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CITY OF SWAN

Local Planning Scheme No.17

Updated to include AMD 191 GG 14/08/2026

GOVERNMENT OF WESTERN AUSTRALIA

Department of **Planning, Lands and Heritage**

Original Town Planning Scheme Gazettal
18 February 2008

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CITY OF SWAN TPS 17 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
13	20/1/09	27/1/09	DH	Part 5 - amending to include Clause 5A.1.17.
8	21/7/09	29/7/09	DH	Schedule 4 - adding Special Use Area "12. Lots 457 & 458 Paradise Quays and Lot 462 Summerlakes Parade, Ballajura"
19	22/9/09	29/9/09	DH	Schedule 4 - amending Special use zone 4 (5).
17	13/11/09	23/11/09	DH	Schedule 2 - amending by deleting Additional Use No. 9.
22	29/1/10	8/3/10	NM	Schedule 2 – amending by inserting Additional Use No. 78.
15	12/3/10	17/3/10	NM	Inserted Portion lot 338 Morrison Road Midvale in to Schedule 4 – Special Use Zones. Inserted “retirement village” in to Section C – Land Use Definitions Applicable to Schedules 2, 3 and 4 Only of Schedule 1 – Dictionary of Defined Words and Expressions. Deleted Restricted Use No. 12 from Schedule 23 – Restricted Uses.
25	16/4/10	23/4/10	NM	Amended item 16. of Schedule 2 – Additional Uses.
27	4/6/10	14/6/10	NM	Amended item 15 of Schedule 2 – Additional Uses.
11	23/07/10	27/07/10	NM	Deleted the conditions of Additional Use “No. 5” within Schedule 2 – Additional Uses. Inserted “Development to be restricted to an area depicted on a feature survey plan to be approved by Council” into Additional Use “No. 5” under the Conditions column within Schedule 2 – Additional Uses.
21	12/11/10	25/11/10	NM	Inserted No. 77 “Lot 467 (SN 110) Terrace Road, Guildford” into Schedule 2.
30	08/03/11	14/03/11	NM	Inserted “Lot 71 (No. 1) Penn Place, Koongamia” into Schedule 2 – Additional Uses.
29	22/03/11	31/03/11	NM	Inserted No. 79 into Schedule 2 Additional Uses.
52	05/04/11	07/04/11	NM	Modified Additional use No. 48 in Schedule 2.
10	05/04/11	14/04/11	NM	Inserted no. 80 into Schedule 2 – Additional Uses.
54	10/05/11	16/05/11	NM	Inserted Condition 6 into Schedule 4 – Special Use Zones 4. Re-arranged Schedule 4 – Special Use Zones no. 4.
56	05/07/11	11/07/11	NM	Modified Schedule 4 – Special Use Zones 3.
34	06/09/11	29/09/11	NM	Inserted Schedule 2 – Additional Uses Provision No. 81.
46	04/11/11	25/11/11	NM	Inserted “Lot 81 Reen Road, Lot 99 the Springs Road, Lots 51 & 52 Toodyay Road and Lot 50 Reserve Road, Gidgegannup” into Schedule 11 – Special Rural Zones.
40	09/12/11	12/12/11	NM	Amended the definition of Commercial Vehicle within Schedule 1A. Inserted clause 5.10 Parking of Commercial Vehicles. Amended the definition of Transport Depot within Schedule 1B. Introduced Schedule 14 – Parking of Commercial Vehicle(s) Provisions. Added ‘Commercial Vehicle Parking’ exemption into Schedule 5.
45	13/01/12	17/01/12	NM	Inserted No. 82 into Schedule 2 – Additional Uses.
62	27/01/12	20/01/12	NM	Inserted Additional Use No. 83 into Schedule 2 – Additional Uses.
69	02/03/12	20/03/12	NM	Inserted Additional Use No. 87 into Schedule 2 – Additional Uses.
88	05/04/12	10/04/12	NM	Inserted Additional Use No. 88 into Schedule 2 – Additional Uses.
51	15/06/12	22/06/12	NM	Inserted Additional Use No. 85 into Schedule 2 – Additional Uses.
44	03/07/12	24/07/12	NM	Replaced Clause 5A. Replaced the contents of Schedule 13 – Development Contribution Areas.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
65	14/9/12	18/9/12	NM	Replaced the Ellenbrook Town Centre Map of Schedule 4B.
72	7/12/12	17/12/12	NM	Modified Special Use No. 9 within Schedule 4 – Special Uses.
73	7/12/12	17/12/12	NM	Inserted Additional Use No. 90 into Schedule 2- Additional Uses. Deleted Restricted Use No. 4 from Schedule 3 – Restricted Uses.
35	5/2/13	26/3/13	NM	Replaced 'Special Rural Zone No. 3 – Brigadoon/Baskerville' within Schedule 11.
75	22/3/13	2/4/13	NM	Inserted Additional Use No. 89 into Schedule 2 – Additional Uses.
60	5/3/13	22/4/13	NM	Inserted Special Use No. 12 into Schedule 4. Inserted Development Contribution Area No. 4 into Schedule 13.
67	6/8/13	20/8/13	NM	Inserted Additional Use No. 91 into Schedule 2. Introduced 'Concrete Batching Plant' into Schedule 1C – Definitions.
74	8/10/13	29/10/13	NM	Replaced 'an Outline Development Plan' with 'a Structure Plan' within Clause 11.4.4.
58	4/04/14	16/04/14	ML	Schedule 13 – Development Contribution Areas - Replaced current references to DCA 2 (West Swan)
57	04/04/14	30/04/14	ML	Schedule 13 – Development Contribution Areas - Replaced current references to DCA 1 (Albion)
59	04/04/14	30/04/14	ML	Schedule 13 – Development Contribution Areas – Replaced current references to DCA 3 (Caversham)
96	04/04/14	30/04/14	ML	Schedule 13 – Development Contribution Areas – DCA 5 new text
91	08/07/14	22/07/14	ML	Re-coding Lot 450 Lord Street, Caversham from R20 to R30 – mapping only.
97	17/06/14	30/10/14	CM	Re-coding from Local Reserve - Recreation to Residential Coding R35.
101	16/01/15	26/03/15	MLD	Modify the scheme maps to rezoning Part Lot 20 Turton Street, Guildford from 'No Zone' to 'Residential' with a density code of 'R5'. Modify the scheme maps to rezoning Part Lots 14 and 15 Hampstead Hills Drive, Gidgegannup from 'No Zone' to 'Rural Residential. Renumber the "Additional Use No. 81" gazetted on the 27th January 2012 and replace the text in Schedule 2. Renumber the "Special Use Zone No.12" that was gazetted on the 12th March 2010 and replace the text into Schedule 4 - Special Use Zones and modify the Scheme Maps accordingly. Renumber the "Special Use Zone No.12" that was gazetted on the 5th March 2013 and replace the text into Schedule 4 - Special Use Zones and modify the Scheme Maps accordingly.
104	30/01/15	29/04/15	MLD	Reclassified Lot 3 on DP51431 and Lot 15597 on DP40931 Clayton Street Bellevue from 'Local Reserve - Public Purpose', 'Local Reserve - Local Road' and 'Residential' to 'Residential Development'. Modified the Scheme Map accordingly.
81	13/03/15	30/04/15	MLD	Zoned various portions of Lot 911 Midland Rd, Hazelmere from 'No Zone' to 'Special Use' and 'General Rural'. Introduced a new 'Special Use Zone' into Schedule 4. Amended the scheme map accordingly.
106	10/04/15	06/05/15	MLD	Inserted an additional use number into Schedule 2 - Additional Uses of Local Planning Scheme No. 17. Amended the Scheme Map to note the Additional Use number.
102	16/06/15	24/06/15	MLD	Insert a definition of "waste transfer station" into Schedule 1 Part C. Insert a new Additional Use in Schedule 2 - Additional Uses of the Scheme Text to include Lot 6 Stock West Road Bullsbrook. Modify the Scheme Map accordingly.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
107	24/07/2015	28/07/2015	NG	Insert land parcels into Schedule 4- Special Uses Zones 4 Condition 5 for extinguishing restrictive covenant, Document Number 1687182. Insert land parcels into Schedule 4- Special Use Zones 4 Condition 6 for extinguishing restrictive covenant, Document Number 1687188. Remove land parcel from Schedule 4 – Special Use Zones 4 Condition 5.
82	18/09/2015	23/09/2015	HB	Insert Additional Use of "Animal Establishment" for Lot 1 (No. 1263) Toodyay Road, Gidgegannup. Amend the Scheme Map accordingly.
118	18/09/2015	08/10/15	HB	Reclassify the portions of land in the approved The Bridges Outline Development Plan No. 71 (as amended) from 'Special Use Zone No. 4 - Ellenbrook Estate' to reserves and zones (with Residential Density Coding and Additional Use where applicable). Introducing the New Scheme Map 12B. Insert a new additional use into Schedule 2 for Lot 3537 and Lot 3675 on DP 57169 Ponte Vecchio, Boulevard Ellenbrook. Insert a new additional use into Schedule 2 for Lot 1906 on D95622 Ponte Vecchio, Boulevard Ellenbrook.
70	02/10/15	13/10/15	MLD	Apply a density code of R20 to Lots 2 (No. 31), 3 (No. 29), 4 (No. 27) 5 (No. 25), 8 (No. 17), 9 (No. 21), 10 (No. 19) and 11 (No. 23) Mary Street, Hazelmere. Amend Scheme Maps accordingly.
92	23/10/15	28/01/16	RO	Insert new Clauses 5.2.4 and 5.2.5. Amend ‘Schedule 5 - Exempted Development', provisions relating to driveways in all zones, and the provisions relating to 'Single Dwelling/Addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot', relevant to the Residential Development; Residential Redevelopment; Residential; City Centre - Commercial Deferred; City Centre - Residential; and all Special Use zones. Rezone part of Lot 22 (No.3) Pitt Street, Woodbridge from 'Local Reserve - Local Road' to 'Residential'. Recode the Residential zoned land, as shown on the proposed Scheme Maps from a single Residential Code to a dual Residential Code and to adjust the Residential Code border to coincide with the respective dual coded areas. Amend the Local Planning Scheme No. 17 Scheme Maps accordingly.
93	27/10/15	28/01/16	RO	Rezone those lots within the Hazelmere town site from 'Residential Redevelopment' to 'Residential' and applying a dual density code of R5/20 or R5/25 as depicted on the scheme map; Reclassify Lot 9963 West Parade, Hazelmere from 'Residential Redevelopment' to 'Local Reserve - Recreation' Amending the scheme map accordingly.
105	30/10/15	28/01/16	RO	Reclassify portions of Lot 12513 Paradise Quays, Ballajura, from ‘Local Reserve - Recreation’ to ‘Special Use Zone’ in Schedule 4. Modifying the Scheme Map accordingly.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
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125	10/11/15	28/01/16	RO	Rezone the following lots from 'General Rural' to 'General Industrial': Lot 155 on P4553 and Lot 5 on Diagram 27196 Stirling Crescent, Hazelmere; and; Lot 4 on Diagram 27196, Lot 153 on Plan 4553, Lot 152 on Plan 4553 and Lot 11 on Diagram 52977 Talbot Road, Hazelmere. Modifying the Scheme Maps accordingly. Deleting 'Additional Use No.41' from Schedule 2 - Additional Uses and modifying the Scheme Maps to delete this Additional Use accordingly. Insert a new 'Restrictive Use No.14' into Schedule 3 - Restrictive Uses and modifying the Scheme Maps to annotate this new Restricted Use accordingly.
121	04/03/16	10/03/16	RO	Introducing into Schedule 2 – '*Additional Uses'* an Additional Use for Lot 18 (No.159-161) James Street Guildford of 'Multiple Dwellings'. Amending the Scheme maps accordingly.
131	10/05/16	11/05/16	RO	Reclassifying Lot 239 on Diagram 2029 Wilkins Street, Bellevue from 'Local Reserve - Recreation' to 'Residential Development'. Amending the scheme map accordingly.
115	17/06/16	29/06/16	MLD	Reclassify the portions of land in the approved Morgan Fields Outlines Development Plan No. 68 (as amended) from 'Special Use Zone No. 4 - Ellenbrook Estate' to the reserves and zones (with Residential Density coding where applicable) as shown on the Amendment Map. Introduce a new Scheme Map 12D and modify the scheme maps, special control area maps and scheme legend accordingly. Modify the 'Description of Land' in Schedule 4 - Special Use Zone 4 Ellenbrook Estate. Remove the following land parcels from Schedule 4 - Special Use Zone 4 Condition 5. **Location** **Lot Description** **Area** "Morgan Fields POS Lot 9029 5.791ha".
127	18/10/16	11/01/17	RC	Rezoning Lot 23 and Part Lots 24 and 25 Stirling Crescent, Hazelmere from 'General Rural' to 'Special Use'. Insert a new 'Special Use Zone No. 18' into Schedule 4—Special Use Zones— Amend the scheme map
113	25/10/16	11/01/17	RC	Rezone Lot 57 on Plan 28643, Lot 9000 on Plan 30961, Lot 200 on Plan 30961 and Lot 1 on Plan 7052 West Parade, South Guildford, from 'General Rural' to 'Special Use Zone'. Insert a new 'Special Use Zone No 24' into Schedule 4 – Special Use Zones – Modify the Scheme Maps accordingly.
141	04/11/16	11/01/17	RC	Removing land bound by Alexander Drive to the West, Reid Hwy to the north, Tonkin Hwy to the east and Widgee Road, Matthews Close and Sewell Court to the south referred to as Noranda from Local Planning Scheme No.17.
133	16/05/17	17/05/17	MLD	Modify the Scheme Maps so that the Aircraft Noise Exposure Special Control Area for Perth Airport is consistent with the endorsed 2014 Perth Airport Australian Noise Exposure Forecast (ANEF) contour mapping for land affected by the 20 and above ANEF noise contour.
85	23/05/17	25/05/17	RMc	Rezone Lot 2 on Diagram 60886 Stirling Crescent, portion of Lot 12 on Plan 4556 Stirling Crescent; Lot 13 on Plan 4556, Lot 14 on Plan 4556, Lot 15 on Plan 4556 Stirling Crescent; portion of Lot 16 on Plan 4556 Stirling Crescent; portion of Lot 17 on Plan 4556 Stirling Crescent; and portion of Lot 18 on Plan 4556 Stirling Crescent, Hazelmere from 'General Rural' to 'Special Use Zone' Insert 'Special Use Zone No.15' into Schedule 4 - Special Use Zones and modifying the Scheme Maps to annotate this new Special Use Zone accordingly:

