL USE ZONES**

*AMD 38 GG 30/08/19*

- (1) Schedule C sets out -
  - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
  - (b) the classes of special use that are permissible in that zone; and
  - (c) the conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

## **22. NON-CONFORMING USES**

*AMD 38 GG 30/08/19*

- (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) Sub clause (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) Sub clause (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**

*AMD 38 GG 30/08/19*

- (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 sub clause (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**

*AMD 38 GG 30/08/19*

- (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 sub clause (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

*AMD 38 GG 30/08/19*

- (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 the 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 sub clause (3).

### 26. MODIFICATION OF R-CODES

*AMD 38 GG 30/08/19, AMD 37 GG 10/9/19*

- (1) Notwithstanding the provisions of the R-Codes, the following special applications of the R-Codes apply -
  - (a) street boundary setbacks within the City Beach Precinct (P1) shall be a minimum of 7.5 metres from the primary street (as defined by Council) and 3.75 metres from the secondary street, except within the Residential R30 zone and in the case of grouped dwelling development, and
  - (b) street boundary setbacks within the Floreat Precinct (P3) shall be a minimum of 9 metres from the primary street (as defined by Council) and 4.5 metres from the secondary street, except within the Residential R15 zone.
- (2) When determining setbacks under this clause, the following provisions shall apply -
  - (a) setbacks shall be measured at 90 degrees to the street alignment.
- (3) For the area located along either side of Cambridge Street between Selby Street and Birkdale Street and zoned Residential R20, the average site area for grouped dwellings shall be 450m<sup>2</sup>.
- (4) On land zoned Residential in the P4 Wembley Precinct to which the R20 code applies, corner lots which were created as part of, and were contained in, the original residential subdivision survey deposited plan applying to that portion of the Precinct, may be comprehensively developed at R30 density standards if, and only if:
  - (a) every dwelling is designed and built to face a street frontage and both street frontages are developed with dwellings that face the street. For this sub-clause, to face a street frontage means that the dwelling must as a minimum contain the front door, pedestrian access to the street and major openings facing and viewing onto the street; and
  - (b) all dwelling facades are designed to address the street and allow for street and right of way surveillance; and
  - (c) an integrated redevelopment of the whole of the lot is proposed. Where an

existing dwelling is retained, it shall be included in the application and upgraded and modified as required to achieve an integrated redevelopment and to meet all Scheme requirements. The density bonus does not apply to vacant strata, survey strata or conventional green title subdivision; and

- (d) where the dwelling abuts a paved and drained right of way, vehicular access shall be to that right of way. Where access is required from a street, no more than one crossover per street shall be permitted; and
- (e) notwithstanding the above for lots abutting Grantham Street the following requirements shall apply:
  - (i) all dwellings abutting Grantham Street must be designed and built to face Grantham Street. This means the dwelling must as a minimum contain the front door, pedestrian access to the street and major openings facing and viewing onto the street; and
  - (ii) the façade on each level facing the side street must have at least one habitable room with a clear view of the street; and
  - (iii) no vehicular access from Grantham Street shall be permitted; and
  - (iv) vehicle parking shall not be located in the front setback to Grantham Street; and
  - (v) existing crossovers shall be removed and the verge reinstated at the applicant's expense.
- (5) The permitted dwelling density per hectare under the Residential Design Codes for any land is to be determined by reference to the Residential Design Codes dwelling density number, as illustrated on the Scheme Map.
- (6) Subject to compliance with the procedures set out in the Residential Design Codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if:-
  - (a) the proposed development effects the discontinuance of a non-conforming use;  
or
  - (b) the proposed development conserves or enhances an existing building, buildings or place which is either:-
    - (i) declared to be a conservation area or a conservation place; or
    - (ii) included on a Heritage List or Heritage Areas prepared in accordance with this Scheme; or
    - (iii) entered in the Register of Heritage Places under the Heritage Act 2018;  
or
  - (c) the proposed development would remove all vehicular access to and from the site from a road nominated by the local government to be a primary or district distributor road.
- (7) A heritage assessment under clause 11 of the deemed provisions shall be submitted by the applicant as part of an application for development approval under sub-clause 6(b) above.
- (8) Where the Council allows an increase in the permitted dwelling density under sub-clause 6 above, the standards and provisions of the Residential Design Codes which relate to that higher density are to apply.

**27. STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME**

AMD 38 GG 30/08/19

- (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**

AMD 38 GG 30/08/19

There are no modifications to State Planning Policy 3.6.

**29. OTHER STATE PLANNING POLICIES TO BE READ AS PART OF SCHEME**

AMD 38 GG 30/08/19

- (1) The State planning policies set out in Table 6, modified as set out in clause 30, are to be read as part of this Scheme.

**Table 6 - State planning policies to be read as part of Scheme**

<b>State planning policies to be read as part of Scheme</b>
There are no State planning policies to be read as part of this Scheme.

- (2) The local government -
  - (a) must make a copy of each State planning policy referred to in sub clause (1) available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of each of those State planning policies on the website of the local government.

**30. MODIFICATION OF STATE PLANNING POLICIES**

AMD 38 GG 30/08/19

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**

AMD 38 GG 30/08/19

- (1) The conditions set out in Table 7 are environmental conditions that apply to this Scheme as a resolute 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**

<b>Scheme or amendment No.</b>	<b>Gazettal date</b>	<b>Environmental conditions</b>
There are no environmental conditions imposed under the <i>Environmental Protection Act 1986</i> that apply to this Scheme.		

- (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 -
  - (a) 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
  - (b) may publish those statements on the website of the local government.

**32. ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS**

*AMD 38 GG 30/08/19*

- (1) Schedule E 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.
- (2) To the extent that a requirement referred to in sub clause (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 sub clause (1) prevails.

**33. ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN**

*AMD 38 GG 30/08/19*

- (1) Schedule F sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.

