

City of Gosnells

Local Planning Scheme No. 24

Updated to include amendment no. X, gazetted on Day Month Year

Original Local Planning Scheme gazetted on 30 September 2025



Department of **Planning,
Lands and Heritage**



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CITY OF GOSNELLS LOCAL PLANNING SCHEME NO. 24 AMENDMENTS

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		When	By	
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Part 1 - Preliminary

1. Citation

This local planning scheme is the City of Gosnells Scheme No. 24.

2. Commencement

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

3. Scheme Revoked

City of Gosnells Town Planning Scheme No. 6, Gazetted 15 February 2002 is revoked in part only with the exception of land shown on the Scheme Map as being retained in Town Planning Scheme No. 6.

4. Notes do not form part of Scheme

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

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

5. Responsibility for Scheme

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

6. Scheme Area

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

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

7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the *scheme text*), this Scheme includes the following -
 - (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
 - (b) the Scheme Map;
 - (c) the supplemental provisions to the deemed provisions contained in Schedule A of the Scheme.
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to -

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

9. Aims of Scheme

The aims of this Scheme are to -

- (a) provide a diverse range of housing to meet changing demographic and community needs while maintaining a high level of amenity for the locality.
 - (b) provide for convenient, attractive and viable activity centres, which serve the needs of the community and are accessible to pedestrians, cyclists and public transport users as well as motorists.
 - (c) encourage the development of businesses which will strengthen the economic base of the district and provide convenient and efficiently located employment to the community.
 - (d) ensure the orderly and proper use and development of land within the City.
 - (e) protect and enhance the quality of the urban and rural living environments of the City.
 - (f) facilitate the provision of well-coordinated essential services, infrastructure and amenity that meets the needs of the community.
 - (g) promote the health, safety, convenience, and the economic and general welfare of the community.
 - (h) ensure the use and development of land does not result in significant adverse impacts on the physical and social environment.
-

- (i) assist in the protection of regional forest, water catchment, recreational and other natural resources, and to promote the efficient use of energy and the protection of air quality.
- (j) protect objects and places of outstanding natural (e.g. landform, water courses) historic, architectural and cultural significance.
- (k) assist in the effective implementation of regional plans and policies including the State Planning Strategy.

10. Relationship with Local Laws

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

11. Relationship with other Local Planning Schemes

The following local planning schemes of the City of Gosnells also apply in the Scheme area -

Guided Scheme No. 9A	Gazettal date 24 August 1990
Guided Scheme No. 15	Gazettal date 12 April 1991
Guided Scheme No. 17	Gazettal date 23 March 1990

12. Relationship with Region Planning Scheme

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

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

Part 2 - Reserves

13. Regional Reserves

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

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

14. Local Reserves

- (1) In this clause -

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

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

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

Table 1 - Reserve Objectives

Reserve Name	Objectives
Public Open Space	<ul style="list-style-type: none">To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s.152.To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Civic and Community	<ul style="list-style-type: none">To provide for a range of community facilities which are compatible with surrounding development.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.
Public Purposes	<ul style="list-style-type: none">To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none">Public Purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none">Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	<ul style="list-style-type: none">Public Purposes which specifically provide for a range of essential emergency services.
Cemetery	<ul style="list-style-type: none">To set aside land required for a cemetery.
Car Park	<ul style="list-style-type: none">To set aside land required for a car park.

Reserve Name	Objectives
Drainage / Waterway	<ul style="list-style-type: none">To set aside land required for significant waterways and drainage.
Primary Distributor Road	<ul style="list-style-type: none">To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none">To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none">To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none">To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15. Additional Uses for Local Reserves

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

Part 3 - Zones and Use of Land

16. Zones

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

Table 2 - Zone Objectives

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none"> To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. To provide for a range of residential densities to encourage a variety of residential accommodation. To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. To provide an intermediate transitional zone following the lifting of an urban deferred zoning within the Metropolitan Region Scheme.
Rural	<ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Residential	<ul style="list-style-type: none"> To provide for lot sizes in the range of 1 hectare to 4 hectares. To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

Zone Name	Objectives
Light Industry	<ul style="list-style-type: none"> To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	<ul style="list-style-type: none"> To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. To accommodate industry that would not otherwise comply with the performance standards of light industry. Seek to manage impacts such as noise, dust and odour within the zone.
Industrial Development	<ul style="list-style-type: none"> To designate land for future industrial development. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Mixed Use	<ul style="list-style-type: none"> 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. 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.
Service Commercial	<ul style="list-style-type: none"> To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
Regional Centre	<ul style="list-style-type: none"> Provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment. Ensure that there is provision to transition between the uses in the regional centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimised. Provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre. Encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of the Regional Centre, to develop areas for public interaction and support the provision of public transport. Ensure the provision of residential opportunities within the Regional Centre including high density housing and tourist accommodation that supports the role of the regional centre and meets the needs to the community.

Zone Name	Objectives
District Centre	<ul style="list-style-type: none"> • Provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas. • Provide for district centres to focus on weekly needs and services for a wider district catchment. • Provide a broad range of employment opportunities to encourage diversity within the Centre. • 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. • Provide for a wide range of different types of residential accommodation, including high density residential, to meet the diverse needs of the community.
Local Centre	<ul style="list-style-type: none"> • Provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas. • Provide for neighbourhood and local centres to focus on the main daily household shopping and community needs. • Encourage high quality, pedestrian-friendly, street-orientated development. • Provide a focus for medium density housing. • 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.
Private Community Purpose	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To separate potentially noisy engine sports from incompatible uses. • To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

17. Zoning Table

The zoning table for this Scheme is as follows -

Table 3 - Zoning Table

Use and Development Class	Zones												
	Residential	Urban Development	Regional Centre	District Centre	Local Centre	Mixed Use	Service Commercial	Light Industry	General Industry	Industrial Development	Rural	Rural Residential	Private Community Purpose
agriculture – extensive	X	Refer to Clause 18 (6)	X	X	X	X	X	X	X	Refer to Clause 18 (6)	D	D	X
agriculture – intensive	X		X	X	X	X	X	X	X		D	X	X
amusement parlour	X		D	D	D	A	D	X	X		X	X	X
animal establishment	X		X	X	X	X	X	X	X		A	A	X
betting agency	X		D	D	A	A	D	X	X		X	X	X
brewery	X		X	X	X	X	X	A	D		A	X	X
bulky goods showroom	X		D	D	X	A	P	D	A		X	X	X
caravan park	X		X	X	X	X	X	X	X		A	X	X
caretaker's dwelling	X		D	D	D	D	D	D	D		D	A	D
car park	A		D	D	D	D	D	D	D		X	X	D
childcare premises	A		D	D	D	D	D	X	X		A	A	A
cinema/theatre	X		D	D	A	A	D	X	X		X	X	X
civic use	A		D	D	D	D	D	D	D		A	A	D
club premises	X		D	D	A	A	D	D	D		A	X	A
commercial kitchen	X		D	D	D	D	D	D	D		X	X	X
commercial vehicle parking	A		D	D	D	A	D	D	D		D	D	X
community purpose	A		P	D	D	D	D	D	X		A	X	D
consulting rooms	A		P	P	D	D	D	D	X		X	X	X
convenience store	X		P	P	P	D	D	D	D		X	X	X
corrective institution	X		X	X	X	X	X	X	X		A	X	X
educational establishment	A		D	D	D	D	D	X	X		A	X	D
exhibition centre	X		D	D	D	D	D	X	X		A	X	D
family day care	D		D	D	D	D	X	X	X		D	D	X
fast food outlet	X		D	D	A	A	D	D	D		X	X	X
fuel depot	X		X	X	X	X	X	D	D		X	X	X
funeral parlour	X		D	X	X	X	D	D	D		X	X	X
garden centre	X		X	X	X	X	D	D	D		D	X	X
grouped dwelling	P		D	D	D	D	X	X	X		X	X	X
home business	D		D	D	D	D	X	X	X		D	D	X
home occupation	D		D	D	D	D	X	X	X		D	D	X
home office	P		P	P	P	P	X	X	X		P	P	X
home store	A		D	D	D	D	X	X	X		D	A	X
hospital	X		D	A	X	X	X	X	X		X	X	A
hosted short term rental accommodation	P		P	P	P	P	X	X	X		P	P	X
hotel	X		D	A	A	A	X	X	X		X	X	X
industry	X		X	X	X	X	X	A	P		X	X	X
industry - extractive	X		X	X	X	X	X	X	A		X	X	X
industry - light	X		X	X	X	X	D	P	P		X	X	X
industry - primary production	X		X	X	X	X	X	X	D		A	X	X
liquor store - large	X		A	A	X	X	A	X	X		X	X	X