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139	20/06/17	22/06/17	MLD	Rezoning portion of Lot 41 and Lots 6, 43, 45, 46 and 91 Marshall Road, and Lots 1, 42, 44, 74, 75, 76, 77 and 78 Coast Road, and portion of Lots 29 and 500, and Lot 800 Victoria Road and portion of Lot 102 and portion of former Lot 103 Reid Highway, Bennett Springs from 'General Rural' to 'Residential Development'. Amend the Scheme Map accordingly.
134	30/6/17	3/7/17	AT	Modify Schedule 4 – Special Use Zone of the City of Swan Local Planning Scheme No 17 by adding 'Lunch Bar' and Shop as D' (Permitted) uses and 'Consulting Rooms', 'Fast Food Outlet', 'Medical Centre', 'Motor Vehicle Wash', 'Recreation-Private' and 'Restaurant' as 'D' and 'Service Station' as 'A' (Discretionary) uses and inserting new development control provisions #21 Schedule 4.
134	7/7/17 *Correction notice*	25/7/17	MLD	It is hereby notified for public information that the notice under the above amendment No 134 published at page 3615 of the Government Gazette No. 132 dated 30th June 2017, contained an error which is now corrected as follows:. **For the words:** 'Lunch Bar' and Shop as 'P' (Permitted) use. **Should Read:** 'Lunch Bar' as 'P' (Permitted) use and 'Shop'
86	28/07/17	14/08/17	GM	Rezone Lot 93 on Plan 4553 Hazelmere Circus; and portion of Lot 83 on Plan 4539 Bushmead Road, Hazelmere from 'Rural Residential' to Special Use Zone' that is numbered 'SUZ 16'. Rezone Lot 651 on DP 64462 Stirling Crescent; Lot 39 on Plan 4539 Stirling Crescent; and Lot 58 on Plan 4539 Bushmead Road Hazelmere from 'Rural Residential' and 'Industrial Development' to 'Special Use' that is numbered 'SUZ 16'. Rezone Portion of Lot 117 on Plan 4553 Lakes Road; Portion of Lot 118 on Plan 4553 Lakes Road; Lot 119 on Plan 4553 Lakes Road; and portion of Lot 50 on Plan 7475 Lakes Road Hazelmere from 'Rural Residential' and 'Industrial Development' to 'Light Industrial'. Exclude the land relating to the Lloyd Street extensions from Scheme Amendment 86. Schedule 4 – Special Use Zone – inserted new Special Use Zone No. 16 and No. 25. Schedule 3 – inserted new Restricted Use No. 15. Scheme Maps modified accordingly.
119	15/9/17	21/9/17	AT	Rezoned all lands within the area bounded by Morrison Road, Byers Road, William Street, Great Eastern Highway, Cale Street and Lloyd Street from "City Centre – Residential" zone; "City Centre - Commercial Deferred" zone; "City Centre – Business" zone; "City Centre – Shopping" zone to a new zone - " Midland Strategic Regional Centre" zone, except land that is shown as 'Public Purpose', 'Local Road' and 'Recreation', to be shown on the Scheme Map and installed in the Legend in accordance with the Amendment Modified the Scheme Text by deleting sub-clause 4.2.1 Midland Strategic Regional Centre (General) and substitute with 4.2.1 Midland Strategic Regional Centre Zone Modified the Scheme Text by deleting sub-clauses 4.2.2 - 4.2.7 inclusive Modified the Zoning Table at sub-clause 4.3 Modified Clause 4.5 and 4.6 text Deleted sub-clause 5.3.1 Modified Part 5A of the Scheme Text Modified the 'Schedules' table of content by inserting under Schedule 1 and modified Schedule 1 Amended the Exempted Development table in Schedule 5 and Schedule 5A Introduction of new Schedule 15.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
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138	10/10/17	19/10/17	GM	Schedule 2 – Additional Uses – inserted additional use 100 – Lot 9011 Marshall Rd, Malaga. Schedule 3 – Restricted Uses – inserted restricted use 16 – Portion of Lot 15 Victoria Rd, Malaga within 150m of its boundary within Beringarra Avenue. Rezoned the following lots from 'General Industrial' zone to 'Highway Service' zone - Lot 224 (No. 12), Lot 223 (No. 10), Lot 222 (No. 8) and Lot 221 (No. 6) Midas Road, Malaga; Lot 320 (No. 355), Lot 319 (No. 357), Lot 15 (No. 370) and Lot 51 (No. 365) Victoria Road, Malaga; Lot 50 (No. 2) Mugul Road, Malaga; Lot 1 (No. 31), Lot 150 (No. 59) and Lot 802 (No. 66) Kent Way, Malaga; Lot 2 (No. 3) and Lot 50 (No. 2) Carson Road, Malaga; Lot 45 (No. 19), Lot 39 (No. 26), Lot 46 (No. 16) Lot 500 (No. 10) and Lot 1000 (No.9) Stanford Way, Malaga. Rezoned the following lots from 'Light Industrial' zone to 'Highway Service' zone - Lot 215 (No. 277) Victoria Road, Malaga; Lot 97 (No. 516) and Lot 4 (No. 492) Alexander Drive, Malaga; and, the portion of Lot 34 (No. 500) Alexander Drive currently zoned 'Light Industrial'. Scheme Maps amended accordingly.
144	22/12/17	03/01/18	MLD	Insert an Additional Use of 'Medical Centre and Shop (Pharmacy)' into 'Schedule 2 – Additional Uses' for Lot 125 (No. 2071) Toodyay Road, Gidgegannup. Update scheme maps accordingly.
122	19/01/18	29/01/18	MLD	Rezoning the following lots from 'Highway Service' and 'Residential' zones to 'General Commercial' Zones: Lots 38 (D63872), 405, 406, 407 & 1 (D40987) Great Eastern Highway, Pt Lot 498, Lots 499, 500, 501, 502 & 503 Blackburn Street, Bellevue. All lots apart from those listed are located on P2505.
143	19/01/18	30/01/18	MLD	Insert an Additional Use of 'Shop - Farm Supply Centre' into Schedule 2 - for Lot 280(No. 543) on Plan 3598, Campersic Road, Millendon
151	29/03/18	04/04/18	MLD	Modify the Scheme maps by rezoning Portions of Lots 2 (No. 36) Chittering Road, Lot 900, Lot 901, Lot 1165 Hurd Road, Lots 1354 & 1396 Bullsbrook from 'General Rural' to 'Residential Development'.
87	20/04/18	23/04/18	GM	Rezoning the following lots from 'General Rural' to 'Residential Development': Lots 811 and 814 Bushmead Road, portion of Lots 818 and 850 Baker Street; Lot 816 and portion of Lots 9 and 801 Stirling Crescent, Hazelmere. Reclassifying the 686m^2 portion of road reserve on DP48737 Bushmead Road abutting the south side of Lot 99 Bushmead Road, Hazelmere from 'General Rural' zone to a 'Local Road' reserve. Reclassifying the unconstructed portion of Chatham Road on Plan 4539 located between Lot 850 Baker Street and Lot 801 Baker Street, Hazelmere from a 'Local Road' reserve to 'Residential Development'. Modifying the Scheme Maps accordingly.
84	10/07/18	23/07/18	GM	Rezoning lots from 'Industrial Development' to 'General Industrial' on Bushmead Road; Stirling Crescent; Tipper Court; Lakes Road; Lloyd Street; Hazelmere. Rezoning from 'Rural Residential' and 'Industrial Development' to 'General Industrial' on Bushmead Road, Hazelmere. Rezoning lots from 'Rural Residential' zone to 'General Industrial' on Bushmead Road, Lakes Road Hazelmere; Lloyd Street, Hazelmere. Reclassifying lots which have portions subject of an unconstructed road reserves from 'Industrial Development' and 'Local Road' reserve to 'General Industrial' on Central Avenue; Stirling Crescent; Bushmead Road; Hazelmere. Reclassifying the portion of the Lakes Road reserve from 'Industrial Development' to a 'Local Road' reserve. Reclassifying the portion of the Tipper Court reserve from 'Industrial Development' to a 'Local Road' reserve. Schedule 3 – Restrictive Uses – inserted new 'Restrictive Use No. 13' and modifying the Scheme Maps to annotate this new Restricted Use accordingly. Inserting the 'dry industry' definition into 'A. General Definitions' of Schedule 1 - Dictionary of defined words and expressions. Reclassify lots from 'Industrial Development' and 'Rural Residential' to a 'Local Road' reserve to protect the future Lloyd Street extension from Stirling Crescent to the Great Eastern Highway Bypass.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
147	13/07/18	23/07/18	GM	Clause 6.2.2 modified by adding a new paragraph. Schedule 4 – Special Use Zones modified to include a new Condition 7 to SU 24. Schedule 5 – Exempted Development modified by inserting the underlined words to Single Dwelling/Addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot, Residential Outbuilding or addition thereto, including Incidental Domestic Structures - Requires approval under Part 6 of the Scheme (except where the development is located within Special Use Area No. 24 and is compliant with conditions 2 and 3 of this zone); or
157	13/07/18	23/07/18	GM	Recoding the Residential zoned land adjacent to PAWs as shown on the proposed Scheme Amendment Maps, from a single Residential Code to a dual Residential Code and to adjust the Residential Code border to coincide with the respective dual coded areas. Scheme Maps amended accordingly.
162	14/08/18	20/08/18	GM	Rezone portions Lot 9001on DP48644 Midland Road Bushmead; portions of Lot 9501 on DP48644 Ashgrove Entrance Bushmead, and; portions of the Ashgrove Entrance, Northgate Promenade and Leeuwin Boulevard road reserves from 'General Rural' to the 'Special Use Zone No. 14'.
158	17/08/18	20/09/18	HB	Rezone portions Lot 900, Lot 901 and Lot 1396 Chittering Road, Lot 1165 Hurd Road and Lot 1354 Great Northern Highway, Bullsbrook from 'General Rural' to 'Residential Development'.
152	25/9/18	25/9/18	HB	Introducing into Schedule 2 - No 104 on Plan 4553, Talbot Road, Hazelmere "D" - Industry-General. Amend the Scheme Maps accordingly.
149	27/11/18	27/11/18	MLD	Insert a new Additional Use of 'Office' for the land referred to as Part Lots 9501 on Plan 48644, and Part Lots 9001 on Certificate of Title 2943/160, Bushmead by amending Schedule 2 – Additional Uses of LPS17. Modify the scheme map accordingly
156	27/11/18	27/11/18	MLD	Modify the Flood Prone Area mapping where it applies to part of Lot 9003 on DP 405788 Farrall Road, Stratton; part of the Lot 102 DP 54422 Farrall Road, Stratton; part of reserved Lot 90 on Plan 9551 Farrall Road, Stratton; part of reserved Lot 70 on Plan 9550 Wilgie Gardens, Swan View, and; part of the Farrall Road local road reserve.
153	12/2/19	21/2/19	MLD	Rezoning a portion of Lot 1 Clayton Street, Bellevue from 'General Rural' to 'Residential' zone, with a density coding of 'R20'. Modify the Scheme Maps accordingly.
161	16/04/19	17/04/19	GM	Inserting an Additional Use of 'Medical Centre' for a portion of Lot 71 Arthur Street, Dayton, by amending Schedule 2 – Additional Uses of LPS17. Amending the Scheme maps accordingly.
173	21/02/2020	25/02/2020	GM	Insert into Schedule 4 of the Scheme text a new Special Use Zone No. 26 – Lot 5 on Diagram 48061 Elvire Street, Viveash. Amend the Scheme Maps to rezone Lot 5 on Diagram 48061 Elvire Street, Viveash from 'Residential' with a Residential Density Code of 'R60' to a 'Special Use Zone (SUZ 26)'.
177	7/4/2020	14/4/2020	MLD	Amending schedule 2 - No. 53 - by extending the existing additional uses across both subject lots and including a new permissible use of a medical centre. Modifying the scheme maps accordingly.
183	22/05/2020	26/05/2020	MLD	Modify the Scheme Maps to: Reclassify Lot 33 Padbury Avenue, Millendon that was made unzoned by the gazettal of Metropolitan Region Scheme Amendment No. 1332/41 to 'Swan Valley Rural'. Reclassify the unzoned portion of the Padbury Avenue reservation to 'Local Road'. Modify the Scheme Maps to reclassify part of Lot 9332 Hamersley Road, Caversham from 'Public Purpose' and unzoned land to 'Swan Valley Rural'.
171	26/05/2020	2/6/2020	MLD	Amending Schedule 2 – Additional Uses – modify item No. 40 Modify the Scheme Map accordingly.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
176	16/06/2020	23/06/2020	MLD	Make the use classes of Place of Worship and Roadhouse 'X' uses in the Swan Valley Rural zone; and Include a condition on the use classes of Food and Beverage Production, Restaurant and Tavern in the Swan Valley Rural zone, specifying that the use is not permitted on a premises unless carried out in conjunction with an Agriculture-Intensive and/or Winery use.
181	20/11/2020	26/11/2020	GM	Modify the Scheme Maps to rezone portions of Lot 1 on Diagram 9938 and portion of Lot 2 on D9938 Great Northern Highway, Bullsbrook from 'General Rural' to 'Residential Development'. Modify the Scheme Test and Maps to: i. Rezone portion of Lot 1 on Diagram 98336 Vale Road, Hazelmere from 'Rural Residential' to 'Light Industrial' and insert a 'Restricted Use' annotation over the subject land. ii. Add the following property to the end of the existing text under 'Description of Land' column of 'Restricted Use No. 15' in Schedule 3 – Restricted Uses: Portion of Lot 1 on Diagram 98336 Vale Road, Hazelmere. Modify the Scheme Maps to reclassify the portion of Lot 100 Weir Road, Malaga that was made unzoned by the gazettal of Metropolitan Region Scheme Amendment No. 1339/57 to 'Industrial Development'.
188	20/11/2020	26/11/2020	GM	Modify the Scheme Maps and Special Control Area Maps to: i. Realign the Municipal Boundary so that it matches the common boundaries with the City of Belmont as depicted on Deposited Plan 412421 – Version 1: ii. Remove all land that was transferred from the City of Swan to the City of Belmont as of the gazettal of 'Local Government (Belmont and Swan – Change of Boundaries) Order 2017'. Modify the Scheme Text to delete 'Additional Use No. 14 from Schedule 2 – Additional Uses.
169	15/12/2020	15/12/2020	GM	Replace current references to Development Contribution Area No.4 (DCA 4) in Schedule 13 of the Scheme text with **South Bullsbrook Industrial** - The Development Contribution Area (DCA) comprises all the land referred to as South Bullsbrook Industrial identified by the scheme maps as DCA 4.
170	15/12/2020	15/12/2020	GM	Amending the Scheme Maps to identify a new Development Contribution Area No.7 ('DCA 7') as shown on the Amendment No.170 map. Listing DCA7 in '*SCHEDULE 13 – DEVELOPMENT CONTRIBUTION AREAS'* and including the appropriate details in Schedule 13 - **Bullsbrook Residential Townsite -** The Development Contribution Area (DCA) comprises all the land referred to as Bullsbrook Residential Townsite identified by the scheme maps as DCA 7.
184	21/1/2021	14/2/2021	MLD	Modify the Scheme Maps to reclassify the portion of Lot 102 Harrow Street, West Swan to part 'Swan Valley Rural' with an 'Additional Use' annotation and part 'Local Road'. Insert the following Additional Use into Schedule 2 – Additional Uses – No. 106
186	2/1/2021	14/2/2021	MLD	Rezone portion of Lot 1354 Great Northern Highway and portion of Lot 1314 Chittering Road, Bullsbrook from 'General Rural' to 'Residential Development'. Delete the 'Additional Use No. 46 (AU 46) annotation from Lot 1314 Chittering Road, Bullsbrook. Modify the Scheme Text to delete the following 'Additional Use No. 46' from Schedule 2 – Additional Uses
175	09/04/2021	14/04/2021	MLD	Modify Schedule 2 – Additional Uses by inserting 107, Portion of Lot 20 (on Diagram 79083) Stirling Crescent, Hazelmere; Lot 1 (on Diagram 44255) Stirling Crescent, Hazelmere; Portion of Lot 145 (on Plan 4553) Talbot Road, Hazelmere. Amend the scheme maps accordingly.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
155	18/05/2021	25/05/2021	MLD	1. Zoning the unzoned portion of Lot 52 Little Harold Street, Bellevue to Residential with a density code of R20/40; 2. Zoning the unzoned portions of Lot 12767 Gnangara Road, Lots 1255 and 1278 Morton Avenue, and portion of Morton Avenue, Ellenbrook to Special Use Zone 4 and Local Reserve— Local Road; 3. Zoning the unzoned portion of Lot 803 O'Brien Road, Gidgegannup to General Rural; 4. Reclassifying the unzoned portion of Lancewood Avenue, Gidgegannup to Local Reserves— Local Road; 5. Zoning the unzoned portions of Lot 126, Lot 300 and Lot 811 Meadow Street, Guildford to Residential with a density of R5 and portion of the unzoned portion of Lot 811 Meadow Street, Guildford to Local Reserves- Local Road; 6. Reclassifying the unzoned portion of Morrison Road, Midvale adjacent to Lot 300 Gray Drive, Midvale to Local Reserves—Local Road; 7. Amending the Scheme Map accordingly.
166	01/10/2021	06/01/2021	GM	Including Additional Use (No. 108) over Portion of Lot 151 and Portion of Lot 152 Toodyay Road, Gidgegannup in Schedule 2 – Additional Uses. Amend scheme maps accordingly. Insert definitions in Schedule 1C – Land Use Definitions Applicable to Schedules 2, 3, And 4 Only, for Resource Recovery Centre, Waste Storage Facility and Waste Disposal Facility.
179	30/11/2021	15/12/2021	GM	Amend the scheme maps to: i. Rezone Lot 570 on DP 409808 Eveline Road, Middle Swan from 'Local Reserves - Public Purposes - Hospital (H)' to 'Special Use', 'Private Clubs and Institutions' and 'Local Reserves - Recreation'. ii. Reclassify Lot 567 on DP 409073 Eveline Road and Lot 571 on DP 409808 Great Northern Highway, Middle Swan from 'Local Reserves - Public Purposes - Hospital (H)' to 'Local Reserves - Public Purposes'. Insert into Schedule 4 a new Special Use Zone no. 27 - Portion of Lot 570 on DP 409808 Eveline Road, Middle Swan located west of Blackadder Creek, as delineated on the scheme map.
182	4/03/2022	18/03/2022	HB	Insert the following exempted development into Schedule 5 of the scheme text and locate this new entry between the existing 'Shade Structure' and 'Swimming Pool/Spa' entries – Solar Collectors Incidental to buildings with conditions.
192	22/04/2022	10/05/2022	HB	Modify the Scheme Maps to rezone Lot 189 Adelaide Street, Hazelmere and portion of Lot 190 Adelaide Street, Hazelmere from 'General Rural' to a 'Light Industrial' zone with a 'Restricted Use' annotation. Modify the Scheme Maps to reserve a portion of Lot 190 Adelaide Street, Hazelmere as 'Local Road'. Insert into Schedule 3 – Restricted Uses for No. 17 with conditions.
194	4/03/2022	18/03/2022	HB	Modify the wording of Condition No. 2 of Special Use Zone No. 24 in Schedule 4.
178	26/7/22	10/8/2022	MLD	Modify the Scheme Maps in relation to Lot 811 Tipper Court, Hazelmere by replacing 'Restricted Use No.13' with 'Restricted Use No.18' Insert into Schedule 3 - Restricted Uses – No. 18 Lot 811 on DP 400749 Tipper Court, Hazelmere.
196	26/7/22	10/8/2022	MLD	Replace the existing entry of 'Special Use Zone No.26' in Schedule 4 - Special Use Zones of the Scheme Text with updated text.
193	30/8/2022	1/09/2022	MLD	Modify the Scheme Maps so that the Aircraft Noise Exposure Special Control Area for Perth Airport is consistent with the endorsed 2020 Perth Airport Australian Noise Exposure Forescast (ANEF) contour mapping for land affected by the 20 and above ANEF contour.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
190	7/10/2022	18/10/2022	HB	Reclassify part of Lot 86 Kerwin Way, Lot 500 Kerwin Way, part of Lot 55 Kerwin Way and Lot 14170 Diana Crescent, from 'Local Reserve - Recreation' to the 'Special Use' Zone. Reclassify Lot 87 Kerwin Way, part of Lot 86 Kerwin Way and part of Lot 55 Kerwin Way from 'Local Reserve - Recreation' to 'Public Purposes - Water Corporation'. Insert into Schedule 4 of the scheme text a new special use for No. 29 - Part of Lot 86 on Deposited Plan 10324, Lot 500 on Deposited Plan 63649, Lot 14170 on Deposited Plan 26108, and part of Lot 55 on Deposited Plan 10324, with special uses and conditions.
198	7/10/2022	18/10/2022	HB	Rezone lots from 'General Rural' to a 'General Industrial' zone with the 'Restricted Use No. 14' annotation in Hazelmere. Reclassify a portion of Lot in Hazelmere from 'General Rural' to local reserve 'Local Road'. Reclassify a portion of Lot in Hazelmere from 'General Industrial' and 'Restricted Use No.14' to local reserve 'Local Road'. Modify the Scheme Maps and Scheme Text to delete Additional Uses No.45, No.91, No.104 and No.107 from Schedule 2 - Additional Uses. Replace the existing entry of 'Restricted Use No.14' in Schedule 3.
201	7/10/2022	19/10/2022	HB	Insert into Schedule 2 – Additional Uses of Local Planning Scheme No. 17 for Additional Use No. 55 the use of 'Garden Centre' as a further use for Lot 194 (No. 24) Stirling Street, Guildford in the Additional Use column, with attached conditions.
197	25/11/2022	28/11/2022	MLD	Reclassify a portion of Lot 501 Paradise Quays, Ballajura from 'Special Use Zone No. 23' to local reserve 'Recreation. Reclassify portions of Lot 501 Paradise Quays, Ballajura from 'Special Use Zone No. 23' to local reserve 'Local Road'. Replace the existing entry of 'Special Use Zone No. 23' in Schedule 4 with new wording.
103	10/02/2023	22/02/2023	HBA	Rezone Lot 48 Toodyay Road and Lot 5 Stoneville Road, Gidgegannup from Gerneral Rural to Special Rural Insert into Schedule 11 (Special Rural Zones) of the Scheme
203	10/02/2023	23/02/2023	HBA	Rezone the following lots from general Industrial to Light Industrial Lots 1, 2, 3, 134, 135, 136, 4, 129, 128, 127 James Street, Bellevue; Lots 124, 123, 10, 6, 265, 13, 12, 11, 15, 265 Robert Street, Bellevue; Lots 2, 6, 7, 20, 21 Bellevue Road, Bellevue. Partial Lots 117, 116, 115, 114, 500 Roe Highway, Bellevue
200	03/03/2023	14/03/2023	GL	Amend the Scheme Maps to identify a new Development Contribution Area No. 8 (DCA8) as shown on the Amendment No. 200 map; List DCA8 in Schedule 13 – Development Contribution Areas and including the appropriate details in Schedule 13- Henley Brook Urban Precinct:
204	05/09/2023	05/09/2023	GL	Rezone Lots 11, 112 and 115 Helen St, Bellevue from General Commercial to Residential with a density code of R20/R40. Rezone Todd Park Lot 1 Rason Rde, Bellevue and Todd Park Lot 500 Rason Pde, Bellevue from Residential to Local Reserve – Recreation. Include the existing approved uses for Lots 111, 112 and 115 Helen St, Bellevue as additional uses within Schedule 2 – Additional uses. Modify the Scheme Maps accordingly.
205	15/08/2023	05/09/2023	GL	Replace the existing entry of Additional Use No.73 in Schedule 2 – Additional Uses. Modify the Scheme Maps accordingly
213	8/9/2023	18/10/2023	HB	Amend the scheme maps to reclassify Lot 3 (No.37) Cassowary Drive, Ballajura that was made unzoned by the gazettal of Metropolitan Region Scheme Amendment No.1379/57 to local reserve 'Public Purpose'
211	17/11/2023	28/11/2023	HAB	Amend the scheme maps to rezone Lot 24 Beechboro Road North and Lot 385 Blackboy Way, Beechboro from 'Private Clubs and Institutions' to 'Residential Development'.

