



# WAPC

Western  
Australian  
Planning  
Commission

# Shenton Park Hospital Redevelopment

## Improvement Scheme No. 1

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Updated to include Amendment No. 2, gazetted on 16 January 2026

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Original Improvement Scheme gazetted on 17 January 2017

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This is a copy of the Shenton Park Hospital Redevelopment Improvement Scheme No. 1 text produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the Western Australian Planning Commission should be made to view a legal version of the Scheme. Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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# Shenton Park Hospital Redevelopment

## Improvement Scheme No. 1

The Western Australian Planning Commission under the powers conferred by the *Planning and Development Act 2005* makes the following Improvement Scheme.

This Improvement Scheme of the Western Australian Planning Commission consists of this Scheme Text and the Scheme Plan. The Improvement Scheme should be read in conjunction with the Scheme Report.

### Amendments

Amendment No.	Gazettal Date	Date Updated	Updated By	Details
Scheme	17/01/2017	-	-	-
1	14/07/2023	14/07/2023	HAB	<ul style="list-style-type: none"><li>• Modify zoning table notations as follows:<ul style="list-style-type: none"><li>○ *P/X – means single and grouped dwellings are a permitted P use in the Residential R60 zone, however a prohibited X use in the Residential R160 zone, in accordance with clause 30(1) of this Scheme, with the exception of Additional Use 2 as per Clause 21.</li></ul></li><li>• Amend Table 2 in the Scheme to include a new line for a second additional use area for No. 2 land depicted 'A2' – Grouped Dwelling – D with conditions.</li><li>• Amend the Improvement Scheme No. 1 map to introduce a note regarding the location of Additional Use Area No. 2.</li></ul>
2	16/01/2026	16/01/2026	ZCJ	Mapping amendment only. Realignment of the northern boundary of the Improvement Scheme area, excising parts of lots 47, 48 and 49 Orton Road, Shenton Park (the affected lots) from the Improvement Scheme.

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## **Part 1 - Preliminary**

### **1. Citation**

This Improvement Scheme is the Shenton Park Hospital Redevelopment Improvement Scheme ('the Scheme').

### **2. Commencement**

Under section 87(3) and section 122B of the Act, this Improvement Scheme comes into operation on the day on which it is published in the Gazette.

### **3. Notes do not form part of Scheme**

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

### **4. Responsibility for Scheme**

The Western Australian Planning Commission (the Commission) is the responsible authority for the enforcement and implementation of this Scheme.

### **5. Scheme area**

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

### **6. Contents of Scheme**

- (1) In addition to the provisions set out in this document (the Scheme text), this Scheme includes the Scheme Map.
- (2) This Scheme is to be read in conjunction with any Improvement Scheme report for the Scheme area.

### **7. Purposes of Scheme**

- (1) The purposes of this Scheme are to –
  - (a) set out the Commission's planning aims and intentions for the Improvement Scheme area; and
  - (b) to facilitate the development of the site in a coordinated manner; and
  - (c) set aside land as local reserves for public purposes; and
  - (d) zone land within the Scheme area for the purposes defined in this Scheme; and
  - (e) control and guide development including processes for the preparation of structure plans; and
  - (f) set out procedures for the assessment and determination of development applications; 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.

### **8. Aims of Scheme**

- (1) The aims of this Scheme are –
  - (a) to facilitate the redevelopment of the site and delivery of land in a coordinated manner which balances the existing environment and strategic value of the site; and
  - (b) to achieve high quality built form and public place design; and

- (c) to enhance and integrate key attributes of the site in a manner consistent with the overall redevelopment objective; and
- (d) to integrate development of the public and private realm and to establish a safe and vibrant precinct together with a range of permanent residential dwelling types and uses which will enhance housing diversity and choice within the broad locality; and
- (e) to facilitate the provision of an effective, efficient, integrated and safe transport network which provides for the needs of pedestrians, cyclists, public transport users and motorists; and
- (f) to encourage development to incorporate sustainable technologies and design including best practices with regard to energy efficiency, water sensitive urban design and bush fire safety requirements.

## **9. 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.

# **Part 2 – Planning Framework**

## **Division 1 — Improvement Scheme report**

### **10. Improvement Scheme report**

The Improvement Scheme report provides the explanatory text in relation to the Improvement Scheme and planning framework for the Scheme area.

## **Division 2 – Improvement Scheme policies**

### **11. Improvement Scheme policies**

- (1) The Commission may prepare an Improvement Scheme policy in respect of any matter related to the planning and development of the Scheme area.
- (2) An Improvement Scheme policy –
  - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
  - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
- (3) An Improvement Scheme policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- (4) The Commission may amend or repeal an Improvement Scheme policy.
- (5) In making a determination under this Scheme, the Commission must have regard to each relevant Improvement Scheme policy to the extent that the policy is consistent with this Scheme.

### **12. Procedure for making Improvement Scheme policy**

- (1) If the Commission resolves to prepare an Improvement Scheme policy the Commission must, unless the Commission otherwise agrees, advertise the proposed policy as follows:
  - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —

- i) the subject and nature of the proposed policy; and
  - ii) the objectives of the proposed policy; and
  - iii) where the proposed policy may be inspected; and
  - iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;
- (b) give notice of the proposed policy in any other way and carry out any other consultation the Commission considers appropriate.

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

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

- (a) review the proposed policy in the light of any submissions made; and
- (b) resolve to—
  - i) proceed with the policy without modification; or
  - ii) proceed with the policy with modification; or
  - iii) not to proceed with the policy.

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

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

(6) The Commission –

- (a) must ensure that an up-to-date copy of each Improvement Scheme policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the Commission; and
- (b) may public a copy of each of those Improvement Scheme policies on the website of the Commission.

### **13. Procedure for amending Improvement Scheme policy**

- (1) Clause 12, with any necessary changes, applies to the amendment to an Improvement Scheme policy.
- (2) Despite subclause (1), the Commission may make an amendment to an Improvement Scheme policy without advertising the amendment if, in the opinion of the Commission, the amendment is a minor amendment.

### **14. Revocation of Improvement Scheme policy**

- (1) An Improvement Scheme policy may be revoked –
  - (a) by a subsequent Improvement Scheme policy that –
    - i) is prepared in accordance with this Part; and
    - ii) expressly revokes the Improvement Scheme policy; or
  - (b) by a notice of revocation –
    - i) prepared by the Commission; and
    - ii) published in a newspaper circulating in the Scheme area.

## **Part 3 – Design guidelines**

### **15. Preparation and amendment of design guidelines**

- (1) The Commission may prepare design guidelines to guide built form and development within any part of the Scheme area.
- (2) The Commission must ensure that an up-to-date copy of each design guideline made under this Scheme is kept and made available for public inspection during business hours at the offices of the Commission.
- (3) Clause 12 and clause 13, with any necessary changes, applies to the procedure for making or amending a design guideline.
- (4) Any design guideline adopted by the Commission which follows the process set out in this Part will become operative upon gazettal of the Scheme.

## **Part 4 – Reserves**

### **16. Local reserves**

- (1) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of the local reserves are as follows —
  - (a) Local open space
    - i) To set aside areas for public open space.
    - ii) To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated carparking and drainage.
  - (b) Local road
    - i) To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

### **17. Additional uses for local reserves**

Additional uses for land identified by the Scheme Map as local reserves may be approved by the Commission, if the Commission considers the approval of the proposed development:

- (1) Would not negatively impact the function of the local reserve; and
- (2) Is appropriate having regard to the matters that the Commission is to have regard to in considering an application for development approval as set out in clause 58.

## **Part 5 — Zones and use of land**

### **18. 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 —
  - (a) Residential
    - 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 encourage high standards of innovative and sustainable housing design.
- To provide for a range of non-residential uses which are compatible with and complementary to residential development.
- To provide for a minimum of 970 dwellings.