Use and Development Class	Zones												
	Residential	Urban Development	Regional Centre	District Centre	Local Centre	Mixed Use	Service Commercial	Light Industry	General Industry	Industrial Development	Rural	Rural Residential	Private Community Purpose
liquor store - small	X	Refer to Clause 18 (6)	D	D	D	A	X	X	X	Refer to Clause 18 (6)	X	X	X
lunch bar	X		D	D	D	D	D	D	D		X	X	X
market	X		D	D	D	D	D	D	X		A	A	D
medical centre	A		P	P	D	D	A	X	X		X	X	A
motor vehicle, boat or caravan sales	X		X	X	X	X	D	D	D		X	X	X
motor vehicle repair	X		A	A	X	X	D	D	D		X	X	X
motor vehicle wash	X		D	D	A	X	D	D	D		X	X	X
multiple dwelling	P		D	D	D	D	X	X	X		X	X	X
nightclub	X		A	X	X	X	X	X	X		X	X	X
office	X		P	P	P	P	D	I	I		X	X	I
park home park	X		X	X	X	X	X	X	X		A	X	X
place of worship	A		A	A	A	A	A	A	X		D	X	A
reception centre	X		D	D	A	A	D	D	X		A	X	A
recreation - private	X		D	D	D	D	D	D	X		A	X	A
renewable energy facility	X		X	X	X	X	X	A	A		A	A	X
residential aged care facility	P		D	D	D	D	X	X	X		X	X	A
residential building	A		D	D	A	A	X	X	X		X	X	X
resource recovery centre	X		X	X	X	X	X	X	A		X	X	X
restaurant/café	X		P	P	P	D	A	X	X		A	X	D
restricted premises	X		D	D	D	X	D	X	X		X	X	X
rural home business	X		X	X	X	X	X	X	X		D	A	X
rural pursuit/hobby farm	X		X	X	X	X	X	X	X		D	P	X
service station	X		D	D	A	X	D	D	D		X	X	X
shop	X		P	P	P	P	I	I	X		X	X	X
single house	P		X	X	X	X	X	X	X		P	P	X
small bar	X		D	A	A	A	X	X	X		X	X	X
tavern	X		D	A	A	X	X	X	X		X	X	X
telecommunications infrastructure	A		D	D	D	D	D	D	D		A	A	A
tourist and visitor accommodation	X		D	D	X	A	X	X	X		A	A	X
trade display	X		D	X	X	X	D	D	P		X	X	X
trade supplies	X		D	X	X	X	D	D	P		X	X	X
transport depot	X		X	X	X	X	X	D	P		X	X	X
tree farm	X		X	X	X	X	X	X	X		D	X	X
unhosted short term rental accommodation	D		D	D	D	D	X	X	X		D	D	X
veterinary centre	X		D	D	D	A	D	D	D		A	A	X
warehouse/storage	X		X	X	X	X	D	P	P		X	X	X
waste disposal facility	X		X	X	X	X	X	X	A		X	X	X
waste storage facility	X		X	X	X	X	X	X	A		X	X	X
winery	X		X	X	X	X	X	X	X		A	X	X

18. Interpreting Zoning Table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
 - (2) The symbols used in the zoning table have the following meanings –
 - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after 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.
 2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
 - (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
 - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
-

- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (6) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –
 - (a) a structure plan;
 - (b) a local development plan.

19. Additional Uses

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

Table 4 - Specified additional uses for zoned land in Scheme area

No.	Description of Land	Additional Use	Conditions
1.	Lots 239, 241 and 242 on P 3327, Lot 49 on DP 62726, Lots 3 and 4 on D 16433, Lot 48 on DP 62726, Lots 500 and 501 on DP 32254 Kelvin Road, Orange Grove.	'Waste Storage Facility' (A) 'Industry – Light' (D)	
2.	Lots 9, 8, 50, 1, 10, 11, 507, 508, 102, 103, 101, 104, 3, 4, 504 and 503 Kelvin Road, Orange Grove	'Industry – Light' (D)	
3.	Lot 27 Lewis Road, Martin	'Residential Aged Care Facility' (A)	

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

20. Restricted Uses

(1) Table 5 sets out –

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

Table 5 - Restricted uses for land in Scheme area

No.	Description of Land	Restricted Area	Conditions
1.	Lots 89 - 97 (inclusive) Ferres Drive, Martin	Uses permissible in the Service Commercial zone, but excluding the following uses: Caretaker's Dwelling Child Care Premises Cinema/Theatre Community Purpose Educational Establishment Market	(1) The following land use restrictions apply: (a) Office - maximum 1,000m ² NLA; (b) Shop - maximum of 1,500m ² NLA. (2) A Local Development Plan shall be prepared and approved by the Council prior to approval of the development or subdivision of the site.
2.	Lots 2, 6, 8 and 99 Warfield Place, Lot 466 Mills Road East, Lot 12 Frensham Place, Lots 4 (575), 4 (880), 5 (555), 801 (601), 800 (629), 4 (880), 5 (928), 1 (990), and 602 Canning Mills Road and Lot 504 Brockway Road, Martin	Uses permissible in the Rural and Rural Residential zone, but excluding the following uses: Caravan Park Club Premises Community Purpose Educational Establishment Park Home Park Reception Centre Recreation - Private	Nil.