<table>
<tr><th rowspan="2">AMD NO</th><th rowspan="2">GAZETTAL DATE</th><th colspan="2">UPDATED</th><th rowspan="2">DETAILS</th></tr>
<tr><th>WHEN</th><th>BY</th></tr>
<tr><td>217</td><td>17/11/2023</td><td>28/11/23</td><td>GL</td><td>Amend the scheme maps to reclassify part of Lot 82 West Parade, South Guildford that was made unzoned by the gazettal of Metropolitan Region Scheme Amendment No. 1396/57 to ‘Special Use Zone No.24.
Replace the current ‘Special Use Zone Precinct Map’ in Schedule No.4 – Special Use Zone No.24 with the revised Special Use Zone Precinct Map.
Replace the current ‘Description of Land’ in Schedule No.4 – Special Use Zone No.24.</td></tr>
<tr><td>209</td><td>21/05/2024</td><td>11/06/2024</td><td>GL</td><td>Amend the scheme map to rezone Part Lot 9009 on DP 400991 Cranwood Cres, Viveash from ‘General Industrial’ to ‘Residential Development’
Insert into Schedule No.3 – Restricted Uses. No.19.</td></tr>
<tr><td>223</td><td>6/12/2024</td><td>18/12/2024</td><td>GL</td><td>Replace the current ‘Description of Land’ and ‘Specific Provisions’ in Schedule No.4 – Special Use Zone No.24</td></tr>
<tr><td>220</td><td>10/01/2025</td><td>10/01/2025</td><td>HAB</td><td>Replace the current ‘Period of Operation’ in Schedule 13 – Development Contribution Area No. 2 – Dayton (DCA No. 2).
<table><tr><td>Period of Operation</td><td>This Development Contribution Plan (DCP) shall retain its force and effect until the completion of the development of all en-gloo landholdings within the Development Contribution Area (DCA) and shall operate for a period of twenty years from April 4, 2014, after which the DCP will be reviewed and if necessary, amended or replaced.</td></tr></table></td></tr>
<tr><td>221</td><td>14/2/2025</td><td>13/3/2025</td><td>GL</td><td>Replace the current ‘Period of Operation’ in Schedule 13 – Development Contribution Area No.3 – Caversham (DCA 3).</td></tr>
<tr><td>219</td><td>11/04/2025</td><td>14/04/2025</td><td>HAB</td><td>Replace the current ‘Period of Operation’ in Schedule 13 – Development Contribution Area No. 1 – Brabham (DCA 1) with the following:
<table><tr><td>Period of Operation</td><td>This Development Contribution Plan (DCP) shall retain its force and effect until the completion of the development of all en-globo landholdings within the Development Contribution Area (DCA) and shall operate for a period of twenty years from April 4, 2014, after which the DCP will be reviewed and if necessary, amended or replaced.</td></tr></table></td></tr>
<tr><td>222</td><td>11/04/2025</td><td>14/04/2025</td><td>HAB</td><td>Insert new Additional Use No.111 into Schedule No. 2 – Additional Uses and on the scheme map for Lot 463 (No. 108) Swan Street, Guildford.</td></tr>
<tr><td>195</td><td>14/10/2025</td><td>23/10/2025</td><td>HAB</td><td>Inserting zoning and Additional Site and Development Requirements for a portion of Lot 912 Midland Road, Bushmead.</td></tr>
<tr><td>215</td><td>14/10/2025</td><td>23/10/2025</td><td>HAB</td><td>Insert new Additional Use No.112 into Schedule 2 – Additional Uses for Lot 4 (No. 1447) Great Northern Highway, Upper Swan.</td></tr>
<tr><td>230</td><td>31/10/2025</td><td>6/11/2025</td><td>HAB</td><td>Amend the scheme maps to rezone Lot 600 (No. 499) Beechboro Road North, Beechboro from ‘Residential’ with a density code of R30/50 to ‘General Commercial’.</td></tr>
<tr><td>231</td><td>16/12/2025</td><td>20/01/2026</td><td>HAB</td><td>Modifications related to Short-Term Rental Accommodation as per Planning Bulletin 115/2024.</td></tr>
<tr><td>214</td><td>05/05/2026</td><td>05/05/2026</td><td>HAB</td><td>Modify Additional Use No.13 and Restricted Use No. 15.</td></tr>
</table>