**(b) Mixed Use**

- 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 provide for a range of shops, offices, restaurants, community uses and other commercial outlets.
- To maintain the compatibility with the general streetscape in terms of scale, height, style, materials, street alignment and the design of facades.
- To ensure that non-residential development is not detrimental to the amenity of adjoining owners or residential properties in the locality, as well as heritage buildings.
- To provide for a minimum of 130 dwellings.

**(c) Urban Development**

- To provide an intention of future 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.

**19. Zoning table**

The zoning table for this Scheme is as follows —

**Table 1**

USES		RESIDENTIAL	MIXED USE	URBAN DEVELOPMENT
1	Amusement parlour	X	A	Subject to structure plan approved in accordance with Part 8.
2	Animal establishment	X	X	
3	Art gallery	A	D	
4	Bed and breakfast	D	D	
5	Betting agency	X	A	
6	Bulky goods showroom	X	X	
7	Car park	X	X	

USES		RESIDENTIAL	MIXED USE	URBAN DEVELOPMENT
8	Child care premises	D	D	
9	Cinema/theatre	X	A	
10	Civic use	D	D	
11	Club premises	D	D	
12	Community purpose	D	D	
13	Consulting rooms	A	D	
14	Convenience store	X	D	
15	Drive-through fast food outlet	X	X	
16	Educational establishment	A	A	
17	Exhibition centre	X	A	
18	Family day care	P	P	
19	Fast food outlet/lunch bar	X	D	
20	Funeral parlour	X	X	
21	Garden centre	X	A	
22	Holiday accommodation	A	A	
23	Holiday house	A	A	
24	Home business	A	D	
25	Home occupation	D	D	
26	Home office	P	P	
27	Home store	X	D	
28	Hospital	D	D	
29	Hotel	X	A	
30	Industry	X	X	
31	Liquor store – large	X	X	
32	Liquor store – small	X	D	
33	Market	A	D	
34	Medical centre	A	D	
35	Motel	X	A	
36	Motor vehicle repair	X	X	
37	Motor vehicle wash	X	X	
38	Nightclub	X	X	
39	Office	A	D	
40	Place of worship	X	A	
41	Reception centre	X	A	

Subject to structure plan approved in accordance with Part 8.

USES		RESIDENTIAL	MIXED USE	URBAN DEVELOPMENT
42	Recreation – private	A	D	Subject to structure plan approved in accordance with Part 8.
43	Residential – Single Dwelling	P/X*	X	
44	Residential – Grouped Dwelling	P/X*	D	
45	Residential – Multiple Dwelling	P	P	
46	Residential building	A	A	
47	Restaurant/café	X	D	
48	Restricted premises	X	X	
49	Serviced apartment	A	D	
50	Service station	X	X	
51	Shop	X	P	
52	Small bar	X	P	
53	Tavern	X	A	
54	Telecommunications infrastructure	A	D	
55	Temporary car park	D	D	
56	Tourist development	A	D	
57	Trade display	X	X	
58	Trade supplies	X	X	
59	Veterinary centre	X	D	
60	Warehouse/storage	X	X	

\* P/X – means single and grouped dwellings are a permitted P use in the Residential R60 zone, however a prohibited X use in the Residential R160 zone, in accordance with clause 30(1) of this Scheme, with the exception of Additional Use 2 as per Clause 21.

AMD 1 GG 14/07/2023

## 20. 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 or requirements of this Scheme;
  - D means that the use is not permitted unless the Commission has exercised its discretion by granting development approval;
  - A means that the use is not permitted unless the Commission has exercised its discretion by granting development approval after giving special notice in accordance with clause 53;

X means that the use is not permitted by this Scheme.

*(A symbol must appear in the cross-reference of a use class against all the zones in the zoning table.)*

Note:

1. The development approval of the Commission may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For works on land that do not require development approval see clause 50.
2. In considering an application for development approval, the Commission will have regard to clause 58.

- (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 Commission 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 Commission; or
  - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 53 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 use, the Commission may not refuse an application for development approval for that use in that zone but may require works that are undertaken in connection with that use to have development approval.
- (6) If a use of land is identified in a zone as being a class X use, the Commission must refuse an application for development approval for that use in that zone unless —
  - (a) the development approval application relates to land that is being used for a non-conforming use; and
  - (b) the Commission considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the Commission may, in considering an application for development approval for land within the zone, have due regard to any structure plan and design guideline that applies to the land.

## **21. Additional uses**

- (1) The Table 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 2**  
**Specified additional uses for zoned land in Scheme area**

No.	Description of Land	Additional use	Conditions
1	Land depicted 'A1' on Scheme Map.	Shop - P Convenience Store - P Fast Food Outlet/Lunch Bar - P Restaurant - P Small Bar - P	Total maximum floorspace - 500sqm NLA  Additional uses may only be located on the ground floor and must address the street frontage with a customer access.  A Small Bar use may only be permitted in conjunction with other Additional Uses at ground floor level.
2	Land depicted 'A2' on Scheme Map.  AMD 1 GG 14/07/2023	Group Dwelling - D	Notwithstanding the Zoning Table and Clause 30(1), grouped dwellings are a discretionary D use.  Clause 30(2)(a)(i) does not apply to grouped dwellings on this site.  A minimum yield of 75 grouped dwellings (pro rata) across Lots 42 and 43.

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

## **22. Restricted uses**

There are no restricted uses which apply to this Scheme.

## **23. Special Use zones**

There are no special use zones which apply to this Scheme.

## 24. Lawful development pre-dating this Scheme

(1) A development that was lawfully being carried out on land immediately before this Scheme applied to the Scheme area is governed by section 122C of the Act.

## 25. Non-conforming uses

(1) In this clause –

**non-conforming use** means a use of land which, though lawfully approved pursuant to this Scheme, is, by reason of an amendment to a provision of this Scheme which deals with a matter specified in Schedule 7 clause 6 or 7 of the Act, is no longer in conformity with the Scheme.

(2) 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 of a non-conforming use; or
- (b) the carrying out of development on land if —
- (c)
  - i) before the commencement of an amendment Scheme, the development was lawfully approved; and
  - ii) the approval has not expired or been cancelled.

(3) Subclause (2) 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 Commission, has elapsed since the discontinuance of the non-conforming use.

(4) Subclause (2) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the Commission —

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use.

## 26. Changes to non-conforming use

(1) A person must not, without development approval —

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

(2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 53 of the Scheme.

(3) The Commission may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the Commission, 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.

## **27. Register of non-conforming uses**

- (1) The Commission 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 Commission 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 Commission prepares a register under subclause (1) the Commission —
  - (a) must ensure that the register is kept up to date; and
  - (b) make a copy of the register available for public inspection during business hours at the offices of the Commission; and
  - (c) may publish a copy of the register on the website of the Commission.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

## **Part 6 – General development requirements**

### **28. R-Codes**

- (1) The R-Codes are to be read as part of this Scheme in relation to the minimum site area requirements only.

### **29. Environmental conditions**

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

### **30. Site and development requirements**

- (1) Single dwellings and grouped dwellings are not permitted on land zoned Residential where the R-Code is R160.
- (2) Development standards
  - (a) Development intensity
    - i) Except in relation to the Victoria House State Heritage listed site, all sites shall achieve a minimum of 75% of the plot ratio achievable under its R-Code designation.
    - ii) A bonus of up to 50% plot ratio is available for multiple dwellings and non-residential development. The bonus is subject to compliance with any design guideline prepared pursuant to Part 3 of this Scheme.
  - (b) Design requirements

- i) Development shall comply with any design guideline prepared pursuant to Part 3 of this Scheme.