**34. VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS**

*AMD 38 GG 30/08/19*

- (1) In sub clauses (2) - (3) -
  - (a) an application for planning approval which does not comply with a standard or requirement of this Scheme, where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; and
  - (b) a non-complying application does not include an application involving a prohibited use.
- (2) Subject to sub clause (3), the Council may refuse or approve a non-complying application with or without conditions.
- (3) Where in the opinion of Council a variation under sub clause (1) is likely to affect any owners or occupiers in the general locality, the Council may -
  - (a) consult with the party or parties who, in the opinion of Council, may be affected by the approval of the development; and
  - (b) have regard to any submissions before making its decision to grant the variation.
- (4) In sub clauses (5) - (8) **additional site and development requirements** means requirements set out in clauses 32 and 33.
- (5) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (6) An approval under sub clause (5) may be unconditional or subject to any conditions the local government considers appropriate.
- (7) 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.
- (8) 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 occupier or users of the development, the inhabitants of the locality or the likely future development of the locality.

**35. RESTRICTIVE COVENANTS**

*AMD 38 GG 30/08/19*

The Scheme makes no provision as to extinguishment or modification of restrictive covenants.

## PART 5 – SPECIAL CONTROL AREAS

### 36. SPECIAL CONTROL AREAS

*AMD 38 GG 30/08/19*

- (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 Schedule D.
- (3) The local government is not to:
  - (a) considering recommending subdivision; or
  - (b) approve developmentof land within a Special Control Area unless there is an approved structure plan or local development plan for the Special Control Area or for the relevant part of the Special Control Area.
- (4) Notwithstanding the provisions of the preceding sub-clause, the Council may recommend subdivision or approve the development of land within a Special Control Area prior to a structure plan or local development plan coming into effect in relation to that land, if the Council is satisfied that this will not prejudice the specific purposes and requirements of the Special Control Area.

## PART 6 – TERMS REFERRED TO IN SCHEME

### DIVISION 1 – GENERAL TERMS REFERRED TO IN SCHEME

#### 37. TERMS USED

AMD 38 GG 30/08/19

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

**advertiser** means any one or more of the land owner, occupier, licensee or other person having an interest in or benefiting from the display of an advertisement;

**building envelope** means the area of land within which all building 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 the 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 by the R-Codes;

**building line** means the line beyond which on any public place or public reserve a building may not be erected except by or under the authority of an Act;

**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;

**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);

**cultural heritage significance** means, in relation to a conservation area or place, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations;

**curtilage** in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings;

**façade** means the exposed faces of a building towards roads or open space or the frontal outward appearance of the building;

**floor area** as meaning given in the Building Code;

**frontage**, in relation to a building –

- (a) if the building is used for residential purposes, has the meaning given in the R Codes; or
- (b) if the building is used for purposes other than residential purposes, means the 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 –

- (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 the 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 products, goods or services to the public;

**short-term accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

**storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top of the floor and the ceiling above it but does not include any portion of a building used solely for car parking and having 50% or more of its volume below natural ground level.

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

#### **streetscape**

- (a) means the total visual impression gained from any one location within a street including the natural and man-made elements; and
- (b) is made up of the appearance of and the relationships between buildings in terms of design, scale, materials, colours, finishes, signs, external furniture, paving materials for roads, footpaths and landscaping.

**wall height**, in relation to a wall of 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 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.

## DIVISION 2 – LAND USE TERMS USED IN SCHEME

### 38. LAND USE TERMS USED

AMD 38 GG 30/08/19

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

**amenity building** means a building or part of a building used by employees or persons otherwise engaged in the conduct of an industry or business on the same site, for their personal comfort, convenience or enjoyment of leisure, but not used or intended for use for the work of the industry or business;

**amusement parlour** means premises –

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

**amusement facility** means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use;

**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;

**bulky goods showroom** means premises -

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

**caretaker's dwelling** means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant;

**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;

**communications antennae (domestic)** means any mast, antennae, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where such device is consistent with the predominant style and size of other such devices in the locality, and provided that neither its vertical nor horizontal dimensions exceed one metre;

**community purpose** means premises designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit;

**conference centre** means any land or buildings or parts of buildings used for the purposes of conferences, meetings, workshops or training courses, where the majority of those in attendance are not everyday occupiers or users of the site;

**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;

**consulting rooms (group)** means premises used by more than two practitioners for the investigation and/or treatment of physical or mental injuries or ailments (not including a hospital or day surgery facility) in the practice of a profession of a person who is a legally qualified medical practitioner, dentist, physiotherapist, chiropractor, podiatrist or similar practitioner, and may include ancillary services such as pharmacists, pathologists and radiologists, but does not include a masseur and does not include premises practising therapeutic massage or similar services;

**dry cleaning premises** means any land or buildings used for the cleaning of garments and other fabrics by chemical processes;

**educational establishment** means a premises used for the purposes of providing education included premises used for a school, higher education institution, business college, academy or other educational institution;

**family day care** means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

**funeral parlour** means premises used –

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

**health studio** means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation;

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

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not -
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or
  - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

**hotel** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

**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;

**industry - service** means a light industry carried out on land or in buildings which have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced;

**large format retail** means a shop, showroom or pharmacy with a floor area greater than or equal to 750 square metres. For the purpose of this definition the floor area is the gross total floor area of the building (or portion of the building) used for the shop, showroom or pharmacy excluding car parks, lift shafts, stairs, toilets, amenities, plant rooms and the thickness of any external walls;

**liquor store** means any land or buildings the subject of a liquor store licence granted under the provisions of the *Liquor Control Act 1988 (as amended)*;

**local shop** means a shop in which the only goods offered for sale are a combination of foodstuffs, toiletries, stationery, or goods of a similar domestic nature intended for the day to day consumption or use by persons living or working in the locality of the shop, and may include the preparation and sale of food for consumption on the premises where this is incidental to the predominant use of the land;

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

**massage rooms** means premises primarily used by a masseur or which primarily provide therapeutic massage or similar services;

**medical centre** means premises used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling). The term does not include a hospital but may include a day surgery facility;