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
233	10/07/2026	16/07/2026	RW	Delete from Schedule 5 - Exempted Development - • Single Dwelling/Addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot; and • Residential Outbuilding or addition thereto, including incidental domestic structures within the following zones - o Residential Development; o Residential Redevelopment; o Residential; o Midland Strategic Regional Centre; o City Centre-Residential; and o All Special Use Zones.
235	11/08/2026	13/08/2026	RW	Modify the scheme text and map by inserting Additional Use No. 114 over the entirety of Lot 6 (No. 2) Tanner Street Middle Swan.
236	11/08/2026	13/08/2026	RW	Modify the scheme maps to reclassify a portion of Lot 312 and Lot 313 (No. 160-162) Great Eastern Highway, Midvale from 'Public Purpose-Fire & Emergency Services (FESA)' local reserve to the 'Highway Service' zone.
191	14/08/2026	17/08/2026	RW	Modify the scheme text and map by inserting Additional Use No. 113 over a portion of Lot 1003 on P23163 Verdelho Drive, The Vines.

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PART 1 — PRELIMINARY

1.1 CITATION AND REVOCATION OF TOWN PLANNING SCHEME NO 9

1.1.1 The City of Swan Local Planning Scheme No. 17 (**"the Scheme"**) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked —

Name: Town Planning Scheme No. 9 (District Zoning Scheme)
Gazettal date: 9 December 1985

1.2 RESPONSIBLE AUTHORITY

The City of Swan is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

(a) The Scheme applies to the Scheme area, which covers all of the local government district of the City as shown on the Scheme Map.

(b) To the extent that any part of the Scheme area is included in the Redevelopment Area of any Redevelopment Act at the gazettal date of this Scheme, the Scheme shall apply to that part at the time and to the extent provided in the Redevelopment Act or otherwise on repeal of the Redevelopment Act or the revocation or cessation of the Redevelopment Scheme.

Note: The Scheme area (or part) is also subject to the Metropolitan Region Scheme (see clause 1.10) and other town planning schemes (see clause 1.9).

1.4 CONTENTS OF SCHEME

The Scheme comprises —

(a) the Scheme Text;

(b) the Scheme Map (Sheets 1-37); and

(c) supplementary maps illustrating Special Control Areas.

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5 PURPOSES OF THE SCHEME

The purposes of the Scheme are to —

(a) set out the local government's planning aims and intentions for the Scheme area;

(b) set aside land as reserves for public purposes;

(c) zone land within the Scheme area for the purposes defined in the Scheme;

(d) control and guide land use and development;

(e) set out procedures for the assessment and determination of planning applications;

(f) make provision for the administration and enforcement of the Scheme; and

(g) address other matters set out in Schedule 7 to the Planning Act.

1.6 AIMS OF THE SCHEME

The aims of the Scheme are to —

(a) Provide for a range of compatible housing and associated development, in neighbourhoods with a community identity and high levels of safety and amenity.

(b) Provide for safe, convenient, attractive and viable commercial centres, which serve the needs of the community and are accessible to pedestrians, cyclists and public transport users as well as motorists.

(c) Encourage development that will strengthen the economic base of the District and provide convenient and efficiently located employment for the community.

(d) Ensure coordinated and efficient use and development of land within the District, and to avoid ad hoc development that would result in land use conflicts, excessive travel and/or transport demand or adverse impacts on the environment.

(e) Protect and enhance the quality of the urban and rural living environments of the District, and to provide for such development as is consistent with the maintenance of efficient services and amenities within the District.

(f) Promote the health, safety, convenience and the economic and general welfare of the community, and to ensure the use and development of land does not result in significant adverse impacts on the physical and social environment.

(g) Promote the judicious management of natural resources of particular regional and local significance including bushland, water catchments, waterways, agricultural land and basic raw materials, and to promote the protection of air quality.

(h) Protect objects and places of particular natural, historic, architectural, scientific and cultural significance.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have —

a) in the Planning Act; or

b) if they are not defined in that Act —

(i) in the Dictionary of defined words and expressions in Schedule 1; or
(ii) in the *Residential Design Codes*.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the *Residential Design Codes* —

a) in the case of a residential development, the definition in the *Residential Design Codes* prevails; and

b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes and instructions printed in italics are not part of the Scheme, and may be added to, altered or removed at the discretion of the local government.

1.8 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 RELATIONSHIP WITH OTHER SCHEMES

By way of information, the following other Schemes of the City of Swan are, at the Gazettal date of the Scheme, complementary to the Scheme —

No:	Name:	Gazettal date:
2A	Beechboro Development	12 July 1974
6	Swan View	25 March 1977
7	Widgee Road, Malaga	10 March 1978
8	Malaga Industrial Area	22 January 1982
12	Midland Town Centre	10 January 1986
14	East Malaga Industrial Development	7 September 1990

1.10 RELATIONSHIP WITH THE METROPOLITAN REGION SCHEME

The Scheme is complementary to the Metropolitan Region Scheme and the provisions of the Metropolitan Region Scheme continue to have effect in the Scheme area.

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

PART 2 — LOCAL PLANNING POLICY FRAMEWORK

2.1 SCHEME DETERMINATIONS TO CONFORM WITH LOCAL PLANNING STRATEGY

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

2.2 LOCAL PLANNING POLICIES

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply –

(a) generally or for a particular class or classes of matters; and

(b) throughout the Scheme area or in one or more parts of the Scheme area or Precincts depicted on the Scheme maps,

and may amend or add to or rescind the Policy.

2.3 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval, but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 PROCEDURE FOR MAKING OR AMENDING A LOCAL PLANNING POLICY

2.4.1 If the local government resolves to prepare a Local Planning Policy, the local government:

a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of –

(i) where the draft Policy may be inspected;
(ii) the subject and nature of the draft Policy; and
(iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;

b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to –

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

b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the local government resolves to adopt the Policy, the local government is to –

a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and

b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4 A Policy has effect on publication of a notice under clause 2.4.3 a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 REVOCATION OF LOCAL PLANNING POLICY

A Local Planning Policy may be revoked by –

(a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or

(b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

2.6 LOCAL PLANNING POLICIES MADE UNDER PREVIOUS SCHEME

Where a Local Planning Policy has been adopted in accordance with the requirements of the previous Local Planning Scheme, it shall continue to have effect and may be amended or revoked as if it were a Local Planning Policy under the current Scheme.

PART 3 — RESERVES

3.1 RESERVES

Certain lands within the Scheme area are classified as –

(a) Regional Reserves; or

(b) Local Reserves.

3.2 REGIONAL RESERVES

3.2.1 The lands shown as "Regional Reserves" on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map for the purposes of the *Planning and Development Act, 2005*. These lands are not reserved under the Scheme.

3.2.2 The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

Note: The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

3.3 LOCAL RESERVES

"Local Reserves" are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.4 USE AND DEVELOPMENT OF LOCAL RESERVES

3.4.1 Except as otherwise provided in clause 8.2, a person must not -

a) use a Local Reserve; or

b) commence or carry out development on a Local Reserve without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to –

a) the matters set out in clause 10.2; and

b) the ultimate purpose intended for the Reserve.

3.4.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

3.4.4 Any land shown as a local reserve that is not at the gazettal of the Scheme owned for the authority for whose purpose the land is reserved, the local government shall deal with that land as if a single residence is permitted and any other land use is permissible on that land in the discretion of the local government.

PART 4 — ZONES AND THE USE OF LAND

4.1 ZONES

4.1.1 The Scheme area other than land classified as reserves is classified into the zones shown on the Scheme Map.

4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

4.2 OBJECTIVES OF THE ZONES

The objectives of the zones are as set out under the respective headings in this clause. Without limiting their application to any discretionary decision, it is intended that the objectives will be applied by Council to determine the appropriateness in a particular zone of discretionary uses, or those uses not listed in the Zoning Table.