(c) Retail floorspace

- i) Shop/retail floorspace shall not exceed 5,000sqm NLA in Mixed Use zone of the Scheme, subject to the additional site-specific requirements outlined in clause 31.

(3) Car and bicycle parking

- (a) Carparking for residential uses (including visitor bays) shall be in accordance with Table 3.
- (b) Carparking for any non-residential land uses shall be provided on-site in accordance with Table 3.
- (c) The on-site carparking requirements for non-residential development shall apply unless the Commission approved a lesser number of car or bicycle bays on the basis of reciprocal parking or due to existing/proposed off-street parking being provided.
- (d) The minimum carparking requirements outlined in Table 3 do not apply to the Victoria House State Heritage listed site.
- (e) Bicycle parking and end-of-trip facilities for residential and non-residential uses shall be in accordance with Table 4.

**Table 3**  
**Carparking standards**

<b>Land Use</b>	<b>Requirement</b>
Multiple Dwellings (per dwelling)	Minimum: 0.75 bays per dwelling Maximum: 2 bays per dwelling
Single/Grouped Dwellings (per dwelling)	Minimum: 1 space per dwelling Maximum: 2 spaces per dwelling
Visitor Bays (per dwelling)	0.25 spaces per dwelling, with a minimum of 1 car bay and maximum of 10 bays.
Shop, Convenience Store	Minimum: 2 spaces per 100sqm NLA Maximum: 4 spaces per 100sqm NLA
Office	Minimum: 1.5 per 100sqm NLA Maximum: 3 spaces per 100sqm of NLA
Restaurant/café	Minimum: 2 spaces per 100sqm NLA Maximum: 1 space for every 4 seats

Consulting rooms, Medical Centre	Minimum: 2 spaces for every practitioner Maximum: 4 spaces for every practitioner
Any other use	To be determined by the Commission

**Table 4**  
**Bicycle parking and end-of-trip facilities**

<b>Land use</b>	<b>Minimum long-term requirement*</b>	<b>Minimum short-term requirement*</b>
Multiple Dwelling	As per the R-Codes	As per the R-Codes
Commercial	1 space per 500sqm NLA (minimum 4 spaces)  1 locker per long term space and 1 shower per 10 spaces	1 space per 300sqm NLA (minimum 6 spaces)
Office	1 space per 200sqm NLA  1 locker per long term space and 1 shower per 10 spaces	1 space per 500sqm NLA
Consulting rooms Medical Centre	1 space per 8 practitioners  1 locker per long term space and 1 shower per 10 spaces	1 space per 4 practitioners
Any other use	To be determined by the Commission	To be determined by the Commission

**\*Long term bicycle facilities** include:

- a) Locked compounds with communal access using duplicate keys or electronic swipe cards in a secure location and fitted with bicycle parking devices; or
- b) Fully enclosed individual lockers; and
- c) Devices to which the bicycle frame and wheels can be locked positioned close to and directly visible from inside the development.

**Short term bicycle facilities** include devices to which the bicycle frame and wheels can be locked.

### **31. Site and use specific development requirements**

(1) Table 5 sets out the requirements relating to development that are additional to those set out in clause 30 and relate to specific areas of land or specific land uses within the Scheme area.

**Table 5**  
**Site and use specific requirements that apply to the Scheme area**

No.	Description of land	Requirement
1	Mixed Use zone (portion adjoining Selby Street only) – area indicated by the red line shown at Schedule 1.	<p>Total shop/retail floorspace shall not exceed 4,000sqm NLA and no single tenancy shall occupy more than 85 per cent of the NLA.</p> <p>75% of shop/retail tenancies shall provide glazing at ground floor levels, with a minimum of 50% to be visually permeable.</p>

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes or an Improvement Scheme policy, the requirement referred to in subclause (1) prevails.

### **32. Variations to site and development requirements**

(1) In this clause —

**site and development requirements** means requirements set out in clause 30.

(2) The Commission may approve an application for a development approval that does not comply with a site and development requirement.

(3) An approval under subclause (2) may be unconditional or subject to any conditions the Commission considers appropriate.

(4) If the Commission is of the opinion that the non-compliance with a site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or adjoining the site of the development the Commission must —

- consult the affected parties by following one or more of the provisions for advertising uses under clause 53; and
- have regard to any expressed views prior to making its determination to grant development approval under this clause.

(5) The Commission may only approve an application for development approval under this clause if the Commission is satisfied that —

- approval of the proposed development would be appropriate having regard to the matters that the Commission is to have regard to in considering an application for development approval as set out in clause 58; and
- the non-compliance with the site and development requirements 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.

### **33. Restrictive covenants**

(1) The Commission may agree to the discharge or modification of a restrictive covenant affecting land in the Scheme area.

(2) The discharge or modification of a restrictive covenant in respect of land does not affect the requirements of this Scheme for development approval to be obtained for development of the land.

Note: The owner of land affected by a restrictive covenant must apply under the Transfer of Land Act 1893 for a memorandum of the discharge or modification of the restrictive covenant to be entered on the certificate of title for the land.

## Part 7 – Special control areas

### 34. Special control areas

A special control area is marked on the Scheme Map according to the legend on the Scheme Map. The purpose, objectives and additional provisions that apply to the special control area is set out in Table 6.

**Table 6**  
**Special control areas in Scheme area**

Name of area	Purpose	Objectives	Additional provisions
Special Control Area 1	To require a structure plan to be adopted in accordance with Part 8 of the Scheme.	Refer clause 8 – Aims of Scheme.	Subdivision and development shall generally be in accordance with a structure plan approved by the Commission.

## Part 8 – Structure plans

### 35. Terms used

In this Part —

**structure plan** means a plan for the coordination of future subdivision and zoning of an area of land.

### 36. When structure plan may be prepared

- (1) A structure plan in relation to an area of land in the Scheme area may be prepared if —
  - (a) the area is —
    - i) all or part of a zone identified in this Scheme as an area suitable for urban development; or
    - ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken.
  - (b) a State planning policy requires a structure plan to be prepared for the area; or
  - (c) the Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning.

### 37. Preparation of structure plan

- (1) A structure plan must —
  - (a) be prepared in a manner and form approved by the Commission; and
  - (b) include any maps or other material required by the Commission; and
  - (c) unless the Commission otherwise agrees, set out the following information —

- i) the key attributes and constraints of the area covered by the structure plan including the natural environment, landform and the topography of the area;
- ii) the planning context for the area covered by the structure plan and the neighbourhood and region within which the area is located;
- iii) the major land uses, zoning and reserves proposed by the plan;
- iv) estimates of the future number of lots in the area covered by the structure plan and the extent to which the plan provides for dwellings, retail floor space or other land uses
- v) the population impacts that are expected to result from the implementation of the plan;
- vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;
- vii) the proposed staging of subdivision or development covered by the plan; and
- viii) define any bushfire prone land.

(2) The Commission may prepare a structure plan in the circumstances set out in clause 36.

(3) A person may make an application to the Commission for a structure plan prepared by the person in the circumstances set out in clause 36 to be assessed and advertised if the person is—

- (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
- (b) an agent of a person referred to in paragraph (a).

### **38. Action by Commission on receipt of application**

(1) On receipt of an application for a structure plan to be assessed and advertised, the Commission must—

- (a) consider the material provided by the applicant and advise the applicant in writing—
  - i) If the structure plan complies with clause 37(1); or
  - ii) If further information is required from the applicant before the structure plan can be accepted for assessment and advertising; and
- (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the Planning and Development Regulations 2009 regulation 48.

(2) The structure plan is to be taken to have been accepted for assessment and advertising if the Commission has not given written notice to the applicant of its decision by the latest of the following days—

- (a) 28 days after receipt of an application;
- (b) 14 days after receipt of the further information requested under subclause (1)(a)(ii);
- (c) if the Commission has given the applicant an estimate of the fee for dealing with the application – the day the applicant pays the fee.