**motel** means premises, which may be licensed under the *Liquor Control Act 1988*-

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

**motor vehicle, boat or caravan sales** means premises used to sell or hire motor vehicles, boats or caravans;

**motor vehicle wash** means premises primarily used to wash motor vehicles;

**night club** means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

**nursing home** means any building used for the medical treatment and/or care of sick, aged or handicapped persons, whether resident or not, but does not include the hospital, consulting rooms, consulting rooms (group) or medical centre uses;

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

**open air display** means the use of land as a site for the display and/or sale of goods and equipment;

**petrol and convenience store** means any land and or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents, but including the sale of petrol and operated during hours which include, but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 m<sup>2</sup> gross leasable area;

**pharmacy** means premises used for the primary purpose of the preparation and dispensing of drugs and other medicinal products and where this occurs toiletry and health products may be displayed and offered for sale by retail. Premises selling additional types of goods are not considered to be a pharmacy;

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

**public parking station** means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose;

**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;

**recreation - public** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge;

**reformatory** means land or buildings used for the confinement or detention in custody of juvenile offenders against the law with a view to their rehabilitation.

**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 *Liquor Control Act 1988*;

**restricted premises** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or 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;



**retirement village** means a development containing accommodation for aged persons together with ancillary 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;

**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;

**shop** means premises other than a bulky goods showroom, a liquor store - large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

**small bar** means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

**take-away food outlet** means any land or buildings used for the preparation, sale and serving of food and beverages to customers in a form ready to be eaten without further preparation primarily off the premises, but does not include a take-away food outlet (drive through);

**take-away food outlet (drive through):** means any land or buildings used for the preparation, sale and serving of food and beverages to customers in a form ready to be consumed without further preparation primarily off the premises, where facilities are provided for the serving of customers with food and beverages within their vehicles;

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

**telecommunications infrastructure** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

**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;

**veterinary hospital** means a building used in connection with the treatment of animal in injuries and ailments, and includes the care and accommodation of animals during or after such treatment;

**warehouse/storage** means premises, including indoor or outdoor facilities used for –

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

### 39. AGREEMENTS AND DEALINGS WITH LAND

For the purpose of implementing this Scheme and ensuring compliance with it, the Council may:-

- (a) enter into any agreement with any owner, occupier or other person having an interest in land affected by this Scheme;
- (b) acquire any land within the Scheme Area; and
- (c) deal with or dispose of any land which it has acquired.

## SCHEDULES

### SCHEDULE A – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

AMD 38 GG 30/08/19, AMD 37 GG 10/9/19

#### 1. Heritage Areas

- (1) Any declaration of the local government of a conservation area which is in place as at the commencement of Amendment 38 to this Scheme, shall be deemed to be a heritage area for the purposes of clause 9 of the Deemed Provisions.
- (2) All places for which there was a declaration of the local government in force as the commencement of Amendment 38 of a conservation place, shall together comprise, at the commencement of Amendment 38, the local government's heritage list for the purposes of Deemed Provision clause 8.

#### 3A Precincts

- (1) The Scheme Area is divided into the Precincts set out in the Precinct Local Planning Policies.
- (2) For each Precinct listed below, there is a Precinct Local Planning Policy.  

P1	City Beach
P2	Reabold
P3	Floreat
P4	Wembley
P5	West Leederville
P6	Lake Monger
- (2) The Precinct boundaries are as indicated on the maps contained in the Precinct Local Planning Policies. The Precinct boundaries may be amended from time to time.

#### 61(1)(k) Maintenance and repair of any building or structure unless the building or structure is located in a place that is:-

- (i) entered in the Register of Heritage Places under the Heritage Act 2018;
- (ii) the subject of an order under the Heritage Act 2018 Part 4; or
- (iii) the subject of a heritage agreement entered into under the Heritage Act 2018 section 90.

#### 61(1)(l) Alterations to any building or structure that do not materially affect the external appearance of the building, unless the building or structure is located in a place that is:-

- (i) entered in the Register of Heritage Places under the Heritage Act 2018;
- (ii) included on a Heritage List or Heritage Area prepared in accordance with this Scheme;
- (iii) declared to be a conservation area under the Scheme and development approval is required for the works by a Planning Policy;
- (iv) the subject of an order under the Heritage Act 2018 Part 4; or
- (v) the subject of a heritage agreement entered into under the Heritage Act 2018 section 90.

#### 66A Design Advisory Committee

- (1) The local government may appoint a design advisory committee for the purpose of considering, and advising the local government with respect to applications. The design advisory committee may be consulted on design matters relating to development.

#### 80A Revocation of Development Approval for Home Occupations

- (1) If, in the case of a development approval granted for a Home Occupation, a notice served under the Act is not complied with, the local government may, without further

notice to the owner or occupier, revoke its development approval.

## SCHEDULE B – ADDITIONAL USES

No.	Land Particulars	Additional Uses	Development Standards/ Conditions
A 1	<i>DELETED BY AMD 27 GG 24/06/16</i>		
A 2.	Lot 4 (No. 17) Kerr Street, West Leederville  <i>AMD 16 GG 7/2/06</i>	Office and storage for adjoining tavern on Lot 101 (No. 95-99) Cambridge Street, West Leederville	<ol style="list-style-type: none"> <li>1. The additional uses shall be carried out within and confined to the existing building and its curtilage.</li> <li>2. The additional uses prescribed herein relate only to activities associated with existing tavern referred to in the Additional Uses column, and no part of the land is to be used for any purposes which are independent of the tavern.</li> <li>3. Storage must be confined to areas where stored material cannot be seen from Kerr Street and there is to be no storage in the setback area between the house and the neighbouring residential property to the south.</li> <li>4. All deliveries of goods are to occur from the carpark of the tavern, and no deliveries are to be made from Kerr Street.</li> <li>5. No signage is permitted on the property.</li> <li>6. The residential character of the property is to be maintained.</li> <li>7. That there be no activity on the property that would interfere with the amenity of the neighbourhood, whether by reason of the emission of light, noise, fumes, odours, dust, vibration, electrical interference, waste water or other waste products or by any other means.</li> <li>8. In the event that :-               <ol style="list-style-type: none"> <li>(a) the building is removed, destroyed or damaged to the extent that the replacement cost would on independent expert assessment be 75% or more of the value of the building immediately prior to removal destruction or damage; or</li> <li>(b) any of the buildings is not used for any lawful purpose including the additional uses for 6 consecutive months or more; or</li> <li>(c) any of the building ceases to be occupied by and in connection with the tavern referred to in the Additional Uses column;</li> </ol>               then the land is not thereafter to be used for any purpose other than a purpose approved by the Council and in accordance with the Zoning Table.             </li> <li>9. No more than two employees occupying the office at any one time.</li> </ol>