4.2.1 Midland Strategic Regional Centre Zone

The objectives of the Midland Strategic Regional Centre Zone are to -

a) Ensure development of the centre accords with the WA Planning Commission's Policy as it applies to activity centres.

b) Facilitate the creation of employment within the centre so as to reduce the demand for travel and enhance the level of self-sufficiency within the sub-region.

c) Promote the development of a wide range of commercial facilities and services including major offices, retailing and a mix of entertainment, recreation and community facilities to meet the needs of the sub-regional community.

d) Facilitate the complimentary development of housing so as to enhance the vibrancy of the centre, improve the viability of businesses and provide a wider choice of accommodation within the district.

e) Promote a high degree of accessibility to and within the centre, for users of all modes of transport (bus, rail, private car, cycle and pedestrian) and to avoid fragmentation of commercial development.

f) Enhance pedestrian connectivity within the centre, so as to facilitate movement between sites and from public and private transport nodes.

g) Encourage mixed uses and complementary development within the centre so as to enhance the viability of business and the efficient use of facilities and services.

h) Ensure future development and re-development accords with activity centre design principles as referred to in State Planning Policy No. 4.2, providing an integrated, attractive, safe and vibrant focus for the community.

i) Ensure car parking and access facilities do not disrupt the continuity of development or reduce pedestrian connectivity within the centre.

j) Ensure development and re-development within the centre affords appropriate recognition of heritage values and the character of existing streetscapes, with reference to scale, form and design.

Note:

1. The development and use of land within the Midland Strategic Regional Centre zone shall be in accordance with Schedule 15 of LPS17 and the approved Midland Activity Centre Structure Plan. AMD 119 GG 15/7/17

4.2.2 General Commercial Zone

The objectives of the General Commercial Zone are to –

a) encourage those uses necessary to provide convenience shopping of the lower order outside the Strategic Regional Centre;

b) avoid development of land for any purposes or in any manner likely to compromise development of the Strategic Regional Centre or the efficient distribution of commercial services within the district;

c) ensure development provides a high level of visual attraction at street level, and does not unduly detract from the visual amenities of adjacent residential areas;

d) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the adjacent area;

e) promote the development of continuous commercial frontages and the integration of adjacent commercial development so as to facilitate pedestrian access to and within commercial areas;

f) enhance the amenities of the area and the development of a more sustainable environment through the use of complementary landscaping, including shade trees and stormwater recharge facilities.

4.2.3 Highway Service Zone

The objectives of the Highway Service Zone are to –

a) secure the development of low intensity commercial uses along selected major arterial roads outside the Strategic Regional Centre which can benefit from the high exposure offered by the major traffic thoroughfares; and car based comparison shopping for bulky goods;

b) ensure commercial activity within the zone is complementary to development in other commercial zones and does not detract from the viability or integrity of development in either the Strategic Regional Centre or the Commercial zones;

c) ensure development contributes towards the image of the city through high quality design and development with consistent and well landscaped setbacks from street frontages;

d) promote shared use of vehicular access and car parking facilities where such arrangements will result in improved traffic management, more efficient use of land and more attractive development;

e) ensure car parking and vehicular access facilities are located, designed and landscaped so as not to detract from the amenities of the road frontages or of adjacent development;

f) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the road frontages or of adjacent development.

4.2.4 Light Industrial Zone

The objectives of the Light Industrial Zone are to –

a) provide for a range of generally small scale industrial development, which exhibit a relatively high standard of design and environmental performance in terms of amenity, noise, emissions and generation of vehicular traffic, and which can be expected to be compatible with any adjacent urban and rural areas;

b) ensure development within the zone is complementary to development in other zones and to avoid development of land for any purposes or in any manner which would detract from the viability or integrity of development in either the Strategic Regional Centre or the Commercial zones;

c) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the road frontages or of adjacent development.

4.2.5 General Industrial Zone

The objectives of the General Industrial Zone are to –

a) provide for a range of generally larger scale industrial development, including manufacturing, servicing, storage and distribution;

b) ensure development within the zone is complementary to development in other zones and to avoid development of land for any purposes or in any manner which would detract from the viability or integrity of development in either the Strategic Regional Centre or the Commercial zones;

c) ensure any on-site advertising is integrated with the overall site development and does not detract from the amenities of the road frontages or of adjacent development;

d) ensure environmental performance of industry, does not detract from the amenity of adjacent sensitive areas and conforms with any relevant environmental standards applicable to the neighbourhood.

4.2.6 Industrial Development Zone

The objectives of the Industrial Development Zone are to –

a) provide for the coordinated development of future industrial areas through the application of a comprehensive plan to guide subdivision and development to be known as a “Structure Plan”;

b) ensure that the coordinated provision of infrastructure, and the equitable sharing of service costs associated with the subdivision and development of industrial land;

c) avoid the premature development of land for any purposes likely to compromise development elsewhere in the district or prejudice the future development of land in the Industrial Development zone for more appropriate purposes;

d) protect the amenity of adjacent property owners as well as providing a safe, efficient and predictable context for future industrial development.

4.2.7 Residential Zone

The objectives of the Residential Zone are to –

a) provide for a range of forms and densities of residential development to meet the needs of the wide variety of households which make up the community;

b) promote a residential environment in each locality consistent with the form and density of residential development permissible in the locality, so as to enhance a sense of place and community identity;

c) preserve and enhance those characteristics which contribute towards residential amenity, and to avoid those forms of development which have the potential to prejudice the development of a safe and attractive residential environment;

d) provide for a limited range of ancillary development compatible with the form and density of residential development, and complementary to the needs of local communities, but which will not compromise residential amenity;

e) avoid development of land for any purpose or in any manner that would detract from the viability or integrity of development in either the Strategic Regional Centre or the Commercial zones.

4.2.8 Residential Development Zone

The objectives of the Residential Development Zone are to –

a) provide for the coordinated development of future residential areas through the application of a comprehensive plan to guide subdivision and development to be known as a “Structure Plan”;

b) provide for predominantly residential development, but including also a range of compatible services, consistent with the needs of an integrated neighbourhood, and planned so as to minimise adverse impacts on amenity;

c) avoid the development of land for any purposes or at a time when it is likely to compromise development elsewhere in the district or prejudice the future development of land in the Residential Development zone for more appropriate purposes;

d) take account of the need to protect the amenity and on-going use of adjacent property owners as well as to provide for the needs of future residents.

4.2.9 Residential Redevelopment Zone

The objectives of the Residential Redevelopment zone are to –

a) identify existing residential areas with significant redevelopment potential for residential purposes, for which comprehensive planning is required in order to ensure a coordinated approach to the subdivision and development of land and upgrading infrastructure;

b) provide for the coordinated redevelopment of existing residential areas through the application of a comprehensive plan to guide subdivision and development to be known as an ‘Outline Development Plan’; and

c) avoid the subdivision or development of land for any purposes that are likely to prejudice or compromise the future coordinated development of the land, until such time as an Outline Development Plan has been finalized for the subject areas and sufficient provisions are in place to facilitate equitable contributions from landowners to the provision of infrastructure

4.2.10 Rural-Residential Zone

The objectives of the Rural-Residential zone are to –

a) provide for low density residential development and associated rural-residential activities in comprehensively planned estates;

b) recognise the environmental characteristics of the landscape, including landform, water resources, remnant vegetation, and native fauna, and to ensure as far as practicable, that these characteristics are not compromised by development and use of the land;

c) encourage the rehabilitation of degraded areas through selected replanting of indigenous flora, and the creation and enhancement of habitat for indigenous fauna.

4.2.12 Special Rural Zone

The objectives of the Special Rural Zone are to –

a) provide for small rural lot subdivision and development in selected locations to accommodate such uses as hobby farms, horse breeding and training, rural-residential retreats and small-scale intensive horticulture;

b) recognise the environmental characteristics of the landscape, including landform, water resources, remnant vegetation, and native fauna, and to ensure as far as practicable, that these characteristics are not compromised by development and use of the land;

c) encourage the rehabilitation of degraded areas through selected replanting of indigenous flora, and the creation and enhancement of habitat corridors for indigenous fauna.

4.2.13 Swan Valley Rural Zone

The objectives of the Swan Valley Rural Zone are to –

a) promote the core area of the Swan Valley primarily as a horticultural, recreational, tourism and landscape resource;

b) provide for limited rural living within the Swan Valley, subject to locational, design and landscaping requirements to enhance the character and amenity of the valley and to ensure compatibility with productive rural activities;

c) recognise the occurrence of high quality horticultural soils and scarce plastic clays and to protect these resources from development which would jeopardise their current and future use;

d) ensure that the development and use of land accords with the planning objectives for Area B as specified in the *Swan Valley Planning Act (2005).*

4.2.14 Rural Living Zone

The objectives of the Rural Living Zone are to –

a) encourage a wide range of uses, including rural residential activities that are compatible with the maintenance of the rural character of the area;

b) encourage viticulture and horticulture and the protection and enhancement of the natural environment;

c) ensure that the development and use of land accords with the planning objectives for Area C as specified in the *Swan Valley Planning Act (1995)*.

4.2.15 Resource Zone

The objectives of the Resource Zone are to –

a) provide for the extraction of basic raw materials with proper environmental safe guards;

b) protect resources of basic raw materials from inappropriate development.

4.2.16 Landscape Zone

The objectives of the Landscape Zone are to –

a) provide for low density rural residential development and associated rural-residential activities, recognizing the visual characteristics of the landscape;

b) ensure as far as practicable, that the environmental and landscape characteristics of the area are not compromised by development and use of the land for either rural or residential purposes;

c) encourage the rehabilitation of degraded areas through selected replanting of indigenous flora.

4.2.17 General Rural Zone

The objectives of the General Rural Zone are to –

a) facilitate the use and development of land for a range of productive rural activities, which will contribute towards the economic base of the region;

b) provide for a limited range of compatible support services to meet the needs of the rural community, but which will not prejudice the development of land elsewhere which is specifically zoned for such development;

c) ensure the use and development of land does not prejudice rural amenities, and to promote the enhancement of rural character;

d) ensure that development and land management are sustainable with reference to the capability of land and the natural resource values.

4.2.18 Private Clubs & Institutions Zone

The objectives of the Private Clubs & Institutions Zone are to –

a) facilitate the use and development of land for a range of uses associated with private clubs & institutions, including but not limited to private schools, sporting clubs and places of worship.

b) encourage the use of land in a manner that does not impact upon the amenity of surrounding residents (where applicable) and that is compatible with surrounding land use.

4.2.19 Special Use Zone (see Schedule 4)

The objectives of the Special Use Zones are to –

a) provide for specific uses or combination of uses in circumstances where the uses have particular locational and developmental requirements for which a generic zoning is unsuitable;

b) facilitate the development of strategically important facilities that cannot be satisfactorily provided for within any of the generic zones, and to ensure compatibility with adjacent development.

Note: The Special Use Zones are not shown in the Zoning Table as it only occurs as a result of points a) and b) above. Every Special Use Zone could have different uses and a tabulated cross-referencing of use classes against zones is not applicable.