### **39. Advertising structure plan**

- (1) The Commission must, within 28 days of preparing a structure plan or accepting an application for a structure plan to be assessed and advertised—
  - (a) advertise the structure plan in accordance with subclause (2); and
  - (b) seek comments in relation to the structure plan from any public authority or utility service provider that the Commission considers appropriate.
- (2) The Commission must advertise the structure plan in one or more of the following ways—
  - (a) by giving notice of the proposed structure plan to owners and occupiers who, in the opinion of the Commission, are likely to be affected by the approval of the structure plan, including a statement that submissions may be made to the Commission by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is given to the person;
  - (b) by publishing a notice of the proposed structure plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the Commission by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
  - (c) by publishing a notice of the proposed structure plan by electronic means in a form including a statement that submissions may be made to the Commission by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the notice is published;
  - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the proposed structure plan giving notice of the proposed plan for a period of not less than 14 days and not more than 28 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the Commission by a specified day being a day not less than 14 days and not more than 28 days, or a later day approved by the Commission, from the day on which the sign is erected.
- (3) The Commission—
  - (a) must make a structure plan advertised under subclause (2) and the material accompanying it available for public inspection during business hours at the offices of the Commission.
  - (b) may publish the structure plan and the material accompanying it on the website of the Commission.

### **40. Consideration of submissions**

- (1) The Commission—
  - (a) must consider all submissions made to the Commission within the period specified in a notice advertising the structure plan; and
  - (b) may consider submissions made to the Commission after that time; and
  - (c) may request further information from a person who prepared the structure plan; and
  - (d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.
- (3) If the Commission makes a decision under subclause (1)(d) the Commission must take any steps the Commission considers appropriate to advertise the proposed modification to the structure plan.

(4) Modifications to a structure plan may not be advertised on more than one occasion without the approval of the Commission.

#### **41. Commission report**

(1) The Commission must prepare a report on the proposed structure plan.

(2) The report on the proposed structure plan must include the following –

- (a) a list of the submissions considered by the Commission including, if relevant, any submissions received on a proposed modification to the structure advertised under clause 39(2); and
- (b) any comments by the Commission in respect of those submissions; and
- (c) a schedule of any proposed modifications to address issues raised in the submissions; and
- (d) the Commission’s assessment of the proposal based on appropriate planning principles; and
- (e) a recommendation by the Commission on whether the proposed structure plan should be approved by the Commission including a recommendation on any proposed modifications.

#### **42. Decision of Commission**

(1) On receipt of a report on a proposed structure plan, the Commission must consider the plan and the report and may –

- (a) approve the structure plan; or
- (b) require the person who prepared the structure plan to, within 28 days or a longer period specified by the Commission –
  - i) modify the plan in the manner specified by the Commission; and
  - ii) resubmit the modified plan to the Commission for approval; or
  - iii) refuse to approve the structure plan.

(2) Before making a decision under subclause (1), the Commission may, if the Commission considers that major modifications have been made to the structure plan since it was advertised, readvertise the structure plan in the manner specified by the Commission.

(3) The Commission is to be taken to have refused to approve a structure plan if the Commission has not made a decision under subclause (1) within –

- (a) 120 days or a longer period agreed in writing between the Commission and, if relevant, the person who prepared the proposed structure plan; or
- (b) a longer period agreed in writing with the Commission.

(4) Despite subclause (3), the Commission may decide whether or not to approve a structure plan after the period applicable under subclause (3) has expired, and the validity of the decision is not affected by the expiry.

(5) The Commission must give any person who prepared the proposed structure plan written notice of its decision to approve or to refuse to approve a structure plan.

**43. Structure plan may provide for later approval of details of subdivision**

- (1) The Commission may approve a structure plan that provides for further details of a proposed subdivision included in the plan to be submitted to, and approved by, the Commission before the subdivision is approved under Part 10 of the Act.
- (2) The Commission may only approve a structure plan referred to in subclause (1) if the Commission is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

**44. Review**

A person who prepared a structure plan may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the Act, of a decision by the Commission not to approve the structure plan.

**45. Publication of structure plan approved by Commission**

- (1) If the Commission approves a structure plan the Commission must publish the structure plan in any manner the Commission considers appropriate.

**46. Effect of structure plan**

- (1) A decision-maker for an application for development approval or subdivision approval in respect of an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.
- (2) A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 36 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that –
  - (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
  - (b) the proposed development or subdivision would not prejudice the overall development potential of the area.

**47. Duration of approval**

- (1) The approval of a structure plan has effect for a period of 10 years commencing on the day the Commission approves the plan, or another period determined by the Commission, unless–
  - (a) the Commission earlier revokes its approval; or
  - (b) a new local planning scheme that covers the area to which the structure plan relates takes effect in accordance with section 87 of the Act.
- (2) The Commission may extend the period of approval of a structure plan if there are no changes to the terms of the plan or the conditions attached to the approval.
- (3) The Commission may revoke its approval of a structure plan if the Commission considers that the structure plan cannot be effectively implemented because of a legislative change or change in a State planning policy.

#### **48. Amendment of structure plan**

- (1) A structure plan may be amended by the Commission at the request of a person who owns land in the area covered by the plan.
- (2) The procedures for making a structure plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a structure plan.
- (3) Despite subclause (2), the Commission may decide not to advertise a variation to an approved structure plan if, in the opinion of the Commission, the variation is of a minor nature.
- (4) An amendment to a structure plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

### **Part 9 – Requirement for development approval**

#### **49. Requirement for development approval**

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the Commission under Part 10; or
- (b) the development is of a type referred to in clause 50.

Note: Development includes the erection, placement and display of advertisements.

#### **50. Development for which development approval not required**

- (1) Development approval of the Commission is not required for the following works —
  - (a) the carrying out of internal building work which does not materially affect the external appearance of the building unless the work is on a building identified as having an interior with cultural heritage significance in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
  - (b) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes and the design guidelines prepared under Part 3 of this Scheme unless the development is located in a place that is —
    - i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
    - ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
    - iii) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
  - (c) the demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool except where the single house or other structure is —
    - i) located in a place that is entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or

- ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
- iii) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;

(d) temporary works or a use which is in existence for less than 48 hours or a longer period agreed by the Commission, in any 12 month period;

(e) the temporary erection or installation of an advertisement if —

- i) the advertisement is erected or installed in connection with an election, referendum or other poll conducted under the Commonwealth Electoral Act 1918 (Commonwealth), the Electoral Act 1907 or the Local Government Act 1995; and
- ii) the primary purpose of the advertisement is for political communication in relation to the election, referendum or poll;
- iii) the advertisement is not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or poll is conducted;

(f) the erection or installation of an advertisement of a sign of a class specified in an Improvement Scheme policy that applies in respect of the sign unless the sign is to be erected or installed on land or buildings entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;

(g) any other permissible development specified in writing by the Commission.

Notes:

1. The Planning and Development Act 2005 section 157 applies in respect of the carrying out of work necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.
2. The Planning and Development Act 2005 section 6 applies in respect of the carrying out of public works by the Crown, the Governor, the Government of the State.

(2) Despite subclause (1), development approval may be required for certain works carried out in a bushfire prone area.