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

21. Special use zones

(1) Table 6 sets out —

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

Table 6 - Special use zones in Scheme area

No.	Description of land	Special use	Conditions
1.	Land generally bound by local open space, Tonkin Highway, Maddington Road and Lot 212 Maddington Road, Maddington and land generally bound by Hanson Street, Bellatata Close, Calca Place and Carpentaria Crescent, Maddington	<p>Composite Light Industry and Residential Area</p> <p>Uses permissible in the Special Use zone:</p> <p>Caretaker's dwelling</p> <p>Car park</p> <p>Civic use</p> <p>Club premises</p> <p>Commercial kitchen</p> <p>Commercial vehicle parking</p> <p>Community purpose</p> <p>Consulting rooms</p> <p>Convenience store</p> <p>Home business</p> <p>Home occupation</p> <p>Home office</p> <p>Home store</p> <p>Industry – light</p> <p>Motor vehicle, boat or caravan sales</p> <p>Motor vehicle repair</p> <p>Motor vehicle wash</p> <p>Service station</p> <p>Single house</p> <p>Telecommunications infrastructure</p> <p>Trade display</p> <p>Trade supplies</p> <p>Transport depot</p> <p>Veterinary centre</p> <p>Warehouse/storage</p>	<p>(1) On any lot situated within the Special Use Zone, no person shall:</p> <ul style="list-style-type: none"> (a) develop, establish, continue or allow to be developed or established an industry or business use unless a dwelling is erected first and forms an integral part of the development; (b) develop, establish, continue or allow to be developed or established an industry or business use within the first 35 metres and extending the full width of the lot from the residential frontage, such part of the land as this is required to be set aside exclusively for residential purposes and access unless the lot is a corner lot or is irregular in shape in which case Council shall determine the area to be used for industry or business; (c) establish or permit to be established more than one industry or business use to operate from each lot. <p>(2) Setbacks</p> <p>The required boundary setback in respect of any residential development shall accord with the requirements of the Residential Design Codes for development at the R17.5 density code.</p>

No.	Description of land	Special use	Conditions
			(3) The suitability of land use is to be determined by the local government via an application for development approval, in accordance with clause 67 of the deemed provisions.
2.	Land generally bound by Ranford Road, Matison Street, Lot 80 Matison Street, Local Reserve – Drainage/Water, Lot 58 Furley Road and Passmore Street (excluding Lot 101 Ranford Road)	Kennel Area Uses permissible in the Special Use zone: Animal establishment Child care premises Club premises Commercial vehicle parking Family day care Home business Home occupation Home office Home store Hosted short-term rental accommodation Recreation - private Rural home business Rural pursuit/hobby farm Single house Unhosted short-term rental accommodation Veterinary centre	(1) The minimum lot size shall be 4,000m ² with a minimum lot frontage of 30 metres. (2) Setback of dwellings (a) Primary street setback - 10 metres (b) Side setback - 5 metres (c) Rear setback - 20 metres (3) The suitability of land use is to be determined by the local government via an application for development approval, in accordance with clause 67 of the deemed provisions.
3.	Lot 3 Cockram Road, Martin.	Extractive Industry Uses permissible in the Special Use zone: Car park Civic use Commercial vehicle parking Industry Industry – extractive Industry - light Industry - primary production Motor vehicle repair Motor vehicle wash Telecommunications infrastructure Transport depot	(1) Minimum setbacks for extractive industry: (a) Front - 50 metres (b) Rear/ Side - 50 metres (2) Minimum landscaping: (a) 20 metres abutting all boundaries

No.	Description of land	Special use	Conditions
4.	Lots 101, 457 and 463 – 467 (inclusive) Stephen Street, Orange Grove.	<p>Extractive Industry</p> <p>Uses permissible in the Special Use zone:</p> <p>Car park</p> <p>Civic use</p> <p>Commercial vehicle parking</p> <p>Industry</p> <p>Industry – extractive</p> <p>Industry - light</p> <p>Industry - primary production</p> <p>Motor vehicle repair</p> <p>Motor vehicle wash</p> <p>Telecommunications infrastructure</p> <p>Transport depot</p>	<p>(1) Minimum setbacks for extractive industry:</p> <p>(a) Front - 50 metres</p> <p>(b) Rear/ Side - 50 metres</p> <p>(2) Minimum landscaping:</p> <p>(a) 20 metres abutting all boundaries</p>

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

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

22. Non-Conforming Uses

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

23. Changes to Non-Conforming Uses

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

24. Register of Non-Conforming Uses

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

25. R-Codes

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

26. Modification of R-Codes

- (1) Where on the Scheme Map, an area is identified with density codes of R80 to R160 (inclusive), any development and/or subdivision is to achieve a minimum density of R60.
- (2) For land within the Residential zone, where an R25 density code or below applies, the local government may support development and/or recommend support for subdivision to a maximum density of R30 provided the following applies:
 - (a) where the lot is located on a corner;
 - (b) complies with the provisions of R30 density coding as outlined in State Planning Policy 7.3 – Residential Design Codes (Volume 1); and
 - (c) any related Local Planning Policy.

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

Deleted: SL 2024/25 r.50

28. Modification of State Planning Policy 3.6

Deleted: SL 2024/25 r.50

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

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

30. Modification of State planning policies

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

31. Environmental Conditions

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

32. Additional Site and Development Requirements

- (1) Table 7 sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

Table 7 – Additional site and development requirements

No.	Description of Land	Requirement
1.	Non-Residential Development in the Residential Zone	Non-residential development in the Residential zone shall conform to the plot ratio, setback, open space, building height, privacy and solar access (where appropriate) provisions of the R-Codes applicable to the density code afforded to the lot.
2.	Mixed Use Zone	<p>(1) Non-residential development shall conform to the plot ratio, setback, open space, building height, privacy and solar access provisions of the R-Codes applicable to the density code afforded to the lot.</p> <p>(2) Where a development is proposed on a lot having a common boundary with a Residential zoned lot the setbacks shall not be less than those prescribed in the R-Codes for the particular density code of the adjoining residential lot.</p>
3.	Regional Centre	In the absence of an approved Precinct Structure Plan, or Precinct Local Development Plan, non-residential development shall be determined in accordance with the building height, plot ratio, street and side setback requirements of the R-Codes with regard to the assigned density code.
4.	District Centre	In the absence of an approved Precinct Structure Plan, or Precinct Local Development Plan, non-residential development shall be determined in accordance with the building height, plot ratio, street and side setback requirements of the R-Codes with regard to the assigned density code.
5.	Local Centre	In the absence of an approved Precinct Structure Plan, or Precinct Local Development Plan, non-residential development shall be determined in accordance with the building height, plot ratio, street and side setback requirements of the R-Codes with regard to the assigned density code.

No.	Description of Land	Requirement
6.	Beckenham Station Precinct - land generally bound by Sevenoaks Street, Linden Close, Clapham Street, Lot 10 Clapham Street, William Street, Lots 9 and 800 William Street and Local Reserve – Drainage/Waterway.	<p>(1) Subdivision and development is to be generally in accordance with an approved Precinct Structure Plan.</p> <p>(2) A drainage strategy, including geotechnical information shall accompany any major subdivision or development application.</p>
7.	Service Commercial, Light Industry, General Industry Zones	<p>Development in the Service Commercial, Light Industry and General Industry zones shall accord with the following:</p> <p>(1) Setbacks –</p> <ul style="list-style-type: none"> (a) Primary street - 15 metres (b) Secondary street - 4.5 metres (c) Side and rear - nil, except where adjoining land in a Residential or Mixed-Use zone where the setback is to accord to the standards applicable to such adjacent land under the relevant residential density coding. <p>(2) Building height - 13.5 metres overall, except where the site adjoins, or is immediately adjacent to land in the Residential zone where the building height is limited to a maximum of 10.5 metres and further where necessary to comply with the overshadowing limits applicable to such adjacent land under the relevant residential density coding.</p>
8.	Rural and Rural Residential Zones	<p>(1) Subdivision –</p> <p>A minimum lot size of 4 hectares applies to Rural Residential and Rural zoned land shown as 'AR4' on the scheme map.</p> <p>(2) Setbacks shall accord with the following –</p> <ul style="list-style-type: none"> (a) Lots 4,000m² or less in area – <ul style="list-style-type: none"> (i) Primary street setback - 10 metres (ii) Secondary street setback - 4.5 metres (iii) Side and rear boundary setbacks - 3 metres (b) Lots greater than 4,000m² in area – <ul style="list-style-type: none"> (i) Primary street setback - 15 metres (ii) Secondary street setback - 15 metres (iii) Side and rear boundary setbacks - 3 metres