No.	Land Particulars	Additional Uses	Development Standards/ Conditions
A 3.	Lot 4 (No. 134) Salvado Road, Wembley  <i>AMD 15 GG 28/8/07</i>	Carparking	<ol style="list-style-type: none"> <li>1. The additional uses shall be carried out within and confined to the subject site and its curtilage.</li> <li>2. The use of Lot 4, Salvado Road, Wembley shall only be in association with and related to the uses on Lots 55, 56 and 57 Cambridge Street, Wembley.</li> <li>3. The provision of vehicular access to Lot 4 from Salvado Road will be subject to detailed traffic analysis in considering any development application for the site.</li> <li>4. In addition to the permitted additional use for car parking, the site is to be landscaped and reticulated to include suitable screening along Salvado Road and abutting lots and shall include the planting of trees within the site to the satisfaction of the Council.</li> </ol>
A 4.	Lot 10 comprising Strata Lot 2 (No. 272) and Strata Lot 1 (No. 274) Cambridge Street, Wembley  <i>AMD 18 GG 17/2/09</i>	Medical Centre and Pharmacy	<ol style="list-style-type: none"> <li>1. The maximum height of the building shall be two storeys.</li> <li>2. The setbacks for any new building shall not be less than the setbacks prescribed by the Residential Design Codes. Where a setback is provided it will predominantly be landscaped.</li> <li>3. A maximum of five practitioners at any one time will operate from the medical centre.</li> <li>4. Parking provision to fully satisfy Council policy.</li> </ol>
A 5.	Lot 353 (No. 24) Floreat Avenue, Floreat  <i>AMD 23 GG 19/4/13</i>	Consulting Rooms Group – Dental Surgery	<ol style="list-style-type: none"> <li>1. The design of the building to be in accordance with the Residential Design Codes and the Town's Residential Planning Policies, unless specified otherwise;</li> <li>2. Provision of open space may be less than 55%. All open space areas shall be well maintained gardens and mature vegetation along property boundaries to be retained;</li> <li>3. No car-parking to be located in the primary street setback area;</li> <li>4. Car parking areas to be screened from adjacent residential properties and from the street and noise attenuation measures to be provided;</li> <li>5. A maximum of four practitioners can operate from the dental surgery at any one time;</li> <li>6. Signage to be limited to one sign identifying the name of the building, to a maximum size of 0.2m<sup>2</sup>;</li> <li>7. Parking to be provided in accordance with the Town's Planning Scheme parking requirements;</li> <li>8. Upper storey windows with views to adjoining residential properties to have obscure glazing or to be highlight windows (1.6 metres above finished floor level);</li> <li>9. A boundary wall of brick or masonry construction along the boundary with No. 22 Floreat Avenue and behind the 9.0 metres front setback is required as part</li> </ol>

No.	Land Particulars	Additional Uses	Development Standards/ Conditions
A 5.	Lot 353 (No. 24) Floreat Avenue, Floreat (Cont'd)  <i>AMD 23 GG 19/4/13</i>	Consulting Rooms Group – Dental Surgery	<p>of any development on the site, which shall be 2.5 metres in height as measured from the No. 22 Floreat Avenue side;</p> <p>10. The dental surgery operating hours shall only be between 7 am and 6 pm Monday to Friday and 7 am and 2 pm Saturday;</p> <p>Requirements under the Environmental Protection (Noise) Regulations 1997 relating to the operations on the site to be met.</p>
A.6	Lot 336 (No. 58) St Leonards Avenue, West Leederville  <i>AMD 28 GG 5/5/15</i>	Local cafe`	<ol style="list-style-type: none"> <li>1. A local cafe is a cafe` that is established primarily to serve the local community. A local cafe may offer prepared food, food items and non-alcoholic beverages that are to be mainly consumed on the premises. A local cafe` is not dependent on trade outside of the local area.</li> <li>2. The additional use assigned to this property applies to the existing shop building attached to the rear dwelling and that part of the adjoining courtyard, identified on the plan received by Council on 15 November 2013.</li> <li>3. There be no activity on the property that would interfere with the amenity of the residential neighbourhood, whether by reason of the emission of light, music, noise, fumes, odours, dust, vibration, electrical interference, wastewater or other waste products or by any other means.</li> <li>4. A maximum of 40 patrons at any one time inside and outside the building:-             <ol style="list-style-type: none"> <li>(a) alfresco seating and patrons use of the courtyard to remain forward of the current building line of the neighbouring property at Lot 335 (No. 52) St Leonards Avenue as per the plan received by Council on 15 November 2013; and</li> <li>(b) a maximum of 10 people, in the courtyard at any one time and at each table to have a maximum of four seats per table.</li> </ol> </li> <li>5. Trading hours to be between 7:00 am and 4:00 pm Tuesdays to Fridays, and 8:00 am to 2:00 pm Saturdays and Sundays.</li> <li>6. A maximum of 5 staff on the premises at any one time.</li> <li>7. The courtyard is only to be utilised by patrons for consumption of food and non-alcoholic beverages.</li> <li>8. The corner store character of the building is to be maintained to the satisfaction of the Town.</li> <li>9. The existing solid brick screen wall between the courtyard and the neighbouring property to the south to be retained.</li> <li>10. Screening to be provided between the courtyard and the neighbouring property to the south with advanced growth</li> </ol>