(3) Development approval of the Commission is not required for the following uses —

- (a) development that is a use identified in this Scheme as a use that is a permitted ‘P’ use in the zone in which the development is located and —
  - i) the development has no works component; or
  - ii) development approval is not required for the works component of the development.
- (b) the use of premises as a home office;
- (c) temporary use which is in existence for less than 48 hours, or a longer period agreed by the Commission, in any 12 month period;
- (d) any other use specified in an Improvement Scheme policy that applies to the development as a use that does not require development approval;
- (e) use of a type identified elsewhere in this Scheme as a use that does not require development approval;

- (4) Despite subclause (1) development approval may be required for certain works carried out in a special control area.
- (5) For the purpose of subclause (1)(b), development is to be taken to satisfy a deemed-to-comply requirement of the R-Codes if it complies with –
  - (f) a requirement in a structure plan that amends or replaces the deemed-to-comply requirement;
  - (g) a requirement in an Improvement Scheme policy that amends or replaces the deemed-to-comply requirement.
- (6) If under subclause (1)(b) development approval is not required for the carrying out of works on land, the owner of the land may provide to the Commission confirmation of the matters set out in subclause (1)(b) as relevant, in a manner and form approved by the Commission.

## **Part 10 – Applications for development approval**

### **51. Application for development approval**

- (1) An application for a development approval must be –
  - (a) made in the form in Part 14 of this Scheme; and
  - (b) signed by the owner of the land on which the proposed development is to be located; and
  - (c) accompanied by any fee for an application of that type set out in the Planning and Development Regulations 2009; and
  - (d) accompanied by the plans and information specified in clause 52.

Note: Section 122M read with section 261 of the Act provides that planning fees prescribed by the Planning and Development Regulations 2009 for various applications apply as if the Commission was a local government.
- (2) For the purposes of subclause (1)(b), a person or body may sign an application for development approval as the owner of freehold land if the person or body is one of the following –
  - (a) a person who is referred to in the definition of owner in respect of freehold land in Part 15;
  - (b) a strata company that is authorised by a management statement registered under the Strata Titles Act 1985 section 5C to make an application for development approval in respect of the land;
  - (c) a person who is authorised under another written law to make an application for development approval in respect of the land;
  - (d) an agent of a person referred to in paragraph (a).
- (3) An application for development approval for the erection, placement or display of an advertisement must be accompanied by sufficient information to determine the application in the ‘Additional information for development approval for advertisements’ set out in Part 14.

### **52. Accompanying material**

- (1) An application for development approval must be accompanied by –
  - (a) a plan or plans in a form approved by the Commission showing the following –

- i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
- ii) the existing and proposed ground levels over the whole of the land the subject of the application;
- iii) the location, height and type of all existing structures and environmental features, including watercourses, wetlands and native vegetation on the site;
- iv) the structures and environmental features that are proposed to be removed;
- v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
- vi) the existing and proposed means of access for pedestrians and vehicles to and from the site;
- vii) the location, number, dimensions and layout of all car parking spaces intended to be provided; and the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
- viii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the open storage or trade display area;
- ix) the nature and extent of any open space and landscaping proposed for the site; and

(b) plans, elevations and sections of any building proposed to be erected or altered and of any building that is intended to be retained; and

(c) a report on any specialist studies in respect of the development that the Commission requires the applicant to undertake such as site surveys or traffic, heritage, environmental, engineering or urban design studies; and

(d) any other plan or information that the Commission reasonably requires, including any additional requirements set out in any design guideline prepared under Part 2 of this Scheme.

(2) The Commission may waive or vary a requirement set out in subclause (1).

(3) Where an application relates to a State Heritage listed site, the Commission may require the application to be accompanied by one or more of the following –

- (a) street elevations drawn as one continuous elevation to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application; and
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development; and
- (c) a description of the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

### **53. Advertising applications**

(1) An application for development approval must be advertised under this clause if the proposed development –

- (a) relates to the extension of a use lawfully commenced prior to the commencement of this Scheme; or
- (b) relates to the extension of a non-conforming use; or
- (c) relates to a use not listed if –
  - i) the use is not specifically referred to in the zoning table for the Scheme in respect of the zone in which the development is located; and
  - ii) the Commission determines that the use may be consistent with the objective of that zone and that notice of the application should be given; or
- (d) does not comply with a requirement of this Scheme; or
- (e) is a development for which the Commission requires a heritage assessment; or
- (f) is of a type that this Scheme requires to be advertised.

(2) The Commission may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(d) if the Commission is satisfied that the departure from the requirements of this Scheme is of a minor nature.

(3) The Commission may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways –

- (a) by giving notice of the proposed use or development to nearby owners and occupiers who, in the opinion of the Commission, are likely to be affected by the granting of development approval, including a statement that submission may be made to the local government by a specified day being a day not less than 14 days from the day the notice is given to the person;
- (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submission may be made to the Commission by a specified day being a day not less than 14 days from the day the notice is given to the person;
- (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the Commission including a statement that submission may be made to the Commission by a specified day being a day not less than 14 days from the day the notice is given to the person;
- (d) by erection of a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day the sign is erected including a statement that submissions may be made to the Commission by a specified day being a day not less than 14 days from the day on which the sign is erected.

(4) Notice referred to in subclause (3) must be in the form of the ‘Notice of public advertisement of planning proposal’ set out in Part 14 unless the Commission specifies otherwise.

(5) If an application for development approval is advertised under this clause, the Commission –

- (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the Commission; and
- (b) may publish the application and the material accompanying it on the website of the Commission.

#### **54. Subsequent approval of development**

The procedures relating to applications for development approval set out in Part 9, Part 11 and this Part apply, with any modifications necessary, to an application for development approval for development already commenced or carried out.

Note: The *Planning and Development Act 2005* section 164 sets out the effect of approval for development already commenced or carried out.

### **Part 11 – Procedure for dealing with applications for development approval**

#### **55. Commission to receive certain information regarding applications**

- (1) On receiving an application for development approval made under section 51, the Commission must give written notice of its particulars to –
  - (a) each public authority that appears to the Commission to have functions relevant to, or whose operations are likely to be affected by, the proposed development; and
  - (b) the affected local government.
- (2) A person notified under subclause (1) may make submissions to the Commission about the proposed development.

#### **56. Consultation with other authorities**

- (1) When, in the opinion of the Commission, an application for development approval may affect any other statutory, public or planning authority, the Commission is to provide a copy of the application to the authority for objections and recommendations.
- (2) If an application for development approval relates to proposed development on land reserved under this Scheme for the purposes of a public authority and vested in a public authority, the Commission must provide a copy of the application to that authority for objections and recommendations before making a decision on the application.
- (3) A statutory, public or planning authority receiving a copy of the application may, within 42 days of receiving the application or within such longer period as the Commission allows, provide to the Commission a memorandum in writing containing any objections to, or recommendations in respect of the whole or part of the proposed development.
- (4) If a statutory, public or planning authority does not provide a memorandum within the time allowed under subclause (3), the Commission may determine that the authority is to be taken to have no objections or recommendations to make.

#### **57. Design review panel**

- (1) Where a design review panel is established by the Commission it:
  - (a) shall be consulted on all applications relating to multiple dwellings and all non-residential development.
  - (b) may be consulted on other design matters relating to a development.

#### **58. Matters to be considered by Commission**

- (1) In considering an application for development approval the Commission is to have due regard to the following matters to the extent that, in the opinion of the Commission, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme;
- (b) the requirements of orderly and proper planning including any proposed amendment to this Scheme or any other proposed planning instrument that the Commission is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any design guideline prepared for the Scheme area;
- (h) any Improvement Scheme policy for the Scheme area;
- (i) any structure plan approved under the Scheme;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the heritage conservation of any place that is of cultural significance;
- (l) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (m) the amenity of the locality including the following —
  - i) environmental impacts of the development;
  - ii) the character of the locality;
  - iii) social impacts of the development;
- (n) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (o) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (p) the suitability of the land for the development taking into account the possible risk of flooding, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (q) the adequacy of any proposed bushfire management measures;
- (r) the adequacy of —
  - i) the proposed means of access to and egress from the site; and
  - ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (s) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (t) the availability and adequacy for the development of the following —

- i) public transport services;
- ii) public utility services;
- iii) storage, management and collection of waste;
- iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- v) access by older people and people with disability;

- (u) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (v) the history of the site where the development is to be located;
- (w) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (x) any submissions received on the application;
- (y) the comments or submissions received from any authority consulted under clause 56 and/or the recommendations of the Design Review Panel;
- (z) any other planning consideration the Commission considers appropriate.