No.	Description of Land	Requirement
9.	All Zones - Parking	<p>(1) Car and bicycle bays parking shall be provided in accordance with an adopted local planning policy made under this scheme for this purpose and shall be rounded to the nearest whole number.</p> <p>(2) The local government may accept a cash payment in lieu of the provision of any required land for car parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.</p> <p>(3) Subject to sub-clause (2), the cash payment shall be calculated having regard to the estimated cost of constructions of the parking area or areas suitable for the proposed development and includes the value, as estimated by the local government, of that area of land which would have had to be provided to meet the car parking requirements specified by an adopted local planning policy.</p> <p>(4) Subject to sub-clause (2) and (3), the cash payment is to be paid into a fund set aside by the local government for purposes of providing public car parking areas, in the locality of the land the subject of the development proposal.</p>

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

33. Additional Site and Development Requirements for areas covered by Structure Plan, Precinct Structure Plan or Local Development Plan

There are no additional requirements that apply to this Scheme.

34. Variations to Site and Development Requirements

- (1) In this clause –

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

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –

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

35. Restrictive Covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
 - (2) If subclause (1) operates to extinguish or vary a restrictive covenant –
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.
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Part 5 - Special Control Areas

36. Special Control Areas

- (1) Special Control Areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each Special Control Area is set out in the Table.

Table 8 - Special Control Areas in Scheme area

Name of Area	Purpose	Objectives	Additional Provisions
SCA1 - Perth Airport Buffer	SCA1 is the basis for the implementation of State Planning Policy 5.1 - Land Use Planning in the Vicinity of Perth Airport.	<ol style="list-style-type: none"> (i) To protect Perth Airport from unreasonable encroachment by incompatible (noise-sensitive) development, to provide for its ongoing development and operation; and (ii) To minimise the impact of airport operations on existing and future communities with reference to aircraft noise. 	<ol style="list-style-type: none"> (1) The development or use of premises involving building types identified as either 'conditionally acceptable' or 'unacceptable' for the relevant noise expose zone, as outlined in State Planning Policy 5.1, requires the prior development approval of the local government. (2) The local government shall recommend to the Western Australian Planning Commission a condition of subdivision approval or impose conditions on any development approval for a notification on the certificate of title of lots advising of the potential of noise nuisance.
SCA2 - Development Contribution Areas	The purpose of a development contribution area is as established in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	The objectives for preparing a development contribution plan for a development contribution area are as outlined in State Planning Policy 3.6 – Infrastructure Contributions.	Development contribution areas shown on the Scheme Map as DCA with a number and included in Schedule B.
SCA3 - Martin Watercourse Catchment	To limit development within the immediate catchment of a watercourse.	To protect the watercourse and its catchment from impacts associated with inappropriate development that could cause soil erosion and land degradation.	The development of dwellings, on-site effluent disposal and outbuildings larger than 54m ² is not permitted within the special control area boundary as shown on the scheme map.

Name of Area	Purpose	Objectives	Additional Provisions
SCA4 - Quarry Buffers	To identify a one kilometre buffer (area of influence) around the edge of the two quarries in Orange Grove and Martin and to provide site specific development and subdivision standards	To protect the quarries from unreasonable encroachment by incompatible (noise – sensitive) development, so as to provide for their ongoing development and operation.	<p>(1) The development or use of premises for the purposes of a Single House requires development approval of the local government.</p> <p>(2) The local government may recommend to the Western Australian Planning Commission a condition of subdivision approval or impose conditions on any development approval for a notification to be placed on the title advising of a hazard and that the lot may be affected by dust, noise and vibration impacts from the nearby quarry operations.</p>

36A Development Contribution Areas

(1) Interpretation

(a) In Clause 36A, unless the context otherwise requires:

"Administrative costs" means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

"Administrative items" means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning, engineering, and other professional advice.

"Cost apportionment schedule" means a schedule prepared and distributed in accordance with Clause 36A(10).

"Cost contribution" means the contribution to the cost of infrastructure and administrative costs.

"Development contribution area" means the area shown on the scheme map as DCA with a number and included in Schedule B.

"Development contribution plan" means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Infrastructure Contributions and the provisions of this Part 5 of the Scheme (as summarised in Schedule B to this Scheme).

"Development contribution plan report" means a report prepared and distributed in accordance with Clause 36A(10).

"Infrastructure" means the standard infrastructure items (services and facilities set out in appendix 1 of State Planning Policy 3.6 "Infrastructure Contributions") and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of State Planning Policy 3.6.

"Infrastructure costs" means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

"Local government" means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

"Owner" means an owner of land that is located within a development contribution area.

(2) Purpose

(a) The purpose of having development contribution areas is to:

- (i) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners; and
- (ii) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (iii) coordinate the timely provision of Infrastructure.

(3) Development Contribution Plan required

(a) A development contribution plan is required to be prepared for each development contribution area.

(4) Development Contribution Plan part of scheme

(a) Each development contribution plan is to be summarised in Schedule B as part of this scheme.

(5) Guiding Principles for Development Contribution Plans

(a) The development contribution plan for any development contribution area is to be prepared in accordance with the following principles:

- (i) **Need and the nexus**
The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
 - (ii) **Transparency**
Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.
 - (iii) **Equity**
Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.
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- (iv) **Certainty**
All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.
 - (v) **Efficiency**
Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.
 - (vi) **Consistency**
Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.
 - (vii) **Right of consultation and review**
Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.
 - (viii) **Accountable**
There must be accountability in the manner in which development contributions are determined and expended.
 - (6) **Content of Development Contribution Plans**
 - (a) The development contribution plan is to specify:
 - (i) the development contribution area to which the development contribution plan applies;
 - (ii) the infrastructure and administrative items to be funded through the development contribution plan;
 - (iii) the method of determining the cost contribution of each owner; and
 - (iv) the priority and estimated timing for the provision of infrastructure.
 - (7) **Period of Development Contribution Plan**
 - (a) A development contribution plan shall specify the period during which it is to operate.
 - (8) **Land excluded**
 - (a) In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:
 - (i) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;
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- (ii) existing public open space;
 - (iii) existing government primary and secondary schools; and
 - (iv) such other land as is set out in development contribution plan, is to be excluded.
 - (9) Development Contribution Plan Report and cost apportionment schedule
 - (a) Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule, to all owners in the development contribution area.
 - (b) Prior to adopting the development contribution plan report and cost apportionment schedule pursuant to Clause 36A(9)(a) Council is to consider a draft development contribution plan report and cost apportionment schedule and, if satisfied with the report and schedule, seek comment on the documents from affected landowners for a period of 42 days.
 - (c) The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.
 - (d) The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under Clause 36A(10).
 - (10) Estimated Cost Contributions and Review
 - (a) The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly if necessary.
 - (b) Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least once every 12 months by the local government:
 - (i) in the case of land to be acquired, in accordance with Clause 36A(11); and
 - (ii) in all other cases, in accordance with the best and latest information available to the local government,until the expenditure on the relevant item of infrastructure or administrative costs has occurred.
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- (c) The local government is to have all estimated infrastructure costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.
 - (d) Where any cost contribution has been recalculated on the basis of an actual cost or revised estimated cost, the local government:
 - (i) is to adjust the cost contribution of any owner in accordance with the revised estimated costs
 - (ii) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
 - (e) Where an owner's cost contribution is adjusted under Clause 36A(10)(d), the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
 - (f) If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriately qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
 - (g) If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined:
 - (i) by any method agreed between the local government and the owner, or
 - (ii) if the local government and the owner cannot agree on a method pursuant to (i) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 2012*, with the costs to be shared equally between the local government and owner.
- (11) Valuation
- (a) Clause 36A(11) applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.
 - (b) In clause 36A(11):

"Value" means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.
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Valuation methodology will be defined for each particular arrangement by the applicable Development Contribution Plan Report.