4.3 ZONING TABLE

	Strategic Regional Centre*	Commercial / Industrial					Residential			Rural							Other
ZONES **USE CLASSES**	**Midland Strategic Regional Centre**	**General Commercial**	**Highway Service**	**Light Industrial**	**General Industrial**	**Industrial Development***	**Residential**	**Residential Development***	**Residential Redevelopment**	**Rural-Residential***	**Special Rural ***	**Swan Valley Rural**	**Rural Living**	**Resource**	**Landscape***	**General Rural**	**Private Clubs & Institutions**
Aged or Dependent Persons Dwelling	Development and use of land to be in accordance with the Midland Strategic Regional Centre zoning table – refer to Schedule 15"	X	X	X	X	Development and use of land is to be in accordance with an approved Structure Plan	D	Development and use of land is to be in accordance with an approved Structure Plan	A	X	Refer to Schedule 11	X	X	X	X	X	D
Agriculture - Extensive		X	X	X	X		X		X	D		D	P	P	D	P	X
Agriculture - Intensive		X	X	X	X		X		X	D		P	P	D	A	P	X
Agroforestry		X	X	X	X		X		X	D		P	P	P	D	P	X
Amusement Parlour		D	X	X	X		X		X	X		X	X	X	X	X	X
Ancillary Accommodation		X	X	X	X		D		A	D		D	D	D	D	D	X
Animal Establishment		X	X	D	P		X		X	X		X	X	D	X	D	X
Animal Husbandry - Intensive		X	X	X	X		X			X		X	X	X	X	D	X
Bed and Breakfast		DELETED										BY AMD 231 GG 16/12/2025					
Betting Agency		P	X	D	D		X		X	X		X	X	X	X	X	X
Cabin or Chalet		DELETED										BY AMD 231 GG 16/12/2025					
Camping Area		X	X	X	X		X		X	D		D	X	X	D	D	X
Car Park		P	D	D	D		X		X	X		X	D	X	X	X	D
Caravan Park		X	X	X	X		X		X	X		X	X	X	X	X	X
Caretaker's Dwelling		D	D	D	D		D		X	X		D	D	D	D	D	D
Child Care Premises		P	X	X	X		D		X	X		X	X	X	X	X	D
Cinema/Theatre		P	X	X	X		X		X	X		X	X	X	X	X	X
Civic Use		X	X	X	X		D		X	X		X	D	X	X	D	D
Club Premises		P	X	X	X		X		X	A		D	D	X	X	D	D
Community Purpose		P	D	X	X		D		X	D		D	D	X	A	D	D
Consulting Rooms		P	D	X	X		D		X	X		X	X	X	X	X	X
Convenience Store		D	X	X	X		X		X	X		X	X	X	X	X	X
Corrective Institution		X	X	X	A		X		X	X		X	X	X	X	A	X

	Strategic Regional Centre*	Commercial / Industrial					Residential			Rural							Other
ZONES **USE CLASSES**	**Midland Strategic Regional Centre**	**General Commercial**	**Highway Service**	**Light Industrial**	**General Industrial**	**Industrial Development***	**Residential**	**Residential Development***	**Residential Redevelopment**	**Rural-Residential***	**Special Rural ***	**Swan Valley Rural**	**Rural Living**	**Resource**	**Landscape***	**General Rural**	**Private Clubs & Institutions**
Educational Establishment	Development and use of land to be in accordance with the Midland Strategic Regional Centre zoning table – refer to Schedule 15"	D	D	D	P	Development and use of land is to be in accordance with an approved Structure Plan	D	Development and use of land is to be in accordance with an approved Structure Plan	X	X	Refer to Schedule 11	X	D	X	X	D	A
Equestrian Facility		X	X	X	X		X		X	A		X	A	X	A	A	A
Exhibition Centre		P	X	X	X		X		X	X		D	A	X	X	D	A
Family Day Care		X	X	X	X		P		P	P		P	P	P	P	P	P
Fast Food Outlet		P	D	X	X		X		X	X		X	X	X	X	X	X
Food and Beverage Production *AMD 176 GG 16/06/2020*		D	X	D	X		X		X	A		D*C1	X	X	A	D	X
Fuel Depot		X	X	D	P		X		X	X		X	X	D	X	X	X
Funeral Parlour		P	P	P	P		X		X	X		X	X	X	X	X	X
Garden Centre		D	D	D	D		X		X	D		D	D	D	X	D	X
Grouped Dwelling		X	X	X	X		D		X	A		A	A	X	X	A	D
Home Business		X	X	X	X		D		D	D		D	D	D	D	D	D
Home Occupation		X	X	X	X		P		P	P		P	P	P	P	P	P
Home Office		X	X	X	X		P		P	P		P	P	P	P	P	P
Home Store		X	X	X	X		A		X	X		X	X	X	X	X	X
Hospital		X	X	X	X		X		X	X		X	X	X	X	A	A
Hosted Short-term Rental Accommodation *AMD 231 GG 16/12/2025*		X	X	X	X		P		P	P		P	P	P	P	P	P
Hotel		A	X	X	X		X		X	X		A	X	X	X	X	X
Industry - Cottage		X	P	P	D		X		X	D		D	D	D	D	D	X
Industry - Extractive		X	X	X	X		X		X	X		A	A	P	A	D	X
Industry - General		X	X	X	P		X		X	X		X	X	X	X	X	X
Industry - Light		X	D	P	D		X		X	X		X	X	X	X	X	X
Industry - Mining		X	X	X	X		X		X	X		A	A	D	A	D	X
Industry – Noxious		X	X	X	X		X		X	X		X	X	X	X	X	X
Industry - Rural		X	X	X	D		X		X	X		D	X	D	X	D	X

	Strategic Regional Centre*	Commercial / Industrial					Residential			Rural							Other
ZONES **USE CLASSES**	**Midland Strategic Regional Centre**	**General Commercial**	**Highway Service**	**Light Industrial**	**General Industrial**	**Industrial Development***	**Residential**	**Residential Development***	**Residential Redevelopment**	**Rural-Residential***	**Special Rural ***	**Swan Valley Rural**	**Rural Living**	**Resource**	**Landscape***	**General Rural**	**Private Clubs & Institutions**
Industry - Service	Development and use of land to be in accordance with the Midland Strategic Regional Centre zoning table – refer to Schedule 15"	X	P	P	D	Development and use of land is to be in accordance with an approved Structure Plan	X	Development and use of land is to be in accordance with an approved Structure Plan	X	X	Refer to Schedule 11	X	X	X	X	X	X
Lunch Bar		P	X	D	D		X		X	X		X	X	X	X	X	X
Marine Filling Station		X	X	D	D		X		X	X		X	X	X	X	X	X
Market		D	X	X	X		X		X	X		A	X	X	X	X	A
Medical Centre		P	D	X	X		X		X	X		X	X	X	X	X	X
Motel		DELETED										BY AMD 231 GG 16/12/2025					
Motor Vehicle Repair		X	X	D	P		X		X	X		X	X	X	X	X	X
Motor Vehicle Wash		P	P	P	P		X		X	X		X	X	X	X	X	X
Motor Vehicle, Boat or Caravan Sales		P	P	P	P		X		X	X		X	X	X	X	X	X
Multiple Dwelling		X	X	X	X		D		X	X		X	X	X	X	X	D
Night Club		P	X	X	X		X		X	X		X	X	X	X	X	X
Office		P	X	X	X		X		X	X		X	X	X	X	X	D
Place of Assembly		D	X	X	D		X		X	X		D	D	X	X	D	D
Place of Worship *AMD 176 GG 16/06/2020*		X	X	D	D		D		X	D		X	D	X	X	D	D
Radio & TV Installation Private		P	P	P	P		P		P	P		P	P	P	P	P	P
Reception Centre		P	X	X	X		X		X	X		A	X	X	A	X	A
Recreation - Private		D	D	D	D		X		X	D		D	D	X	X	D	D
Recreation - Public		P	P	P	P		D		X	D		D	P	A	X	P	P
Residential Building		X	X	X	X		A		X	X		X	D	X	X	X	X
Restaurant *AMD 176 GG 16/06/2020*		P	X	X	X		X		X	A		D*[C1]	A	X	A	D	A
Restricted Premises		A	X	X	X		X		X	X		X	X	X	X	X	X
Roadhouse *AMD 176 GG 16/06/2020*		X	X	X	X		X		X	X		X	X	X	X	D	
Rural Pursuit		X	X	X	X		X		X	D		D	D	P	A	P	X
Service Station		A	A	X	X		X		X	X		X	X	X	X	X	X
Shop		P	X	X	X		X		X	X		X	X	X	X	X	X

	Strategic Regional Centre*	Commercial / Industrial					Residential			Rural							Other
ZONES **USE CLASSES**	**Midland Strategic Regional Centre**	**General Commercial**	**Highway Service**	**Light Industrial**	**General Industrial**	**Industrial Development***	**Residential**	**Residential Development***	**Residential Redevelopment**	**Rural-Residential***	**Special Rural ***	**Swan Valley Rural**	**Rural Living**	**Resource**	**Landscape***	**General Rural**	**Private Clubs & Institutions**
Showroom	Development and use of land to be in accordance with the Midland Strategic Regional Centre zoning table – refer to Schedule 15"	P	P	X	X	Development and use of land is to be in accordance with an approved Structure Plan	X	Development and use of land is to be in accordance with an approved Structure Plan	X	X	Refer to Schedule 11	X	X	X	X	X	X
Single Bedroom Dwelling		X	X	X	X		D		X	X		X	X	X	X	X	X
Single House		X	X	X	X		P		P	P		P	P	P	P	P	P
Storage		D	D	P	P		X		X	X		X	X	X	X	X	X
Tavern *AMD 176 GG 16/06/2020*		A	A	A	A		X		X	X		A*C1	X	X	X	X	X
Telecommunications Infrastructure		D	D	D	D		X		X	D		D	D	D	D	D	D
Tourist Facilities		DELETED										BY AMD 231 GG 16/12/2025					
Tourist and Visitor Accommodation *AMD 231 GG 16/12/2025*		A	X	X	X		X		X	A		A	A	X	A	A	A
Trade Display		D	P	P	P		X		X	X		X	X	X	X	D	X
Transport Depot *AMD 40 GG 09/12/11*		D	D	X	P		X		X	X		X	X	A	X	X	X
Unhosted Short-term Rental Accommodation *AMD 231 GG 16/12/2025*		X	X	X	X		A		A	A		A	A	A	A	A	A
Vehicle Wrecking		X	X	X	P		X		X	X		X	X	X	X	X	X
Veterinary Centre		D	D	D	P		X		X	D		A	D	X	X	D	X
Warehouse		P	P	P	P		X		X	X		X	X	X	X	X	X
Winery		X	X	X	A		X		X	A		A	A	X	A	A	A

* - Denotes that Part 5A - Structure Planning Areas applies to land in these zones.

**C1: This sub-symbol means that the use is not permitted on a premises unless carried out in conjunction with an Agriculture-Intensive and/or Winery use. The conditions of this sub-symbol must be complied with in order for the parent symbol to be used.* *AMD 176 GG 16/06/2020*

Note:
1. Where a structure plan applies to the land the determination of applications involving the exercise of discretion in the Residential Development and Industrial Development Zones is subject to the provisions of Clause 5A.1.3.1.
2. Prior to a structure plan coming into effect applications for development in the Residential Development and Industrial Development Zones are subject to the provisions of Clause 5A.1.4.2.
3. Notwithstanding that a use may be designated as a permitted use, where land is located within a Special Control Area, the provisions of Part 6 of the scheme may result in the use being subject to the discretion of the local government.

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the permissibility of uses in the Scheme area in the various zones. The permissibility of any uses 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.

4.3.2 The symbols used in the cross-reference in the Zoning Table have the following meanings –

'P' means that the use is permitted by the Scheme provided the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

'X' means a use that is not permitted by the Scheme.

4.3.3. Notwithstanding any provisions to the contrary under the scheme, a change in the use of land from one use to another is permitted without any requirement for planning approval, if:

a) the change is to a use within the same use class which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and requirements applicable under the Scheme including any requirements applicable under any current planning approval pertaining to the land and the change of use is not accompanied by and does not involve any building or other development work; or

b) the change is to an incidental use that does not change the predominant use of the land, and complies with all the relevant development standards and requirements applicable under the Scheme including any requirements applicable under any current planning approval pertaining to the land.

4.3.4 A proposal to commence or carry out development involving a 'P' use which is not a proposal for a change in the use of land under the preceding clause requires planning approval: where an application is made for planning approval of any development involving a 'P' use, the local government shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that the local government may in its discretion impose conditions upon the approval to commence or carry out the use, and if the application proposes or necessarily involves any building or other work the local government upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.

Note: 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.

3. The local government must refuse to approve any 'X' use of land.

4.4. INTERPRETATION OF THE ZONING TABLE

4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use class the local government may –

a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or

c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 ADDITIONAL USES

Despite anything contained in the Zoning Tables, the land specified in Schedule 2 may be used for the specific use or uses that are listed in additional to any uses permissible under the Zoning Tables in the zones in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land. *AMD 119 GG 15/7/19*

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permitted or permissible in the zone that applies to the land.

4.6 RESTRICTED USES

Despite anything contained in the Zoning Tables, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is/are permitted on a specific portion of land and other uses that would otherwise be permitted or permissible in the zone are not permitted.

4.7 SPECIAL USE ZONES

4.7.1 Special Use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: 1. Special Use zones apply to special categories of land use that do not comfortably sit within any other zone in the Scheme.

2. The provisions of Part 5A - Structure Planning Areas apply to those Special Use Zones for which a structure plan is required as a condition of subdivision or development.

4.8 NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent –

(a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;

(b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current but where use of the land for the permitted purpose had not commenced prior to the gazettal date; or

(c) subject to clause 11.2.2, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the Planning Act and includes houses, buildings and other works and structures.

4.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

4.9.1. A person must not –

a) alter or extend a non-conforming use;

b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

4.9.2. An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

4.10 DISCONTINUANCE OF NON-CONFORMING USE

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11 TERMINATION OF A NON-CONFORMING USE

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Part 11, Division 4 of the Planning Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.

4.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

PART 5 — GENERAL DEVELOPMENT REQUIREMENTS

Note: This part includes the general requirements for development in all zones, and should be read in conjunction with the specific provisions applicable to certain zones under Part 6, Special Control Areas and any specific provisions applicable to individual sites.

5.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

5.1.1 Any development of land is to comply with provisions of the Scheme and have due regard for any relevant planning policies effective under the Scheme.