No.	Land Particulars	Additional Uses	Development Standards/ Conditions
A.6	Lot 336 (No. 58) St Leonards Avenue, West Leederville (Cont'd)  <i>AMD 28 GG 5/5/15</i>	Local cafe`	planting to a minimum height of 3 metres and to be maintained thereafter to the satisfaction of the Town. 11. Waste bins to be located within the property and not on the verge. 12. The St Leonards Avenue verge area adjacent to the subject site to be landscaped to the satisfaction of the Town. 13. Bicycle parking to be provided for patrons.
A 7	Lots 165 and 166 (No. 210) Cambridge Street, Wembley	Consulting rooms (group)	1. Development standards as applicable to the Residential zone shall apply except where specified otherwise below; 2. Lot 165 and 166 Cambridge Street, Wembley to be amalgamated; 3. The existing building is to be retained except for any minor modifications, alterations or additions deemed appropriate by the Town subject to future planning approval; 4. Access and car parking standards are to be provided in accordance with Scheme requirements; 5. Any future signage to be in accordance with the Council's Advertising Sign Policy; 6. A maximum of four (4) consulting rooms are to operate at any one time; and 7. Operational hours are to be determined by the Town and all client visits are to be appointment only.
A8	Lot 181 (61-69) Cambridge Street, West Leederville  <i>AMD 30 GG 9/2/16</i>	Hospital Special Purposes	<ul style="list-style-type: none"> <li>• Buildings shall be a maximum of six (6) storeys;</li> <li>• Parking and access to be in accordance with Council Policy;</li> <li>• Setbacks to be determined by the responsible authority;</li> <li>• Signage to be in accordance with Council's Advertising Sign Policy as applicable to hospital special purposes use;</li> <li>• Operating hours relating to consulting rooms and day-patient activities to be determined by the responsible authority subject to the relevant Department of Health licensing requirements</li> </ul>
A9	Lot 1 (No. 29) St Leonards Avenue, West Leederville  <i>AMD 39 GG 9/4/2021</i>	Restaurant/Café— 'D' Small Bar—'A'	NIL
A10	Lot 547 (No. 69) McCourt Street, West Leederville  <i>AMD 40 GG 13/5/2022</i>	Liquor Store - "A" Take Away Food Outlet- "A"	NIL

## SCHEDULE C – SPECIAL USE ZONES

No.	Description of Land	Special Uses	Development Standards/ Conditions
1.	Lot 1 Wollaston Road, City Beach	Wollaston Theological College and ancillary buildings and facilities which in the opinion of Council are ancillary to the purposes of the Theological College	As determined by Council
2.	Lots 1 and 537 (No. 41-45) McCourt Street, West Leederville  <i>AMD 21 GG 24/06/11</i>	Land uses to be in accordance with the provisions of the "Medical Zone" with the exception of the area covered by Lot 537 (being the area measured generally 14 metres from the northern boundary of the site) which shall be restricted in land use to "Residential R60" and to car parking which may form part of an integrated development associated with adjoining medical facilities.	<p><b>Plot Ratio</b> 1.55:1.0</p> <p><b>Height</b> Buildings fronting Cambridge Street shall be limited in height to 4 storeys and shall transition down to a maximum height of 3 storeys at a distance no closer than 5.3 metres from the northern boundary of the site</p> <p><b>Parking</b> A Parking Management Plan shall accompany any Development Application for the site</p> <p><b>Access</b> Vehicular access to the site shall be limited to the Cambridge Street and the Woolcott Lane frontages of the site</p> <p><b>Residential</b> Residential development is to comply with the Residential Design Codes R60 standards. Architectural and landscaping treatments to the frontage of the residential development at ground floor level shall be in keeping with the residential streetscape</p> <p><b>General</b> Any other relevant development standard in the Scheme shall apply.</p>
3.	Leederville Station Link (Nos. 28 - 58 and 62 Cambridge Street - even street numbers only and Nos. 31 - 43 Southport Street - odd street numbers only, West Leederville)  <i>AMD 27 GG 24/06/16</i>	Further land use shall be provided for in an approved Activity Centre Structure Plan and Local Development Plan adopted for SCA No. 3 West Leederville Activity Centre. The West Leederville Activity Centre Structure Plan shall facilitate the development of Special Use Zone 3 for strategically important transport and pedestrian links, infrastructure mixed use and compatible residential development.	Development standards and requirements shall be provided for in an approved Activity Centre Structure Plan and Local Development Plan for SCA No. 3. West Leederville Activity Centre.

## SCHEDULE D – SPECIAL CONTROL AREAS

AMD 38 GG 30/08/19

<b>Name of area:</b>
Special Control Area 1- (SCA 1) - Kalinda Development Area
<b>Purpose:</b>
To facilitate detailed site planning for development and subdivision for the Kalinda Development Area which includes a Residential zoned area known as Ocean Mia (the former bowling club and scout hall site) and Development zoned area (former quarry site).
<b>Objectives:</b>
The objectives for development and planning decision-making within SCA No. 1 are –
<p>(a) In the area including the former bowling club site and scout hall site (the Residential zoned area) -</p> <p>(i) to facilitate development of the land predominantly for residential purposes, but generally in accordance with the use permissibility designations applicable to the Residential Zone in the Zoning Table;</p> <p>(ii) to facilitate development in accordance with a split residential density coding of R30/40; and</p> <p>(iii) ensuring that the split residential density coding of R30/40 produces a spread of residential densities and styles by requiring the preparation and approval of an Structure Plan prior to the Council:</p> <p style="padding-left: 40px;">A. considering recommending subdivision; or</p> <p style="padding-left: 40px;">B. approving development within the area.</p> <p>(iv) ensuring that development of the site satisfies all necessary environmental requirements.</p> <p>(b) In the area comprising the former quarry site (the Development zoned area) -</p> <p>(i) to impose a development zoning which has the effect of postponing planning approval for any development until a Structure Plan has been prepared and approved for the area; and</p> <p>(ii) ensuring that a Structure Plan for the area is not approved until detailed environmental and geotechnical investigation has been carried out to determine appropriate future uses, and to ensure that the determination of future uses has due regard for environmental conditions outlined in the Minister for the Environment's Land Use Strategy for Bold Park and Environs (Statement 381).</p>
<b>Additional provisions:</b>
<p>(a) In addition to the matters referred to in clause 67 of Schedule 2 - Deemed provisions for <i>Local Planning Schemes of the Planning and Development Regulations 2015</i>, the Council shall have regard to the objectives set out in the preceding Objectives when considering recommending subdivision; or approving development on land within SCA No.1.</p> <p>(b) Where a provision of this Schedule is inconsistent with any other provision of the Scheme, the provisions of this clause shall prevail, except where the deemed provisions set out in Schedule 2 (deemed provisions), in which case the deemed provision prevails and the other provision, to the extent of the inconsistency, is to no effect.</p> <p>(c) Structure Plan for Residential zoned area</p> <p>(i) A proposed Structure Plan shall not be submitted to the Council until the environmental Protection Authority has been satisfied that -</p> <ol style="list-style-type: none"> <li>1. Adequate investigation has been undertaken to identify whether or not the landfill on the adjoining Development zoned area has resulted in any contamination leaching into the subject land and;</li> <li>2. In the event of any contamination being found to exist, that contamination being properly managed.</li> </ol>