"Valuer" means a licensed valuer agreed by the local government and the owners, or, where the local government and the owners are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

- (c) If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.
- (d) If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

(12) Liability for cost contributions

- (a) An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of Clause 36A.
- (b) An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of:
 - (i) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
 - (ii) the commencement of any development on the owner's land within the development contribution area;
 - (iii) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
 - (iv) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

- (c) Notwithstanding Clause 36A(12)(b), an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

- (d) Where a development contribution plan expires in accordance with Clause 36A(7), an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

(13) Payment of cost contribution

- (a) The owner, with the agreement of the local government, is to pay the owner's cost contribution by:
 - (i) making a financial payment;
 - (ii) transferring to the local government or a public authority land in satisfaction of the cost contribution;
 - (iii) the provision of physical infrastructure;
 - (iv) some other method acceptable to the local government; or
 - (v) any combination of these methods.
- (b) The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.
- (c) Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

(14) Charge on land

- (a) The amount of any cost contribution for which an owner is liable under Clause 36A(12), but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.
 - (b) The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under this clause to permit a dealing and may then re-lodge the caveat to prevent further dealings.
 - (c) If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under Clause 36A(14).
-

(15) Administration of funds

- (a) The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.
- (b) Interest earned on cost contributions credited to a reserve account in accordance with Clause 36A(15)(a) is to be applied in the development contribution area to which the reserve account relates.
- (c) The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

(16) Shortfall or excess in cost contributions

- (a) If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may:
 - (i) make good the shortfall;
 - (ii) enter into agreements with owners to fund the shortfall; or
 - (iii) raise loans or borrow from a financial institution,
 - (iv) remove one or a number of items of infrastructure from the arrangement.

but nothing in paragraph 36A(16)(a) restricts the right or power of the local government to impose a differential rate or a Specified Area rate to a specified development contribution area in that regard.

- (b) If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

(17) Powers of the local government

- (a) The local government in implementing the development contribution plan has the power to:
 - (i) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
 - (ii) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

(18) Arbitration

- (a) Subject to Clauses 36A(11)(c) and 36A(11)(d), any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by Arbitration in accordance with the *Commercial Arbitration Act 2012*.

- (19) Clause 36A and associated sub-clauses shall cease to have effect two years from scheme commencement day.

Part 6 - Terms Referred to in Scheme

Division 1 - General definitions used in Scheme

37. Terms used

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

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

building height in relation to a building –

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

cabin means a building that –

- (a) is an individual unit other than a chalet; and
- (b) forms part of –
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park; and
- (c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

chalet means a building that is –

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) forms part of –
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park; and
- (c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including –

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

floor area has meaning given in the Building Code;

frontage	in relation to a building – <ul style="list-style-type: none">(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or(b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more roads reserves, the one to which the building or proposed building faces;
net lettable area or nla	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas – <ul style="list-style-type: none">(a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;(b) lobbies between lifts facing other lifts serving the same floor;(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;(d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
precinct	means a definable area where particular planning policies, guidelines or standards apply;
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental;
retail	means the sale or hire of goods or services to the public;
scheme commencement day	means the day this Scheme comes into effect under section 87(4) of the Act;
wall height	in relation to a wall of a building – <ul style="list-style-type: none">(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or(b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;
wholesale	means the sale of goods or materials to be sold by others.

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

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.
-

Division 2 - Land Use Terms used in Scheme

38. Land Use Terms used

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

<i>agriculture - extensive</i>	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry – intensive;
<i>agriculture - intensive</i>	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following – <ul style="list-style-type: none">(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;(b) the establishment and operation of plant or fruit nurseries;(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);(d) aquaculture;
<i>amusement parlour</i>	means premises – <ul style="list-style-type: none">(a) that are open to the public; and(b) that are used predominantly for amusement by means of amusement machines including computers; and(c) where there are 2 or more amusement machines;
<i>animal establishment</i>	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include veterinary centre;
<i>betting agency</i>	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> ;
<i>brewery</i>	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> ;
<i>bulky goods showroom</i>	means premises – <ul style="list-style-type: none">(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes:<ul style="list-style-type: none">(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;

	<ul style="list-style-type: none">(x) babies' and children's goods, including play equipment and accessories;(xi) sporting, cycling, leisure, fitness goods and accessories; or(xii) swimming pools;
	(b) used to sell goods and accessories by retail if – <ul style="list-style-type: none">(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;
caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1);
caretaker's dwelling	means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant;
car park	means premises used primarily for parking vehicles whether open to the public or not but does not include: <ul style="list-style-type: none">(a) any part of a public road used for parking or for a taxi rank; or(b) any premises in which cars are displayed for sale;
child care premises	means premises where – <ul style="list-style-type: none">(a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia) Act 2012</i> 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 <i>Child Care Services Act 2007</i> section 4 is provided;
cinema/theatre	means premises where the public may view a motion picture or theatrical production;
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest;
commercial kitchen	means premises used for the preparation of food, but does not involve the retail sale and serving of food on-site, and does not include a fast food outlet / lunch bar or restaurant/café;
commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include – <ul style="list-style-type: none">(a) any part of a public road used for parking or for a taxi rank; or(b) parking of commercial vehicles incidental to the predominant use of the land;
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store	means premises – <ul style="list-style-type: none">(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and(b) operated during hours which include, but may extend beyond, normal trading hours; and(c) the floor area of which does not exceed 300m² net lettable area;
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia) Act 2012</i> is provided;
fast food outlet	means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten – <ul style="list-style-type: none">(a) without further preparation; and(b) primarily off the premises;
fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used – <ul style="list-style-type: none">(a) as a service station; or(b) for the sale of fuel by retail into a vehicle for use by the vehicle;
funeral parlour	means premises used <ul style="list-style-type: none">(a) to prepare and store bodies for burial or cremation;(b) to conduct funeral services;
garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;
home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession – <ul style="list-style-type: none">(a) does not involve employing more than 2 people who are not members of the occupier's household; and(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and(c) does not occupy an area greater than 50m²; and(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and

- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home occupation

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

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not –
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home office

means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

home store

means a shop attached to a dwelling that –

- (a) has a net lettable area not exceeding 100m²; and
- (b) is operated by a person residing in the dwelling;