## **59. Determination of applications**

- (1) The Commission must not determine an application for development approval until the later of –
  - (a) if the application is advertised under clause 53 – the end of each period for making submissions to the Commission specified in a notice referred to in clause 53(4); and
  - (b) if a copy of the application has been provided to a statutory, public or planning authority under clause 56 – the end of each period for providing a memorandum to the Commission referred to in clause 56(3).
- (2) The Commission may determine an application for development approval by —
  - (a) granting development approval without conditions; or
  - (b) granting development approval with conditions; or
  - (c) refusing to grant development approval.

## **60. Form and date of determination**

- (1) As soon as practicable after determining an application for development approval, the Commission must give the applicant written notice of the determination in the form of the ‘Notice of determination on application for development approval’ set out in Part 14.
- (2) The determination has effect on the day on which the notice of determination is given to the applicant.

## **61. Commencement of development under development approval**

- (1) If development approval is granted under clause 59(2) —
  - (a) the development must be substantially commenced —

- i) if no period is specified in the approval — within the period of 3 years commencing on the date on which the determination is made; or
- ii) if a period is specified in the approval — within that period; or
- iii) in either case — within a longer period approved by the Commission on an application made under clause 67(1)(a); and

(b) the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).

## **62. Temporary development approval**

The Commission may impose conditions limiting the period of time for which a development approval is granted

Note: A temporary development approval is where the Commission grants approval for a limited period. It does not have any effect on the period within which the development must commence.

## **63. Scope of development approval**

(1) Development approval may be granted –

- (a) for the development for which the approval is sought; or
- (b) for the development for which the approval is sought, except for a part or aspect of that development specified in the approval; or
- (c) for a part or aspect of the development for which approval is sought that is specified in the approval.

## **64. Approval subject to later approval of details**

(1) The Commission may grant development approval subject to a condition that further details of any works or use specified in the condition must be submitted to, and approved by, the Commission before the developer commences the development.

(2) The Commission may only impose a condition referred to in subclause (1) if the Commission is satisfied that the further matters that are to be agreed would not substantially change the development approved.

## **65. Time for deciding application for development approval**

(1) The Commission must determine an application for development approval –

- (a) if, under clause 53 the application is advertised — within 90 days of receipt of the application; or
- (b) otherwise — within 60 days of the receipt of the application; or
- (c) in either case — within a longer time agreed in writing between the applicant and the Commission.

(2) If the Commission has not made a determination in the time referred to in subclause (1) the Commission is to be taken to have refused to grant the development approval.

(3) Despite subclause (2), the Commission may determine whether or not to grant the development approval after the period applicable under subclause (1) has expired and the validity of the determination is not affected by the expiry.

(4) The Commission must give the applicant written notice of its decision to grant or refuse to grant development approval.

## 66. Review of decisions

(1) In this clause —

**affected person**, in relation to a reviewable determination, means —

- (a) the applicant for development approval; or
- (b) the owner of land in respect of which an application for development approval is made;

**reviewable determination** means a determination by the Commission to —

- (a) refuse an application for development approval; or
- (b) to grant development approval subject to conditions; or
- (c) to refuse to amend or cancel a development approval on an application made under clause 67.

(2) An affected person may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with the Planning and Development Act 2005 Part 14.

## 67. Amending or cancelling development approval

(1) An owner of land in respect of which development approval has been granted by the Commission may apply for the Commission to do any or all of the following —

- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
- (b) to amend or delete any condition to which the approval is subject;
- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
- (d) to cancel the approval.

(2) An application under subclause (1) —

- (a) is to be made in accordance with the requirements in Part 10 and dealt with under this Part as if it were an application for development approval; and
- (b) may be made during or after the period within which the development approved must be substantially commenced.

(3) Despite subclause (2), the Commission may waive or vary a requirement in this Part in respect of an application if the Commission is satisfied that the application relates to a minor amendment to the development approval.

(4) The Commission may determine an application under subclause (1) by —

- (a) approving the application without conditions; or
- (b) approving the application with conditions; or
- (c) refusing the application.

## Part 12 – Bushfire risk management

### 68. Terms used

In this Part, unless the contrary intention appears —

**AS 3959** means Australian Standard AS 3959 – Construction of buildings in bushfire-prone areas, as adopted from time to time as a referenced document for the purposes of the Building Code;

**BAL contour map** in relation to a development site, means a scale map of an area that includes the development site –

- (a) prepared in accordance with State planning policy 3.7: Planning in Bushfire Prone Areas as part of a plan of subdivision that has been approved under Part 10 of the Act for the area; and
- (b) that shows the indicative bushfire attack levels (BAL) for the area;

**bushfire attack level assessment** means an assessment prepared in a manner and form set out in AS 3959 to determine a bushfire attack level (BAL) as set out in AS 3959;

**construction** of a building includes the erection, assembly or placement of a building but does not include the renovation, alteration, extension, improvement or repair of a building;

**development approval** means development approval of the Commission obtained under Part 6;

**development site** means that part of a lot on which a building that is the subject of development stands or is to be constructed;

**habitable building** means a permanent or temporary structure on that land that –

- (a) is fully or partially enclosed; and
- (b) has at least one wall of solid material and a roof of solid material; and
- (c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained;

**specified building** means a structure of a kind specified in this Scheme as a kind of structure to which this Part applies in addition to its application to habitable buildings.

## 69. Application of Part to development

- (1) This Part does not apply to development unless the development is –
  - (a) the construction or use, or construction and use, of a single house or ancillary dwelling on a lot or lots with a total area of 1100m<sup>2</sup> or more; or
  - (b) the construction or use, or construction and use, of –
    - i) a habitable building other than a single house or ancillary dwelling; or
    - ii) a specified building.
- (2) The requirements in this Part are in addition to any provisions relating to development in a bushfire prone area that apply in a special control area.

## 70. Determining whether development site is in a bushfire prone area

For the purposes of this Part, a development site is subject, or likely to be subject, to bushfires and is referred to as being in a bushfire prone area if the development site is on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.

## **71. Proposed development in a bushfire prone area**

- (1) Unless subclause (2) applies, before commencing any development on a development site a person (the developer) must cause to be prepared a bushfire attack level assessment for the development site if the development site —
  - (a) is in a bushfire prone area; and
  - (b) has been in a bushfire prone area for a period of at least 4 months.
- (2) A developer is not required under subclause (1) to cause to be prepared a bushfire attack level assessment for a development site if —
  - (a) a BAL contour map has been prepared in relation to the development site; or
  - (b) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site.
- (3) The developer must have development approval to commence any development on the development site if —
  - (a) the bushfire attack level assessment prepared under subclause (1) calculates the bushfire attack level of the development site as BAL - 40 or BAL - Flame Zone; or
  - (b) a bushfire attack level assessment has not been prepared under subclause (1), but a BAL contour map prepared in relation to the development site indicates that the bushfire attack level of the development site is BAL - 40 or BAL - Flame Zone; or
  - (c) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site.
- (4) Subclause (3) applies —
  - (a) in addition to any requirement in this Scheme for development approval to be obtained; and
  - (b) despite any exemption in this Scheme from the requirement to obtain development approval.

## **72. Matters to be considered for development approval**

- (1) In considering an application for development approval for development to which this Part applies, the local government is to have regard to the bushfire resistant construction requirements of the Building Code.
- (2) The matters referred to in subclause (1) are in addition to any other matters that the local government is to have regard to in considering the application in accordance with this Scheme.