- (ii) A proposed Structure Plan for the Residential zoned area shall not be submitted to the Council unless it provides for land areas which achieve an average density of R35 and do not allow for development at a density greater than R40.
  - (iii) The principles and provisions of the Commission's 'Liveable Neighbourhoods' guidelines are to apply to the Residential zoned area, and particular consideration is to be given to matters of permeability and connectivity, lot orientation and provision for public open space.
  - (iv) The Structure Plan is to contain measures which will ensure that the development of land in the Residential zoned area will not detract from the conservation and recreation values of adjacent bushland, and in particular Bold Park.
  - (v) The Structure Plan is to incorporate design guidelines to guide residential development in the Residential zoned area. The design guidelines are to indicate the extent of variations from the Codes may be approved by the Council.
- (d) Structure Plan for the Development zoned area
- (i) A proposed Structure Plan for the Development zoned area shall not be submitted to the Council until detailed environmental and geotechnical investigation of the land in that area has been carried out, and the details of the investigation and its outcome are to be included in the Structure Plan Report.
  - (ii) The Structure Plan must set out clearly the relationship between the environmental and geotechnical investigation results and the proposals for future use of land in the Development zoned area.
  - (iii) Any proposal in the Structure Plan for future use of land in the Development zoned area must detail clearly the extent to which the environmental conditions outlined in the Minister for the Environment's Land Use Strategy for Bold Park and Environs (Statement 381) have been addressed and applied in any proposals for use of the land in that area.
  - (iv) All environmental and geotechnical investigations and conclusions contained in the Structure Plan must be carried out to the satisfaction of the Department of Environmental Protection.
- (e) The matters specifically referred to in sub-clauses (c) and (d) are not intended to be exhaustive of the matters which must be addressed in a proposed Structure Plan for the respective areas, and the Council may from time to time stipulate other matters which in the interest of orderly planning it will require to be included in or addressed in a Structure Plan relating to any part of SCA No.1.
- (f) Nothing in this Schedule is intended to preclude the possibility of a single Structure Plan being prepared for both the Residential zoned area and the Development zoned area, provided that all of the requirements for a Structure Plan for each of those areas are addressed. Furthermore nothing in this Schedule is intended to preclude more than one Structure Plan being approved in respect of either the Residential zoned area or the Development zoned area provided that the Council is satisfied that all matters required to be addressed in Structure Plans for the respective areas are or will be addressed at an appropriate time and in an appropriate manner.
- (g) When determining development applications within SCA No.1, due regard is to be given to the future land use indicated in the Structure Plan dealing with SCA No.1.

<b>Name of area:</b>
Special Control Area 2 - (SCA 2) - Jolimont Former Nursery Site (Parkside Walk).
<b>Purpose:</b>
To facilitate detailed site planning for development and subdivision for the Jolimont Former Nursery Site (Parkside Walk), comprising of Lot 101 and 102 Salvado Road, Jolimont.
<b>Objectives:</b>
The objectives for development and planning decision making within SCA No. 2 are to:
(a) facilitate orderly development and subdivision of the land for residential purposes, in accordance with the use permissibility designations applicable to the Residential Zone in the Zoning Table;
(b) facilitate a vibrant inner city community with a yield in the order of 200 dwellings;

- (c) encourage a high standard of built form design outcomes;
- (d) encourage connectivity, permeability and enhanced pedestrian and cycle movements; and
- (e) ensure that development of the site produces a diverse range of residential built form and, lot types by requiring the preparation and approval of a Structure Plan and Design Guidelines prior to the Council:
  - (i) considering recommending subdivision; or
  - (ii) approving development
 within the area.

**Additional provisions:**

- (a) In addition to the matters referred to in Clause 67 of Schedule 2 - Deemed provisions for *Local Planning Schemes of the Planning and Development Regulations 2015*, the Council shall have regard to the objectives set out in the preceding Objectives when considering recommending subdivision; or approving development on land within SCA No. 2.
- (b) Where a provision of this Schedule is inconsistent with any other provision of the Scheme, the provisions of this clause shall prevail, except where the provision is a provision set out in Schedule 2 (deemed provisions), in which case the deemed provision prevails and the other provision, to the extent of the inconsistency, is to not effect.
- (c) Structure Plan for Residential zoned area
  - (i) The principles and provisions of the Commission's "Liveable Neighbourhoods" guidelines are to apply to the area, and particular consideration is to be given to matters of permeability and connectivity and lot orientation.
  - (ii) The Structure Plan is to incorporate design guidelines to guide residential development in the area. The design guidelines are to indicate the extent to which variations from the Codes may be approved by the Council.
  - (iii) Residential density will be as set out in the Structure Plan.
  - (iv) No vehicle access will be taken from Halesworth Road or Peel Street, which connect with the southern boundary of the site.
- (d) The matters specifically referred to in subclause (c) are not intended to be exhaustive of the matters which must be addressed in a proposed Structure Plan, and the Council may from time to time stipulate other matters which in the interest of orderly planning it will require to be included in or addressed in a Structure Plan relating to any part of SCA No. 2.
- (e) In addition to land use permissibility within the 'Residential' Zone, 'Restaurant' is to be a 'D' use in SCA No. 2.