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	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes – <ul style="list-style-type: none">(a) the storage of goods;(b) the work of administration or accounting;(c) the selling of goods by wholesale or retail;(d) the provision of amenities for employees;(e) incidental purposes;
industry - extractive	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes – <ul style="list-style-type: none">(a) the processing of raw materials including crushing, screening, washing, blending or grading;(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;
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 - primary production	means premises used – <ul style="list-style-type: none">(a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997 (Commonwealth)</i> section 995-1; or(b) for a workshop servicing plant or equipment used in primary production businesses;
liquor store - large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ² ;
liquor store - small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m ² ;
lunch bar	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
market	means premises used for the display and sale of goods from stalls by independent vendors;
medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans;
motor vehicle repair	means premises used for or in connection with - <ul style="list-style-type: none">(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or(b) repairs to tyres other than recapping or retreading of tyres;

motor vehicle wash	means premises primarily used to wash motor vehicles;
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> ;
office	means premises used for administration, clerical, technical, professional or similar business activities;
park home park	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8;
place of worship	means premises use for religious activities such as a chapel, church, mosque, synagogue or temple;
reception centre	means premises used for hosted functions on formal or ceremonial occasions;
recreation private	means premises that are - <ul style="list-style-type: none">(a) used for indoor or outdoor leisure, recreation or sport; and(b) not usually open to the public without charge;
renewable energy facility	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary;
residential aged care facility	means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes: <ul style="list-style-type: none">(a) appropriate staffing to meet the nursing and personal care needs of residents;(b) meals and cleaning services;(c) furnishings, furniture and equipment. <p>This may consist of multiple components that include communal amenities and land uses for residential and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;</p>
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste;
restaurant/café	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> ;
restricted premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of - <ul style="list-style-type: none">(a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i>; or(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or(c) smoking-related implements;

***rural home
business***

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

- (a) does not involve employing more than two people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight;

***rural pursuit/hobby
farm***

means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

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; or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

shop

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

small bar

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

tavern

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

***telecommunications
infrastructure***

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

***tourist and visitor
accommodation***

- (a) means a building, or a group of buildings forming a complex, that –
 - (i) is wholly managed by a single person or body; and
 - (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated

- for a period or periods exceeding a total of 3 months in any 12-month period; and
- (iii) may include on-site services and facilities for use by guests; and
- (iv) in the case of a single building – contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; and
- (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but
- (c) does not include any of the following –
 - (i) an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);
 - (ii) a caravan park;
 - (iii) hosted short-term rental accommodation;
 - (iv) a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);
 - (v) a park home park;
 - (vi) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1);
 - (vii) a road house;
 - (viii) workforce accommodation;

trade display

means premises used for the display of trade goods and equipment for the purpose of advertisement;

trade supplies

means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises -

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

transport depot

means premises used primarily for the parking or garaging of 3 or more commercial vehicles including -

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

<i>tree farm</i>	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5;
<i>veterinary centre</i>	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
<i>warehouse/storage</i>	means premises including indoor or outdoor facilities used for (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods;
<i>waste disposal facility</i>	means premises used - (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste;
<i>waste storage facility</i>	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;
<i>winery</i>	means premises used for the production of viticultural produce and associated sale of the produce.

Schedule A - Supplemental Provisions to the Deemed Provisions

Clause 61(1)

	Column 1 Works	Column 2 Conditions
22	Small scale receiving and transmission equipment including antennae, aerials and receiving dishes that are no greater than the dimensions specified in Column 2.	<p>(a) TV antennae, radio aerials and microwave satellite dishes not exceeding a height of 8.0 metres above natural ground level or a maximum diameter of 2.0 metres.</p> <p>(b) Satellite Receiving Dish (solid dish or close weave mesh construction) not exceeding a height of 8.0 metres above natural ground level or a maximum diameter of 1.0 metre.</p>

Schedule B - Special Control Area No. 2 - Development Contribution Areas (SCA2)

A - Specific provisions relating to the Canning Vale Development Contribution Area

Reference No.	DCP 1
Area Name	DCA 1 (Canning Vale DCA)
Relationship to other planning instruments	This Development Contribution Plan operates in association with the Canning Vale Structure Plan
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> 1. Drainage Construction 2. Shared Paths 3. Road Construction 4. Road Resumption 5. Traffic Management 6. Service Relocation 7. Power Line Upgrading 8. Conservation Category Wetland Development 9. General Administration and Studies 10. Public Open Space
Method for calculating contributions	<p>All landowners within the DCA 1 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.</p> <p>The general formula for the requisite contribution is as follows:</p> <p>Area of total DCA (A) is as per State Planning Policy 3.6.</p> <p>Total DCA cost (B) = cost of infrastructure items + cost of administrative items.</p> <p>Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A).</p> <p>Area of subject site (D) is as per State Planning Policy 3.6.</p> <p>Owner's cost contribution = Contribution Rate (C) x Area of subject site (D).</p>
Period of operation	The period of operation of this DCP is deemed to continue and remain in operation until 1 November 2028, notwithstanding any other provision of the Scheme.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

B - Specific provisions relating to the Southern River Precinct 2 Development Contribution Area

Reference No.	DCP 2
Area Name	DCA 2 (Southern River Precinct 2 Structure Plan DCA)
Relationship to other planning instruments	This Development Contribution Plan operates in association with the Southern River Precinct 2 Structure Plan
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> 1. Drainage Construction 2. Arterial Road Construction 3. Land Acquisition for Arterial Roads 4. Traffic Management 5. Land Acquisition for Conservation Category Wetlands 6. Conservation Category Wetland Development 7. General Administration and Studies 8. Public Open Space
Method for calculating contributions	<p>All landowners within the DCA 2 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.</p> <p>The general formula for the requisite contribution is as follows: Area of total DCA (A) is as per State Planning Policy 3.6. Total DCA cost (B) = cost of infrastructure items + cost of administrative items. Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A). Area of subject site (D) is as per State Planning Policy 3.6. Owner's cost contribution = Contribution Rate (C) x Area of subject site (D).</p>
Period of operation	The period of operation of this DCP is deemed to continue and remain in operation until 1 November 2028, notwithstanding any other provision of the Scheme.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

C - Specific provisions relating to the West Canning Vale Development Contribution Area

Reference No.	DCA 3
Area Name	DCA 3 (West Canning Vale DCA)
Relationship to other planning instruments	This Development Contribution Plan operates in association with the West Canning Vale Structure Plan
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> 1. Drainage Construction 2. Land to be acquired for drainage 3. Shared Paths 4. Road Construction 5. Resumption for Road Widening 6. Resumption for Conservation Category Wetlands 7. Traffic Management 8. Service Relocation 9. Conservation Category Wetland Development 10. General Administration and Studies 11. Public Open Space
Method for calculating contributions	<p>All landowners within the DCA 3 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.</p> <p>The general formula for the requisite contribution is as follows:</p> <p>Area of total DCA (A) is as per State Planning Policy 3.6.</p> <p>Total DCA cost (B) = cost of infrastructure items + cost of administrative items.</p> <p>Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A).</p> <p>Area of subject site (D) is as per State Planning Policy 3.6.</p> <p>Owner's cost contribution = Contribution Rate (C) x Area of subject site (D).</p>
Period of operation	Five years from 1 November 2018 to 1 November 2023.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

D - Specific provisions relating to the Central Maddington Development Contribution Area