# **Part 13 – Enforcement and administration**

## **Division 1 — Powers of the Commission**

### **73. Delegation**

- (1) For the avoidance of doubt, the Commission may, in accordance with its powers in section 16 of the Act delegate any of its functions or powers under this Scheme.

#### **74. Entry and inspection powers**

- (1) The Commission may, by instrument in writing, designate an officer of the Commission as an authorised officer for the purposes of this clause.
- (2) An authorised officer may, for the purpose of monitoring whether the Scheme is being complied with, at any reasonable time and with any assistance reasonably required –
  - (a) enter any building or land in the Scheme area; and
  - (b) inspect the building or land and any thing in or on the building or land.

#### **75. Repair of existing advertisements**

- (1) The Commission may require the owner of an advertisement located in the Scheme area to repair the advertisement if, in the opinion of the Commission, the advertisement has deteriorated to a point where it is in conflict with the aims of this Scheme.
- (2) A requirement referred to in subclause (1) must —
  - (a) be in the form of a written notice given to the person; and
  - (b) specify the advertisement the subject of the requirement; and
  - (c) set out clear reasons for the requirement; and
  - (d) set out full details of the action or alternative courses of action to be taken by the person; and
  - (e) specify the period, not being a period of less than 60 days from the day the notice is given to the person, within which the requirement must be complied with.
- (3) If the Commission does not know who the owner of an advertisement is, the Commission may give a notice referred to in subclause (1) to the owner of the land on which the advertisement is located and direct the owner of the land to give the notice to the owner of advertisement within a period specified by the Commission.
- (4) If an owner of land on which an advertisement is located does not give to the owner of the advertisement a notice as directed under subclause (3), the owner of the land is to be taken to be the owner of the advertisement.
- (5) A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14.

### **Division 2 – Miscellaneous**

#### **76. Agreement to use of material provided for Scheme purposes**

- (1) The Commission may refuse to accept an application made under this Scheme if the Commission is not satisfied that there is in place an agreement for the Commission to use any copyrighted material provided in support of the application —
  - (a) for the purposes of advertising the application or implementing a decision on the application; and
  - (b) for zero remuneration.

## Part 14 – Forms referred to in this Scheme

### 77. Forms referred to in this Scheme

(1) The form of an application for development approval referred to in clause 51(1)(a) is as follows –

#### Application for development approval

Owner details		
Name: _____		
ABN (if applicable): _____		
Address: .....		
Phone: Work: .....	Fax: .....	Email: .....
Home: .....		
Mobile: .....		
Contact person for correspondence:		
Signature:		Date:
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>		

Applicant details (if different from owner)		
Name: _____		
Address: ..... ..... Postcode: .....		
Phone: Work: .....	Fax: .....	Email: .....
Home: .....		
Mobile: .....		
Contact person for correspondence:		
The information and plans provided with this application may be made available by the Commission for public viewing in connection with the application: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature:		Date:

<b>Property details</b>		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants): .....		
Street name:	Suburb:	
Nearest street intersection:		

<b>Proposed development:</b>		
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use	
Description of proposed works and/or land use: .....		
Nature of any existing buildings and/or land use:		
Approximate cost of proposed development:		
Estimated time of completion:		

<i><b>OFFICE USE ONLY:</b></i>		
Acceptance Officer's initials:	Date received:	
Commission reference No.:		

(2) The form for providing additional information for development approval for advertisements is as follows —

**Additional information for development approval for advertisements**

*Note: To be completed in addition to the Application for development approval form.*

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....  
.....

2. Details of proposed sign:

(a) Type of structure on which advertisement is to be erected (ie, freestanding, wall mounted, other):

.....

.....

(b) Height: ..... Width: ..... Depth: .....

(c) Colours to be used:

.....

.....

(d) Height about ground level –

to top of advertisement: .....

to underside: .....

(e) Materials to be used:

.....

.....

(f) Illuminated: Yes / No

If yes, state whether steady, moving, flashing,  
alternating, digital, animated or scintillating and state  
intensity of light source:

.....

3. Period of time for which advertisement is required:

.....

4. Details of signs (if any) to be removed if this application is approved:

.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be moved detailed in 4 above.

Signature of advertiser(s): .....

(if different from landowners): .....

Date: .....

**Notice of public advertisement of planning proposal**

*Planning and Development Act 2005*

The Commission has received an application to use and/or develop land for the

following purpose and public comments are invited.

Lot:

Street:

Suburb:

Proposal:

.....  
.....  
.....

Details of the proposal are available for inspection at the Commission office.

Comments on the proposal may be submitted to the local government in writing on or before the ..... day of .....

Signed:

Dated:.....

..... for and on behalf of the Western Australian Planning Commission.

### **Notice of determination on application for development approval**

*Planning and Development Act 2005*

Location:

Lot:

Plan/Diagram:

Vol No:

Folio No:

Application Date:

Received on:

Description of proposed development:

.....  
.....  
.....

The application for development is:

- Approved subject to the following conditions.
- Refused for the following reason(s) Conditions/reasons for refusal:

.....  
.....

Date of determination: .....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 3 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the Commission having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated: .....

.....  
for and on behalf of the Western Australian Planning Commission.

## Part 15 – Terms referred to in Scheme

### Division 1 — General definitions used in Scheme

(1) If a word used in this Scheme is listed in this clause the meaning of the word is as set out below—

**Act** means the *Planning and Development Act 2005*;

**advertisement** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- (a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and
- (b) any airborne device anchored to any land or building used for the display of advertising; and
- (c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

**amenity** means all those factors which combine to form the character of an area and include the present and likely future amenity;

**Building Code** means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

**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;

**built heritage conservation** means conservation as defined in the Heritage of Western Australia Act 1990 section 3(1);

**commencement day** means the day this Scheme comes into effect under section 87(4) of the Act;

**cultural heritage significance** has meaning given in the Heritage of Western Australia Act 1990 section 3(1);

**floor area** has meaning given in the Building Code; frontage, in relation to a building —

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

**incidental use** means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

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

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas not publicly accessible;
- (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;

**owner**, in relation to land, means —

- (a) if the land is freehold land —
  - i) a person whose name is registered as a proprietor of the land;
  - ii) the State, if registered as a proprietor of the land; or
  - iii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land; or
  - iv) a person who is the holder of a freehold interest in land vested in an executor or administrator under the Administration Act 1903 section 8;
- (b) if the land is Crown land —
  - i) the State; or
  - ii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land;

**plot ratio**, means the ratio of the floor area of a building to the area of land within the boundaries of the lot or lots on which that building is located except for residential development, where the term shall have the same meaning given to it in the R-Codes.

**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;

**premises** means land, buildings or part of land or a building;

**R-Codes** means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time;

**reserve** means land reserved under this Scheme for a public purpose; **retail** means the sale or hire of goods or services to the public;

**Scheme area** means the area to which this Scheme applies;

**shop/retail floorspace** means the land use activities included in ‘Planning land use category 5: Shop/retail’ as defined by the WA Planning Commission’s Perth Land Use and Employment Survey (as amended from time to time), excluding restaurants and cafes.

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

**special control area** means an area identified under this Scheme as an area subject to special controls set out in this Scheme;

**substantially commenced** means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed;

**wall height**, in relation to a wall of a building –

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for other 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; **works**, in relation to land, means —

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

**zone** means a portion of the Scheme area identified on the Scheme Map as a zone for the purpose of indicating the controls imposed by this Scheme on the use of, or the carrying out of works on, land, but does not include a reserve or special control area

(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 the Scheme**

If this Scheme refers to a category of land use that is listed in this provision the meaning of that land use is as set out below —

**amusement parlour** means premises —

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

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

**art gallery** means premises —

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

**bed and breakfast** means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;
- (c) betting agency means an office or totalisator agency established under the Racing and Wagering Western Australia Act 2003;

**bulky goods showroom** means premises —

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

or

- (b) used to sell by retail goods and accessories by retail if —
  - i) a large area is required for the handling, display or storage of the goods; or
  - ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

**car park** means premises used primarily for parking vehicles whether open to the public or not but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or

- (b) any premises in which cars are displayed for sale; and
- (c) does not include a temporary car park.