5.1.2 Unless otherwise specified in the Scheme, development requirements shall be determined by Council having regard to any relevant local planning policies adopted under the Scheme.

5.2 RESIDENTIAL DESIGN CODES

5.2.1 A copy of the *Residential Design Codes* is to be kept and made available for public inspection at the offices of the local government.

5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the *Residential Design Codes* is to conform with the provisions of those Codes. The Codes are to have effect in the Scheme as contemplated by section 77(2) of the *Planning and Development Act, 2005*.

5.2.3 The *Residential Design Codes* density applicable to land within the Scheme area is to be determined by reference to the *Residential Design Codes* density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a *Residential Design Code* density, as being contained within the area defined by the centre-line of those borders.

5.2.4 Notwithstanding the provisions of the Residential Design Codes, within a dual coded area, when considering an application for approval of a residential development, or a residential built strata application, and when making recommendations to the Commission in respect of a subdivision for 'Residential' zoned land, within a dual coded area, the Council is to apply the base density code, but may increase the density in excess of the base code and up to the maximum of the highest code designated for the site after having regard to the provisions of Clause 5.2.5.

AMD 92 GG 23/10/15

5.2.5 In a dual coded area, when considering an application for development approval or a built strata approval which involves more than two grouped dwellings or more than two multiple dwellings on a lot, or when making recommendations to the Commission in respect of a subdivision application for 'Residential' zoned land that proposes more than two lots, in any of those cases, where there is a proposal to apply a density code above the base code as provided in Clause 5.2.4, the following provisions shall apply:

a) the lot the subject of the application must have a total lot area greater than 1300m^2; and

b) where the application proposes more than four grouped dwellings and/or four multiple dwellings or more than four strata lots, or where the subdivision or survey strata subdivision application proposes to create more than four lots, at least one dwelling or lot must be provided as a single bedroom dwelling or as an aged or dependant persons dwelling. *AMD 92 GG 23/10/15*

5.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

5.3.1 The Council may consider an application for the development within that part of the Guildford Conservation Precinct, with a *Residential Design Codes* designation of R5 of a single dwelling on a lot which does not comply with the requirements of the minimum land area per dwelling and may grant approval with or without conditions or may refuse the application.

5.3.2 The Council may consider an application for the reinstatement within any Conservation Precinct of any grouped dwelling development which has been accidentally destroyed, notwithstanding that the proposed works do not comply with the *Residential Design Codes* requirements for the minimum area of land per dwelling.

5.4. RESTRICTIVE COVENANTS

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the *Residential Design Codes* which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited, unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

5.5.1 Except for development in respect of which the *Residential Design Codes* apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to –

a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and

b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that –

a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and

b) without affecting the generality of a), the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.6 ENVIRONMENTAL CONDITIONS

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

5.6.3 The local government is to –

a) maintain a register of all relevant statements published under sections 48F and 48G of the *Environmental Protection Act, 1986*; and

b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act 1986.

5.7 SWAN VALLEY PLANNING ACT

5.7.1 For the purposes of this scheme 'Swan Valley Planning Act' means the *Swan Valley Planning Act 1995*.

5.7.2 A copy of the Swan Valley Planning Act shall be kept and made available for public inspection at the offices of the City of Swan.

5.7.3 In this clause (5.7) the term 'Swan Valley' has the same meaning as is given to it in Section 3 of the Swan Valley Planning Act.

5.7.4 The Swan Valley may be depicted on the Scheme Map by the authority of this subclause by a solid black line for convenience of reference.

5.8 TELECOMMUNICATIONS INFRASTRUCTURE

5.8.1 When considering an application for planning approval for Telecommunications Infrastructure, the Council shall have regard to any relevant planning policy adopted by the Council pursuant to clause 2.4, WAPC State Planning Policy 5.2 (Telecommunications Infrastructure), any other relevant State Planning Policy and to the following objectives:

a) to encourage co-location as a means of preventing unnecessary proliferation and duplication of such infrastructure;

b) to minimise the visual impact of such infrastructure on the surrounding locality; and

c) to prevent ad-hoc development of such infrastructure by requiring applicants to provide a report in accordance with the requirements of WAPC State Planning Policy 5.2 and any other relevant State Planning Policy and to demonstrate an industry-wide strategic approach to the location of such infrastructure throughout the City.

5.9 RE-USE OF DISUSED VEHICLES

5.9.1 Without affecting the generality of the other provisions of this Scheme dealing with the approval of the commencement of carrying out of any development, no person shall use store or allow to remain stationary for more than thirty days any disused vehicle, on any land in the Scheme Area without the prior Development Approval of the Council.

5.9.2 In considering an application made pursuant to paragraph (a), the Council shall have regard to:

a) the type, size and condition of the vehicle;

b) the potential of the vehicle to be located and modified, as necessary, so as to be complementary with its surroundings and any associated development;

c) the capability and suitability of the vehicle to be used for the purpose for which it is proposed to be used;

d) the purpose of the zone in which the vehicle is proposed to be located;

e) the provisions of clause 10.2 insofar as they are applicable;

f) any other matter which Council considers relevant whether or not of the same kind as the foregoing.

5.9.3 Notwithstanding the provisions of clause 5.5, the maximum number of disused vehicles that can be approved by the Council on any land owned or occupied as one parcel shall not exceed four (4) unless the land is an approved Salvage Yard, Transport Depot or Vehicle Wrecking Premises, as defined under the Scheme.

5.9.4 In addition to the requirement for Development Approval, no person shall place, park or otherwise locate, or permit or suffer the placing, parking or locating of one or more disused vehicles on any land within the Scheme Area unless a building licence has first been applied for and issued in respect thereof.

5.10 PARKING OF COMMERCIAL VEHICLES

AMD 40 GG 09/12/11

5.10.1 Subject to this clause, the parking or garaging of a commercial vehicle(s) on any land within the Scheme area requires the prior approval of the Council.

5.10.2 An application for the approval of the Council under this clause may be made on the form prescribed in Schedule 6.

5.10.3 This clause does not apply where the proposed parking or garaging of a commercial vehicle(s) —

a) occurs during the period that the commercial vehicle(s) is engaged in work on the lot on which it is parked or garaged (for example, harvesting or earthmoving on the lot);

b) is solely for the purpose of visiting the subject lot or the delivery or receiving of goods and is for a duration of no longer than 2 hours between 7am to 7pm in any 24 hour period for Residential zones and no longer than 5 hours in any 24 hour period for Rural zones;

c) is approved under this Scheme as a transport depot;

d) is considered to be ancillary to an approved use of the land upon which the commercial vehicle(s) is parked or garaged; or

e) is exempted from the need to obtain approval pursuant to Schedule 5.

5.10.4 The maximum number of commercial vehicles which may be parked or garaged on any lot within a particular zone as part of an approval under clause 5.10.1 is set out in Schedule 14.

5.10.5 An approval under this clause may only be granted where an occupier of the lot upon which the commercial vehicle(s) is to be parked is also.

a) the owner of; or

b) the driver of; or

c) the proprietor of a business which owns or operates, every commercial vehicle which is to be parked or garaged there.

5.10.6 The requirements of clause 5.10.4 and clause 5.10.5 are not capable of variation by clause 5.5 of the Scheme except in the following manner —

a) Council may vary the 'maximum number of motorised commercial vehicles' as stipulated in Column 3 of Schedule 14 by a maximum of one additional motorised commercial vehicle in each of the 'lot size' categories, provided that Council is of the opinion that the additional commercial vehicle —

(i) satisfies each of the criteria outlined within clause 5.10.5;
(ii) is sufficiently screened from view of the surrounding streets and adjacent properties; and
(iii) does not detrimentally impact on the character, safety or amenity of the surrounding locality.

b) Council may vary the 'maximum number of trailers designed to be attached to a motorised commercial vehicle', as stipulated in Column 4 of Schedule 14, if Council is of the opinion that additional trailers or other attachments —

(i) are only used by the applicant in conjunction with an approved motorised commercial vehicle(s) that is permitted to be parked on the subject lot;
(ii) are sufficiently screened from view of the surrounding streets and adjacent properties; and
(iii) do not detrimentally impact on the character of the surrounding locality.

Note: Approval will not be granted for the parking of restricted access vehicles (RAVs) unless the applicant can demonstrate approval has been granted from the relevant authority for the operation of these vehicles within the road network.

5.11 ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

AMD 195 GG 14/10/2025

5.11.1 The following Table sets out requirements relating to development that are additional to those set out in the R-Codes or other planning codes to be read as part of the scheme, precinct structure plans, local development plans of State or local planning policies.

No.	Description of Land	Requirement
ASR1	Portion of Lot 912 Midland Road, Bushmead as depicted on the Scheme Map. *AMD 195 GG 14/10/2025*	1) Prior to ground disturbing activities, a Local Water Management Report shall be prepared and approved in accordance with draft State Planning Policy 2.9 – Water and the Planning for Water Guidelines. The Local Water Management Report should be endorsed by the Department of Water and Environmental Regulation in consultation with the local government, to ensure that the groundwater and surface water management measures will maintain the existing environmental values of the site and Kadina Brook in particular. 2) Prior to ground disturbing activities, a Vegetation and Fauna Habitat Enhancement and Management Plan shall be prepared that is to be endorsed by the local government on advice from the Department of Water and Environmental Regulation, and the Department of Biodiversity, Conservation and Attractions.

No.	Description of Land	Requirement
		The Vegetation and Fauna Habitat Enhancement and Management Plan shall incorporate: a) The identification, detailed description and protection of existing significant vegetation, including: – Habitat for threatened species of Black Cockatoo; – Forrest field vegetation complex; – Identification of existing significant trees to be retained; and – Identification and delineation of the 'Threatened Ecological Community SCP 3c Corymbia calophylia (Marr) – Xanthorrhoea preissii' (SCP 3c TEC) core area within Lot 912; b) A detailed description of the intended management methodology for the described SCP 3c TEC reserve within Lot 912, including enhancement, controlling 'edge effects', weed control, bushfire management, public access, signage, habitat protection and sustainability targets; c) An assessment of each significant tree's health, growth habitat, structure, stability and pruning requirements; d) Retention of as many existing significant trees with hollows as possible; e) Activities to increase the ecological values of vegetation and fauna habitat, inlcuding foraging habitat for Black Cockatoos; f) An auditing and reporting program on the identified significant trees and SCP 3c TEC and contingency measures to be implemented, in the event that the significant trees and vegetation within the public open space local reservation are not achieving agreed survival and sustainability targets; and g) Identification of responsibilities and timeframes for implementing the management plan. 3) a) A structure plan for the site is to identify a foreshore reserve for the Kadina Brook in accordance with draft State Planning Policy 2.9 – Water and the Planning for Water Guidelines; and b) Prior to ground disturbing activities, a Kadina Brook Foreshore Management Plan shall be prepared and approved to ensure the protection and management of the sites environmental assets, with satisfactory arrangements being made for implementation of the approved plan. The Foreshore Management Plan is to be endorsed by the local government on advise from the Department of Water and Environmental Regulation, and the Department of Biodiversity, Conservation and Attractions.

5.11.2 To the extent that a requirement referred to in subclause 5.11.1 is inconsistent with a requirement in the R-Codes or other planning code to be read as part of the scheme, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause 5.11.1 prevails.

PART 5A —STRUCTURE PLANNING AREAS

Note: This Part includes the procedures for preparation and approval of Structure Plans and Development Contribution Areas, as well as the application of structure plans in the Development zones, the Rural Residential zone, the Special Rural zone, the Landscape zone, the Midland Strategic Regional Centre zone and other areas in which structure plans are required.

5A.1 STRUCTURE PLANNING AREAS

5A.1.1 Interpretation

In this part, unless the context otherwise requires:

'Detailed Area Plan' means a plan prepared and adopted pursuant to clause 5A.1.16 of this Part;

'owner' means an owner or owners of land in the Structure Planning Area; and

'structure plan' means a structure plan that has come into effect in accordance with clause 5A.1.12 and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the previous town planning scheme of the local government, where applicable to a structure planning area.

'structure planning area' means any of the following:

a) Residential Development zone;

b) Residential Redevelopment zone;

c) Industrial Development zone;

d) Rural-Residential zone, Special Rural zone or Landscape zone;

e) Midland Strategic Regional Centre zone; *AMD 119 GG 15/7/19*

f) any of the Special Use zones for which a structure plan is required as a condition of subdivision or development.

5A.1.2 Purpose of Structure Planning Areas

5A.1.2.1 The purposes of Structure Planning Areas are to:

(a) identify areas requiring comprehensive planning; and

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

5A.1.3 Subdivision and Development in Structure Planning Areas

5A.1.3.1 The subdivision and development of land within a Structure Planning Area is to be generally in accordance with any structure plan that applies to that land.