Reference No.	DCP 4
Area Name	DCA 4 (Central Maddington DCA)
Relationship to other planning instruments	This Development Contribution Plan operates in association with the Central Maddington Structure Plan
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> 1. Drainage Construction 2. Shared Paths 3. Road Construction 4. Land Acquisition of Roads 5. Traffic Management 6. Street Lighting 7. Underground Power 8. Street Trees 9. Development of Public Open Space 10. General Administration and Studies 11. Preparation of the Structure Plan 12. Public Open Space
Method for calculating contributions	<p>All landowners within the DCA 4 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.</p> <p>The general formula for the requisite contribution is as follows:</p> <p>Area of total DCA (A) is as per State Planning Policy 3.6.</p> <p>Total DCA cost (B) = cost of infrastructure items + cost of administrative items.</p> <p>Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A).</p> <p>Area of subject site (D) is as per State Planning Policy 3.6.</p> <p>Owner's cost contribution = Contribution Rate (C) x Area of subject site (D).</p>
Period of operation	The period of operation of this DCP is deemed to continue and remain in operation until 1 November 2028, notwithstanding any other provision of the Scheme.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

E - Specific provisions relating to the Maddington Road Precinct A and a portion of Maddington Road Precinct B Development Contribution Area

Reference No.	DCP 5
Area Name	DCA 5 (Maddington Road Precinct A and a portion of Maddington Road Precinct B DCA).
Relationship to other planning instruments	This Development Contribution plan operates in association with the Maddington Road Precinct A and a portion of Maddington Road Precinct B Structure Plans.
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> 1. General Administration (Precinct A) 2. Public Open Space Acquisition (Precinct A and Precinct B) 3. Development of Public Open Space (Precinct A and Precinct B) <ul style="list-style-type: none"> • basic level of site works , site preparation, turfing and reticulation • two-year maintenance period
Method for calculating contributions	<p>DCA 5 is divided into Maddington Road Precinct A and a portion of Maddington Road Precinct B as set out in the Development Contribution Plan Report. Valuations, cost contributions and expenditure for each precinct shall be calculated and accounted separately.</p> <p>All landowners within the DCA 5 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.</p> <p><u>General Administration and Development of Public Open Space</u></p> <p>The general formula for the requisite contribution is as follows:</p> <p>Area of total DCA (A) is as per State Planning Policy 3.6.</p> <p>Total DCA cost (B) = cost of infrastructure items + cost of administrative items.</p> <p>Contribution Rate (C) = Total DCA cost (B)/Area of total DCA (A).</p> <p>Area of subject site (D) is as per State Planning Policy 3.6.</p> <p>Owner's cost contribution = Contribution Rate (C) x Area of subject site (D).</p> <p><u>Public Open Space Acquisition</u></p> <p>The apportionment of landowner costs for public open space acquisition is defined through the POS Contribution Schedules forming part of the Development Contribution Plan Report.</p> <p>The apportionment of costs are based upon a minimum 13.88% of developable land area being ceded for public open space within Precinct A and 13.41% within Precinct B. The landowner cost contribution arrangements for public open space acquisition apply for the purpose of balancing cost contributions for undersupply and fund reimbursed for oversupply only.</p> <p>The land component of the common infrastructure works (public open space and drainage) is valued at an engloba valuation rate by an appointed valuer. The valuation is to be reviewed annually as part of the overall review of the developer contribution plan.</p>
Period of operation	Five years from 1 February 2021 to 30 January 2026.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

F - Specific provisions relating to the Southern River Precinct 1 Development Contribution Area

Reference No.	DCP 6
Area Name	DCA 6 (Southern River Precinct 1 Structure Plan DCA)
Reference number on Scheme Map(s)	DCA 6
Relationship to other planning instruments	Nil.
Infrastructure and administration items to be funded	<p><u>Land Acquisition for Arterial Roads</u></p> <p>Warton Road between Garden Street and Barrett Street Land required to achieve a 30 metre wide road reserve;</p> <p><u>Arterial Road Upgrade</u></p> <p>Warton Road between Garden Street and Barrett Street</p> <ul style="list-style-type: none"> • 50% of the cost of constructing one carriageway including drainage • 50% of the cost of the earthworks for the second carriageway <p><u>Traffic Management Devices (signalisation)</u></p> <p>Intersection of Warton Road and Holmes Street</p> <ul style="list-style-type: none"> • 50% of cost of signalisation including associated intersection treatments <p>Intersection of Warton Road and Garden Street</p> <ul style="list-style-type: none"> • 25% of the cost of signalisation including associated intersection treatments <p><u>Fauna Underpasses</u></p> <p>Holmes Street between Lakey Street and Balfour Street</p> <ul style="list-style-type: none"> • 100% of the cost of two underpasses. <p><u>Roundabout</u></p> <p>Intersection of Holmes Street and Harpenden Street</p> <ul style="list-style-type: none"> • 100% of cost of roundabout construction <p><u>Land Acquisition for Roundabout</u></p> <p>Intersection of Holmes Street and Harpenden Street</p> <ul style="list-style-type: none"> • 100% of cost of the land required pertaining to Lot 9001 Holmes Street. <p><u>General Administration and Studies</u></p> <p>A contribution to 100% of the cost of administering the contribution arrangement, including:</p> <ul style="list-style-type: none"> • Accounting • Legal • Planning • Surveying • City staff costs

Reference No.	DCP 6
Method for calculating contributions	<p>The contribution rate is to be calculated as a per hectare rate on the net contribution area for Precinct 1. The combined cost of common infrastructure works is to be divided across the net contribution area. The following formula applies:</p> $\text{\$CR} = \text{\$CIW} / \text{NCA}$ <p>Where:</p> <p>\\$CR is the contribution rate per hectare;</p> <p>\\$CIW is the total cost of all common infrastructure works; and</p> <p>NCA is the net contribution area.</p> <p>Developer contribution payments for individual properties are to be calculated by multiplying the contribution rate with the net contribution area of the individual property (developable area). The following formula applies:</p> $\text{\$C} = \text{\$CR} \times \text{DA}$ <p>Where:</p> <p>\\$C is the contribution payment; and</p> <p>DA is the developable area (contribution area of individual property).</p> <p>A review of the cost of common infrastructure is to be undertaken annually at which time the contribution rate will be revised. Revised costs are to be based on a combination of CPI and other various civil and construction work indexes to allow for cost escalation.</p> <p>The land component of the common infrastructure works (arterial roads) is valued at an englobo rate by an appointed valuer. The valuation is to be reviewed annually as part of the overall review of the DCP.</p> <p>Public open space is not incorporated into this DCP as each sub precinct is to provide for its minimum requirement of open space.</p>
Period of operation	Five years from 1 February 2021 to 30 January 2026.
Priority and timing	<p>Construction of roundabout - intersection of Holmes Street and Harpenden Street - two years.</p> <p>Construction of all other infrastructure items complete.</p>
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

G - Specific provisions relating to the Homestead Road Development Contribution Area

Reference No.	DCP 7
Area Name	DCA 7 (Homestead Road DCA)
Relationship to other planning instruments	This Development Contribution Plan operates in association with the Homestead Road Structure Plan.
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> 1. Construction of Drainage Upgrade - Homestead Road 2. Construction of Roundabouts 3. Construction of Shared Use Path 4. Construction of Drainage Detention Basin 5. Development of Public Open Space 6. Preparation of Structure Plan 7. General Administration 8. Public Open Space Acquisition
Method for calculating contributions	<p>All landowners within the DCA 7 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.</p> <p>The general formula for the requisite contribution is as follows:</p> <p>Area of total DCA (A) is as per State Planning Policy 3.6.</p> <p>Total DCA cost (B) = cost of infrastructure items + cost of administrative items</p> <p>Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A)</p> <p>Area of subject site (D) is as per State Planning Policy 3.6.</p> <p>Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)</p>
Period of operation	Five years from scheme commencement day.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