**Name of area:**

Special Control Area No. 3 - (SCA 3) - West Leederville Activity Centre.

**Purpose:**

To enable the preparation of an Activity Centre Structure Plan to guide planning relating to future development for the West Leederville Activity Centre and facilitate further detailed planning particularly for the Leederville Link Station and Community Node.

**Objectives:**

The objectives for development and planning decision making within SCA No.3 are to:

- (a) provide opportunities for increased commercial and residential developments creating a mixed use area that takes advantage of its inner-city location and access to public transport;
- (b) facilitate the creation of a highly activated 'main street' along Cambridge Street, High Street between Blencowe Street and Kerr Street/Holyrood Street, creating a strong focal point for local retail and services;
- (c) retain the residential function of the area between Kimberley to Abbotsford Street and support a

variety of housing types in this area;

- (d) facilitate further detailed planning to develop the Leederville Station Link as a high density, mixed use transit oriented development area and to guide development along the northern edge of the area to protect the amenity of existing low-scale development to the north;
- (e) facilitate the creation of pedestrian and transit connections through the area, and in particular create a direct and legible pedestrian connection between Cambridge Street and Leederville Train Station through the Leederville Station Link;
- (f) enable the development of the Community Node comprising of community and civic uses and as a focus for the West Leederville Activity Centre which connects with the Leederville Station Link; and
- (g) encourage a gradual 'stepping up' of built form and maintaining a human scale to buildings along street frontages and around public spaces.

**Additional provisions:**

- (a) In considering applications for subdivision or development approval for land within SCA No. 3, Council is to have due regard to any of the following plans that apply to the land —
  - (i) a structure plan;
  - (ii) an activity centre plan;
  - (iii) a local development plan.
- (b) A Local Development Plan for SCA No. 3 shall be prepared for the Leederville Station Link and Community Node (that part of SCA No. 3 between Southport Street and Holyrood Street on the northern side of Cambridge Street) in accordance with Part 6 of the Deemed Provisions which shall augment the more general provisions of the Activity Centre Structure Plan and is to be prepared in a manner consistent with transit oriented design principles and with the intention of achieving the highest possible level of amenity.
- (c) In addition to the matters referred to in Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 the Council shall have regard to the objectives set out in the preceding Objectives when:
  - (i) determining an application for planning approval; or
  - (ii) making a recommendation on an application for subdivision approval in relation to land within SCA No. 3.
- (d) Where a provision of this Schedule is inconsistent with any other provision of the Scheme, the provisions of this Schedule shall prevail.

**Name of area:**

Special Control Area No. 4 - Perry Lakes Redevelopment Area

**Purpose:**

To facilitate detailed site planning for the subdivision and development of the Perry Lakes Redevelopment Area which includes land that previously contained various sporting facilities including a basketball stadium, athletics track, grandstand and associated facilities that were built for the 1962 British Empire and Commonwealth Games and was known as "Perry Lakes Stadium".

**Objectives:**

The objectives for development and planning decision making within SCA No. 4 are to:

- (a) provide pleasant and safe walkable neighbourhoods by way of an interconnected street pattern and a road layout that is legible, interconnected and well treed;
- (b) foster a sense of community and strong sense of place in neighbourhoods by integrating new residential development with the existing surrounding residential development;
- (c) provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services and public transport;

- (d) become a sustainable development in its own right and contribute to the improved social, environmental and economic sustainability of the broader area;
- (e) build on the historical use of the site and create a unique urban environment which recognises and acknowledges the site's sporting history;
- (f) ensure the provision of public open space to both integrate the proposed development and to reflect the existing residential character of the surrounding area, including the retention of mature trees and the provision of strong connections to the adjoining Perry Lakes Reserve;
- (g) ensure a high level of accessibility to the surrounding area and an even distribution of traffic from the proposed development and provide a movement network that is not solely dependent upon vehicle movement; and
- (h) provide additional community infrastructure which also benefits the broader community.

**Additional provisions:**

- (a) For the purpose of this section:
  - (i) "Detailed Area Plans" means the detailed area plans prepared in accordance with the Redevelopment Plan and approved by the Western Australian Planning Commission on 17 September 2009;
  - (ii) "Design Guidelines" means design guidelines prepared in accordance with the Redevelopment Plan and approved by the Western Australian Planning Commission on 17 September 2009, as amended;
  - (iii) "Redevelopment Plan" means the redevelopment plan approved by the Minister for Planning under section 27 of the Perry Lakes *Redevelopment Act 2005* on 10 July 2008 and gazetted on 18 July 2008; and
- (b) When determining an application for development approval or making a recommendation on an application for subdivision approval, on or in relation to land within SCA No. 4, the Council shall, in addition to the matters referred to in clause 67 of the deemed provisions, have due regard to:
  - (i) the preceding objectives;
  - (ii) the Redevelopment Plan;
  - (iii) any applicable Detailed Area Plan; and
  - (iv) the Design Guidelines.
- (c) Where a provision of this section is inconsistent with any other provision of the Scheme (excluding the deemed provisions), the provisions of this clause shall prevail to the extent of the inconsistency.
- (d) For the purposes of the *Planning and Development (Local Planning Schemes) Regulations 2015* a planning instrument referred to in column 1 of the following table is to be taken to be a planning instrument of the type referred to in column 2 of the table.