**child care premises** means premises where —

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

**cinema/theatre** means premises where the public may view a motion picture or theatrical production;

**civic use** means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;

**club premises** means premises used by a legally constituted club or association or other body of persons united by a common interest;

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

**consulting rooms** means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

**convenience store** means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300sqm net lettable area;

**drive-through fast food outlet** means a fast food outlet which includes the sale and serving of food and beverage direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building, or portion thereof.

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

**exhibition centre** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

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

**fast food outlet/lunch bar** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten —

- (a) without further preparation; and
- (b) primarily off the premises;
- (c) funeral parlour means premises used —
- (d) to prepare and store bodies for burial or cremation;
- (e) to conduct funeral services;

**garden centre** means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

**holiday accommodation** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

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

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

- (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 50sqm ; 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 20sqm ; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2sqm ; 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 —
- (g) require a greater number of parking spaces than normally required for a single dwelling; or
- (h) result in an increase in traffic volume in the neighbourhood; and
- (i) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (j) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (k) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

- (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;
- (e) home store means a shop attached to a dwelling that —
- (f) has a net lettable area not exceeding 100sqm ; and
- (g) is operated by a person residing in the dwelling;

**hospital** means premises used as a hospital as defined in the Hospitals and Health Services Act 1927 section 2(1);

**hotel** means premises the subject of a hotel license other than a small bar or tavern license 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 –

- (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;

**liquor store — large** means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of more than 300sqm ;

**liquor store — small** means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300sqm ;

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

**medical centre** means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

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

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

**motor vehicle repair** means premises used for or in connection with —

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or retreading of tyres;

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

**nightclub** means premises the subject of a nightclub licence granted under the Liquor Control Act 1988; **office** means premises used for administration, clerical, technical, professional or similar business activities;

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

**reception centre** means premises used for hosted functions on formal or ceremonial occasions; **recreation — private** means premises that are —

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

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

**restricted premises** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

- (a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); 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;

**serviced apartment** means a group of units or apartments providing —

- (a) self-contained accommodation for short-stay guests; and
- (b) any associated reception or recreational facilities;

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

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; 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;

**temporary car park** has the same meaning as that of a ‘car park’, with the exception that the approval granted will be time limited, for a period of no more than 2 years, unless otherwise approved or extended.

**tourist development** means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for use of guests; and
- (c) facilities for the management of the development;

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

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

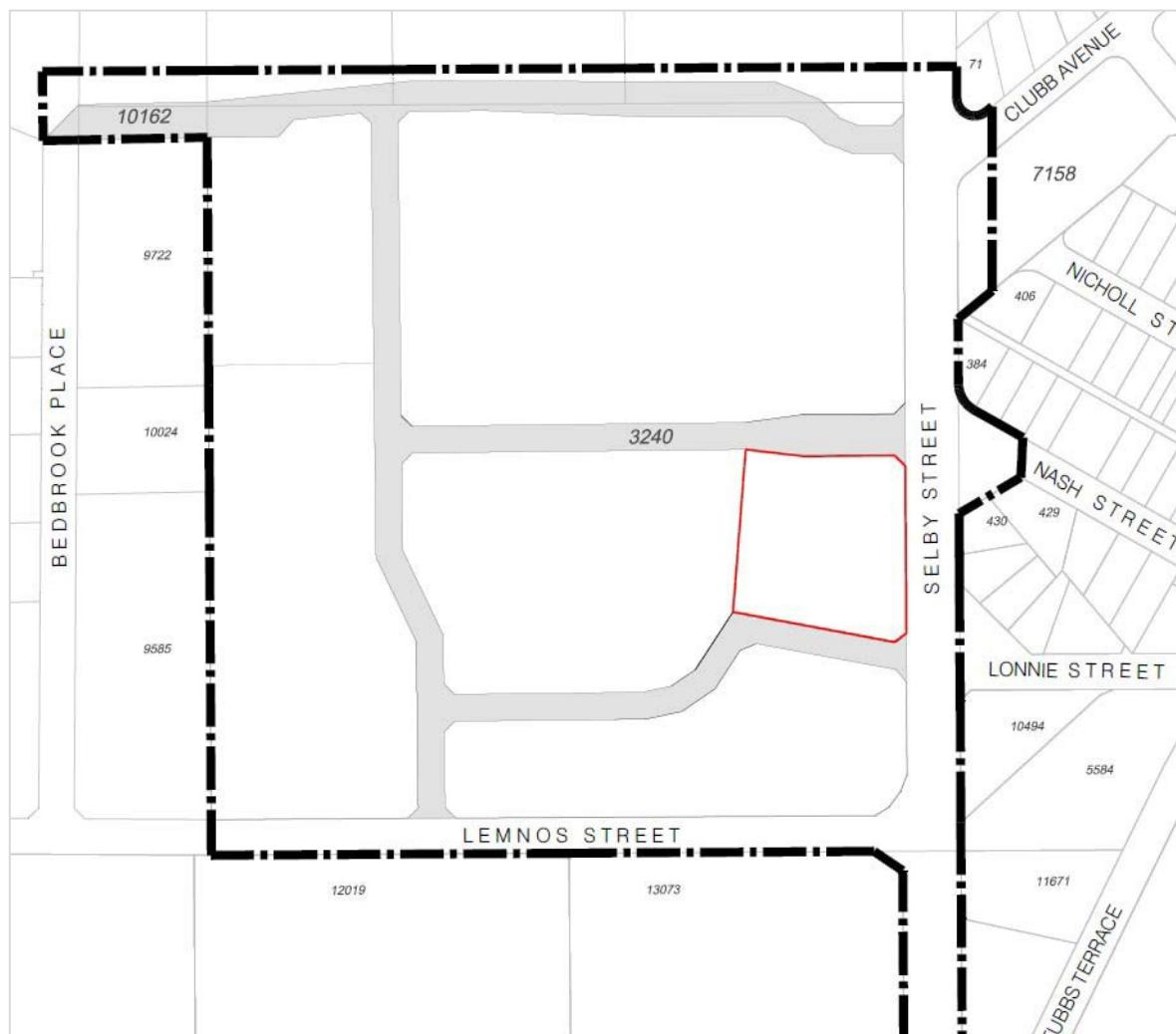
- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

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

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

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

**Schedule 1 – Selby Street Mixed Use - Maximum Shop/Retail Floorspace Area (4,000sqm NLA)**



## **Approval Page**

### **WESTERN AUSTRALIAN PLANNING COMMISSION RESOLUTION TO ADVERTISE**

The Western Australian Planning Commission resolved to approve the advertising of the Shenton Park Hospital Redevelopment Improvement Scheme No. 1 at its meeting on 10 November 2015.

### **WESTERN AUSTRALIAN PLANNING COMMISSION RESOLUTION TO SUPPORT SCHEME FOR APPROVAL**

The Western Australian Planning Commission resolved to support approval of the Shenton Park Hospital Redevelopment Improvement Scheme No. 1 at its meeting on 27 September 2016.

The Common Seal of the Western Australian Planning Commission was hereunto affixed by authority of a resolution of the Western Australian Planning Commission in the presence of

ERIC LUNSDEN, Chairperson, Western Australian Planning Commission.  
KERRINE BLENKINSOP, Secretary, Western Australian Planning Commission.

Approval Granted

DONNA FARAGHER, Minister for Planning

Dated 15 December 2018.