H - Specific provisions relating to the Kenwick – South Structure Plan Development Contribution Area

Reference No.	DCP 8
Area Name	DCA 8 (Kenwick - South Structure Plan DCA)
Relationship to other planning instruments	This Development Contribution Plan operates in association with the Kenwick - South Structure Plan, approved by the Western Australian Planning Commission pursuant to Clause 22 of the Deemed Provisions
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> 1. Construction of Internal Roads and Associated Infrastructure 2. Roundabout Construction - Stafford Road and Gayhurst Road 3. Footpath Construction - Park and Stafford Roads 4. Water Main Upgrade - Postling Street 5. Development of Public Open Space and Maintenance for two summers 6. Construction of Interim Drainage 7. Construction of Drainage Detention Basin 8. Preparation of Structure Plan 9. Detailed Design, Engineering and Construction Supervision 10. General Administration 11. Public Open Space
Method for calculating contributions	<p>All landowners within the DCA 8 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.</p> <p>The general formula for the requisite contribution is as follows:</p> <p>Area of total DCA (A) is as per State Planning Policy 3.6.</p> <p>Total DCA cost (B) = cost of infrastructure items + cost of administrative items</p> <p>Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A)</p> <p>Area of subject site (D) is as per State Planning Policy 3.6.</p> <p>Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)</p>
Period of operation	From scheme commencement day to 23 March 2028.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure cost contained in the Infrastructure Cost Contribution Schedule will be reviewed at least annually to reflect the changes in the funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.</p>

I - Specific provisions relating to the Southern River Precinct 3 Development Contribution Area

Reference No.	DCP 9
Area Name	DCA 9 (Southern River Precinct 3 DCA)
Relationship to other planning instruments	This Development Contribution Plan generally operates in association with the Southern River Precinct 3 Local Structure Plan and Sub Precinct Structure Plans, adopted pursuant to the Scheme.
Infrastructure and administration items to be - funded.	<p>1. Drainage</p> <p>(a) Forrestdale Main Drain Widening</p> <ul style="list-style-type: none"> 100% of the cost of acquisition for drain widening (excluding land to be credited as public open space under an approved structure plan and/or Resource Enhancement Wetlands). 100% of the cost of basic landscaping works (turf and reticulation). <p>(b) Balannup Drain Widening</p> <ul style="list-style-type: none"> 100% of the cost of land acquisition for widening (excluding land to be credited as public open space under an approved structure plan). 100% of the cost of basic landscaping works (turf and reticulation) for drain widening. <p>(c) Southern River Road Drainage Basin</p> <ul style="list-style-type: none"> 100% of the cost of land acquisition for a drainage basin required for drainage of Southern River Road, as shown on the Sub-Precinct 3E structure plan. <p>2. Arterial Roads</p> <p>(a) Southern River Road Upgrade Works between Ranford Road and Southern River</p> <ul style="list-style-type: none"> 50% of the cost of constructing one carriageway including drainage. 50% of the cost of full earthworks for second carriageway. <p>(b) Holmes Street Upgrade Works between Southern River Road and Passmore Street</p> <ul style="list-style-type: none"> 100% of the cost of constructing one carriageway including drainage. 50% of the cost of full earthworks for second carriageway. <p>(c) Land Acquisition</p> <ul style="list-style-type: none"> Holmes Street between Southern River Road and Passmore Street. Southern River Road between Ranford Road and Southern River. <p>3. Traffic Management Devices</p> <ul style="list-style-type: none"> 50% of the cost of installing roundabout at the intersection of Southern River Road and Holmes Street. 100% of the cost of constructing a roundabout at the intersection of Holmes Street and Matison Street. 50% of the cost of constructing a roundabout at the intersection of Holmes Street and Passmore Street. 50% of the cost of constructing a roundabout at the intersection of Southern River Road and Aldenham Drive / Furley Road. <p>4. Shared Use Paths</p> <ul style="list-style-type: none"> 100% of the cost of constructing a shared use path along the Southern River foreshore from Southern River Road to Verna Street. 100% of the cost of constructing a shared use path along Passmore Street from Furley Road to Southern River.

[illegible]

	Balannup Drain Widening/ Landscaping	✓	✓	✓	✓	✓	✓	✓
	Land Acquisition for Drainage	✓	✓	✓	✓	✓	✓	✓
	Administrative Items	✓	✓	✓	✓	✓	✓	✓
<p>The Southern River Precinct 3 contribution area is divided into seven sub-precincts. Each sub-precinct shall make a contribution towards the cost of the following additional common infrastructure and administrative items as detailed in the Development Contribution Plan Report. Valuations, cost contributions and expenditure for each sub-precinct shall be calculated and accounted separately.</p>								
<p>Sub-Precinct Cost Contributions</p>								
	Precinct/ Item	3A North	3A South	3B	3C	3D	3E	3F
	Forrestdale Main Drain Road Crossing					✓		
	Balannup Drain Road Crossing		✓				✓	
	Public Open Space Development	✓	✓	✓	✓	✓	✓	
	Public Open Space Equalisation	✓	✓	✓	✓	✓	✓	
	Preparation of Local Structure Plan	✓						
<p>The contribution rate is to be calculated as a per hectare rate on the net contribution area for Precinct 3. The combined cost of common infrastructure works is to be divided across the net contribution area. The following formula applies:</p> $\text{\$CR} = \text{\$CIW} / \text{NCA}$ <p>Where:</p> <p>\\$CR is the contribution rate per hectare;</p> <p>\\$CIW is the total cost of all common infrastructure works; and</p> <p>NCA is the net contribution area.</p> <p>Developer contribution payments for individual properties are to be calculated by multiplying the contribution rate with the net contribution area of the individual property (developable area). The following formula applies:</p> $\text{\$C} = \text{\$CR} \times \text{DA}$ <p>Where:</p> <p>\\$C is the contribution payment; and</p> <p>DA is the developable area (contribution area of individual property).</p> <p>A review of the cost of common infrastructure is to be undertaken annually at which time the contribution rate will be revised. Revised costs are to be based on a combination of CPI and other various civil and construction work indexes to allow for cost escalation.</p> <p>The fair market value of the land component of common infrastructure works is to be determined by a licensed valuer, and the methodology detailed in the DCP Report.</p>								
Period of operation	Ten years from 3 May 2022 to 3 May 2032.							
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.							

Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.
Annual Status Report	The City shall publish an Annual Status Report for DCP 9 in accordance with the requirements of State Planning Policy 3.6 Infrastructure Contributions (as amended).

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the City of Gosnells at the Ordinary Meeting of Council held on the 12 September 2017.

IAN COWIE

CHIEF EXECUTIVE OFFICER

TERRESA LYNES

MAYOR

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the City of Gosnells at the Ordinary Meeting of Council held on the 23 February 2021.

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

IAN COWIE

CHIEF EXECUTIVE OFFICER

TERRESA LYNES

MAYOR

WAPC Recommended for Approval

ROHAN MILLER

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

18 AUGUST 2025

Date

Approval granted

JOHN CAREY

MINISTER FOR PLANNING

8 SEPTEMBER 2025

Date