Planning Instrument	Type of Planning Instrument
Redevelopment Plan	Structure Plan
Detailed Area Plan	Local Development Plan
Design Guidelines	Local Development Plan

- (e) Residential density within SCA No. 4 shall be as set out in the Detailed Area Plans.
- (f) Land use permissibility within SCA No. 4 shall be as designated for the Residential Zone in the Zoning Table, with the following exceptions:
  - (i) Dwelling (single) - 'D'; and
  - (ii) A restaurant/cafe with a maximum total plot ratio area of 200m<sup>2</sup> is an additional permitted use on Lot 232 Meagher Drive, Floreat.
- (g) In accordance with clause 61(3) of the deemed provisions, development approval is required for

the erection of a single house and/or ancillary dwelling on a lot in SCA No. 4, irrespective of whether the development satisfies the deemed-to-comply requirements of the R-Codes or requirements applicable under an approved structure plan or local development plan.

## SCHEDULE E – ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS THAT APPLY TO LAND IN SCHEME AREA

AMD 38 GG 30/08/19

No.	Description of land	Requirement
1.	All zoned land within Scheme area.	<p>Sewerage Connection</p> <p>(1) Notwithstanding any provision of this Scheme to the contrary, all residential developments are to be connected to a comprehensive sewerage system, if one is available.</p> <p>(2) Where no comprehensive sewerage system is available, the Council is not to grant planning approval for any residential development, other than the erection of a single house, unless:-</p> <p style="padding-left: 40px;">(a) the Health Department of Western Australia recommends to the Council that the planning application complies with the requirements of the Government Sewerage Policy; or</p> <p style="padding-left: 40px;">(b) immediately prior to the Gazettal date the land in respect of which the proposed development is to take place is used for the purposes of two or more dwellings.</p>
2.	All land within Scheme area.	<p>Cash in lieu of Parking Bays</p> <p>(1) The Council may approve development, or a change of use, without the number of parking spaces required under this Scheme and in doing so the Council may accept cash in lieu of parking bays in accordance with rates specified from time to time under the Planning Policy relating to parking.</p> <p>(2) Payments made under sub-clause (1) shall be paid into a special fund for the creation, management of or improvement to public parking facilities. The Council may use the money from the special fund for any purpose connected with the creation, management of or improvement to public parking facilities, including but not limited to:</p> <p style="padding-left: 40px;">(a) the land and construction costs of public parking stations provided by Council or within a joint venture;</p> <p style="padding-left: 40px;">(b) the cost of creating additional parking bays within road reserves;</p> <p style="padding-left: 40px;">(c) the capital costs of new local public transportation infrastructure, including cycling and pedestrian facilities, shuttle bus services or real-time transit information, that are situated upon land under the control of the local government;</p>

		<ul style="list-style-type: none"> <li>(d) parking information systems;</li> <li>(e) security lights;</li> <li>(f) improved pathways to access parking areas;</li> <li>(g) upgrading the design of on-street parking facilities;</li> <li>(h) maintaining any Council owned parking facility or related infrastructure; and</li> <li>(i) the reasonable costs to the Council of administering this provision including professional fees and borrowing costs.</li> </ul> <p>(3) Any parking bays provided as a result of cash-in-lieu contributions shall remain available to the public at large although the Council may charge a fee for the use of such parking to achieve the proper management of parking in the locality, the maintenance of public parking bays under its control and for the general improvement of parking and local public transport infrastructure.</p> <p>(4) Council may pre-fund the acquisition of land or the construction costs of public parking facilities and may use funds from the special parking cash in lieu fund to repay the costs of such pre-funding including interest on borrowings.</p> <p>(5) Council may require that a proportion or all of the parking bays required in any approval to commence development be provided as cash in lieu or may set a maximum proportion of parking bays for which applicants may provide cash in lieu.</p> <p>(6) Instead of accepting a cash in lieu payment under sub-clause (1), the Council may accept as a partial or full substitute the transfer in fee simple of a parcel of land to the equivalent value.</p> <p>(7) In the case of a land contribution pursuant to sub-clause (6) the land shall be transferred to the Council prior to the commencement of development, or the approval of a strata plan or survey strata plan for the property, whichever occurs first.</p>
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**SCHEDULE F – ADDITIONAL REQUIREMENTS THAT APPLY TO LAND COVERED BY STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN**

AMD 38 GG 30/08/19

No.	Description of land	Requirement
1	Lot 8, No. 350 Cambridge Street, Wembley, Lot 7, No. 344 Cambridge Street, Wembley.	<ul style="list-style-type: none"> <li>• A local development plan is required for the purposes of orderly and proper planning.</li> <li>• The local development plan is to be prepared and approved in accordance with Part 6 of Schedule 2 (deemed provisions) of the <i>Local Planning Schemes Regulations (2015)</i>, and the Wembley Activity Centre Plan, and is to comply with the additional requirements set out below.</li> <li>• The local development plan is to include provisions relating to building heights and setbacks which are consistent with the approved Wembley Activity Centre Plan.</li> <li>• The local development plan is to depict the location of a public parking facility, as agreed between the Town and the landowner/applicant.</li> <li>• The local development plan is to depict the location and indicative design of open space within the side boundaries, as agreed between the Town and the landowner/applicant, including a public plaza fronting both Cambridge Street and the common western boundary with Lot 78.</li> </ul>

**ADOPTION**

Adopted by resolution of the Council of the Town of Cambridge at the Ordinary Meeting of the Council held on the 9th day of August 1994.

.....  
ROSS J WILLCOCK JP  
MAYOR

.....  
GRAHAM D PARTRIDGE  
CHIEF EXECUTIVE OFFICER

**FINAL ADOPTION**

Adopted for final approval by resolution of the Council of the Town of Cambridge at the Ordinary Meeting of the Council held on the 24th day of February 1998 and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of:

.....  
ROSS J WILLCOCK JP  
MAYOR

.....  
GRAHAM D PARTRIDGE  
CHIEF EXECUTIVE OFFICER

**RECOMMENDED FOR FINAL APPROVAL**

.....  
CHAIRMAN OF THE  
WESTERN AUSTRALIAN PLANNING COMMISSION

.....  
DATE

**FINAL APPROVAL GRANTED**

.....  
MINISTER FOR PLANNING

.....  
DATE 23/03/98