5A.1.4 Structure Plan required

5A.1.4.1 The local government is not to:

(a) consider recommending subdivision; or

(b) approve development

of land within a Structure Planning Area unless there is a structure plan for the area or for the relevant part of that area that adequately defines the comprehensive planning detail required to guide orderly subdivision and development for urban land use.

Note: In the absence of a structure plan for the whole of the Structure Planning Area, a structure plan for part of the area is to accord with the requirements of clause 5A.1.5.2

5A.1.4.2 Notwithstanding clause 5A.1.4.1, a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Structure Planning Area.

5A.1.4.3 Where a proposed Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or the *Residential Design Codes*, and such Proposed Structure Plan requires the preparation of a Development Contribution Plan, the proposed Structure Plan may only be adopted if the subject area is listed in Schedule 13 of the Scheme as a Development Contribution Area.

5A.1.4.4 Where building envelopes are depicted on a Structure Plan, all buildings and effluent disposal facilities shall be located within the building envelopes shown on those plans.

5A1.4.5 Notwithstanding the provisions of sub-clause 5A.1.4.4, Council may approve the construction of the following structures outside of building envelopes:

(a) water tanks;

(b) windmills;

(c) stock watering and feed troughs; and

(d) roofed structure open on all sides for the purpose of providing shelter to animals.

5A.1.5 Preparation of proposed structure plans

5A.1.5.1 A proposed structure plan may be prepared by:

(a) the local government; or

(b) an owner.

5A.1.5.2 A proposed structure plan may be prepared for all, or part of, a Structure Planning Area.

5A.1.6 Details of proposed structure plan

5A.1.6.1 A proposed structure plan is to contain the following details:

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

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

(i) landform, topography and land capability;
(ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
(iii) hydro geological conditions, including approximate depth to water table;
(iv) sites and features of Aboriginal and European heritage value;

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

(i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
(ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
(iii) existing and future land use;

(d) for district structure plans, a map showing proposals for:

(i) the pattern of neighbourhoods around town and neighbourhood centres;
(ii) arterial routes and neighbourhood connector streets;
(iii) the protection of natural features such as water courses and vegetation;
(iv) major open spaces and parklands;
(v) major public transport routes and facilities;
(vi) the pattern and disposition of land uses; and
(vii) schools and community facilities;

(e) for local structure plans, a map showing proposals for:

(i) neighbourhoods around proposed neighbourhoods and town centres;
(ii) existing and proposed commercial centres;
(iii) natural features to be retained,
(iv) street block layouts;
(v) the street network including street types;
(vi) transportation corridors, public transport network, and cycle and pedestrian networks;
(vii) land uses including residential densities and estimates of population;
(viii) schools and community facilities;
(ix) public parklands; and
(x) urban water management areas;

Note: Local Structure Plans may be applied as a basis for coordination of subdivision and development at the local level, and may be applied to residential, rural or industrial estates or to areas in fragmented ownership where there is a need for coordination of development and/or subdivision

(f) a written report to explain the mapping and to address the following:

(i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
(ii) the site analysis including reference to the matters listed in clause 5A.1.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
(iii) the context analysis including reference to the matters listed in clause 5A.1.6.1 (c) above;
(iv) how planning for the structure plan area is to be integrated with the surrounding land;
(v) the design rationale for the proposed pattern of subdivision, land use and development;
(vi) traffic management and safety;
(vii) parkland provision and management;
(viii) urban water management;
(ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
(x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development; and
(xi) fire risk management.

5A.1.6.2 The maps referred to in clause 5A.1.6.1 are to:

(a) be drawn to a scale that clearly illustrates the details referred to in clause 5A.1.6.1; and

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

5A.1.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones and the *Residential Design Codes* residential density coding, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones and Residential Design Codes residential density coding when recommending subdivision or approving development of land within a Structure Planning Area.

5A.1.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

5A.1.7 Submission to local government and Commission

5A.1.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

5A.1.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

5A.1.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

5A.1.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

5A.1.8 Advertising of structure plan

5A.1.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5A.1.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:

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

(i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
(ii) a sign or signs displaying notice of the proposed structure plan erected in a conspicuous place or places in the Structure Planning Area, or part of the Structure Planning Area, to which the proposed structure plan applies; and

(b) give notice or require the owner who submitted the proposed structure plan or requested its preparation by the local government to give notice, in writing to:

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

5A.1.8.2 The advertisement and notice are to:

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

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

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

5A.1.9 Adoption of proposed structure plan

5A.1.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to:

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

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

5A.1.9.2 (a) In making a determination under clause 5A.1.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

(b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 5A.1.9.1.

5A.1.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may:

(a) readvertise the proposed structure plan; or

(b) require the owner who submitted the proposed structure plan to re-advertise the proposed structure plan;

and thereafter, the procedures set out in clause 5A.1.8.1 onwards are to apply.

5A.1.9.4 If within the period referred to in clause 5A.1.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5A.1.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

5A.1.10 Endorsement by Commission

5A.1.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5A.1.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

5A.1.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

5A.1.10.3 The Commission is to notify the local government of its determination under clause 5A.1.10.2.

5A.1.11 Notification of structure plan

5A.1.11.1 As soon as practicable after adopting a proposed structure plan under clause 5A.1.9.1 and if clause 5A.1.10 applies, as soon as practicable after being notified of the Commission's decision under clause 5A.1.10.3, the local government is to forward a copy of the structure plan to:

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

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

5A.1.12 Operation of structure plan

5A.1.12.1 A structure plan comes into effect:

(a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5A.1.10.2; or

(b) on the day on which it is adopted by the local government under clause 5A.1.9.1 in all other cases.

5A.1.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

5A.1.12.3 Subject to clause 5A.1.12.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or the *Residential Design Codes* then:

(a) the provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the scheme; and

(b) the provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Planning Area.

5A.1.12.4 Without limiting the generality of clause 5A.1.12.3, under a Structure Plan:

(a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;

(b) the standards and requirements applicable to the zones and residential density code under the Scheme apply to the areas having corresponding designations under the Structure Plan, unless otherwise provided in a detailed area plan;

(c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and

(d) any provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

5A.1.12.5 A Structure Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements or standards which are only for guidance or such other purposes as stipulated in the Structure Plan.

5A.1.12.6 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or *Residential Design Codes* is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

5A.1.12.7 It is intended that the Infrastructure Cost sharing provisions in clause 5A.2 will ensure that the cost of providing infrastructure within a Structure Planning Area will be shared equitably between affected landowners. Consequently, it is intended that no claim for compensation for injurious affection will arise as a consequence of any provision in a Structure Plan or Detailed Area plan.

Note: Where the Scheme has been amended in such a way that a structure plan is no longer required for a particular area, any existing structure plan for that area will cease to have effect. It is intended that the Scheme will be amended by rezoning of the land or removal of reference to the requirements for a structure plan, upon the effective completion of subdivision and/or development within structure planning areas.

5A.1.13 Inspection of structure plan

5A.1.13.1 The structure plan and the Commission's notification under clause 5A.1.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

5A.1.14 Variation to structure plan

5A.1.14.1 The local government may vary a structure plan:

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

(b) otherwise, in accordance with the procedures set out in clause 5A.1.6 onwards.

5A.1.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

5A.1.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

5A.1.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 5A.1.14.3, the Commission is to determine whether to endorse the proposed variation.

5A.1.14.5 The Commission is to notify the local government of its determination under clause 5A.1.14.4.

5A.1.14.6 A variation to a structure plan by resolution comes into effect:

(a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5A.1.14.4; or

(b) on the day on which the local government resolves to make the variation under clause 5A.1.14.1(a).

5A.1.14.7 A variation to a structure plan otherwise than by resolution comes into effect in accordance with clause 5A.1.12.1 as if it were a structure plan.

5A.1.15 Detailed area plan

5A.1.15.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by:

(a) the local government; or

(b) an owner.

5A.1.15.2 A detailed area plan is intended to enhance, elaborate or expand the details or provisions contained in a Structure Plan for a particular lot or lots and may include details as to:

(a) building envelopes;

(b) distribution of land uses within a lot;

(c) private open space;

(d) services;

(e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;

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

(g) advertising signs, lighting and fencing;

(h) landscaping, finished site levels and drainage;

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

(j) special development controls and guidelines; and

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

5A.1.15.3 When a proposed detailed area plan is prepared under clause 5A.1.15.1, the local government is to:

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

(i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
(ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Structure Planning Area, or part of the Structure Planning Area, to which the proposed detailed area plan applies; and

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

(i) all owners whose land is included in the proposed detailed area plan;
(ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
(iii) such public authorities and other persons as the local government nominates.

5A.1.15.4 The advertisement and notice are to:

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

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

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

5A.1.15.5 The local government is to consider all submissions received and:

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

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

5A.1.15.6 If within 60 days of receiving a detailed area plan prepared under clause 5A.1.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 5A.1.15.5, the local government is deemed to have refused to approve the detailed area plan.

5A.1.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan and has effect as such.

5A.1.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 5A.1.14 onwards provided such variations do not prejudice the intention of any related structure plan.

5A.1.16 Applications for Review (Appeals)

5A.1.16.1 An owner who has submitted a proposed structure plan under clause 5A.1.7.1 may apply to review, under Part 14 of the Planning Act:

(a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 5A.1.8.1;

(b) any determination of the local government:

(i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
(ii) to require modifications to a proposed structure plan that are unacceptable to that owner.

5A.1.16.2 An owner who has submitted a detailed area plan in accordance with clause 5A.1.15 may apply to review, in accordance with Part 14 of the Planning Act, any discretionary decision made by the local government under clause 5A.1.15.

5A.1.17 Structure Plans and Other Instruments Adopted or Initiated Under Previous Scheme
AMD 13 GG 20/1/09

5A.1.17.1 Where, pursuant to the requirements of the former City of Swan Town Planning Scheme No. 9 (District Zoning Scheme) (the "previous scheme"), a Structure Plan, Outline Development Plan, Subdivision Guide Plan, Development Plan, Detailed Area Plan or any similar instrument (a "planning instrument") had been adopted and was operative at the date of gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Structure Plan under this Scheme.

5A.1.17.2 Where under the previous scheme the process of adopting a planning instrument had been commenced but was not complete at the date of gazettal of this Scheme, the steps in the process undertaken pursuant to the previous scheme shall be effective as if those steps were undertaken pursuant to this Scheme, and the remaining step or steps in the process necessary for the adoption of the planning instrument may be completed pursuant to this Scheme, as if the planning instrument were a Structure Plan under this Scheme.

5A.2 DEVELOPMENT CONTRIBUTION AREAS
AMD 44 GG 03/07/12

5A.2.1 Development Contribution Areas are shown on the Scheme Map as a DCA with a number and included in Schedule 13.

5A.2.2 In respect of a Development Contribution Area shown on the Scheme Map, the provisions applying to the Development Contribution Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5A.2.3 Interpretation

In clause 5A.2, unless the context otherwise requires—

'Administrative Costs' includes Administrative Items and such other costs as are reasonably incurred by the City for the preparation, maintenance and implementation of a Development Contribution Plan;

'Administrative Items' mean the administrative matters required to be carried out by or on behalf of the City in order to prepare, maintain and implement a Development Contribution Plan, including financing cost, accounting, planning, engineering, and any other professional services and all costs and expenses incurred by the City in relation to litigation in any Court, Tribunal or arbitration, whether incurred before or after the incorporation of the relevant DCP in Schedule 13;

'Cost Apportionment Schedule' means a schedule prepared and distributed in accordance with clause 5A.2.12;

'Cost Contribution' means the contribution to the cost of infrastructure and administrative costs;

'Development Contribution Area (DCA)' means an area shown on the scheme map as DCA with a number and included in Schedule 13;

'Development Contribution Plan (DCP)' means a development contribution plan prepared in accordance with the provisions of the Commission's policy on development contributions and the provisions of this Clause 5A.2 of the scheme and incorporated in Schedule 13 to this scheme;

'Development Contribution Plan Report' means a report prepared and distributed in accordance with clause 5A.2.12 of the Scheme;

'Infrastructure' means the standard infrastructure items (services and facilities set out in the Commission's policy on development contributions) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of the Commission's policy;

'Infrastructure Cost' means such costs as are reasonably incurred for the acquisition and/or construction of infrastructure; and

'Owner' means an owner of land that is located within a Development Contribution Area.

5A.2.4 **Purpose**

The purpose of having Development Contribution Areas is to—

a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;

b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the Development Contribution Area; and

c) coordinate the timely provision of Infrastructure.

5A.2.5 **Development Contribution Plan Required**

5A.2.5.1 A Development Contribution Plan is required to be prepared for each Development Contribution Area.

5A.2.5.2 Where a Development Contribution Area is prescribed in the Scheme, all owners within that Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Development Contribution Plan contained in Schedule 13.

5A.2.6 **When a Development Contribution Plan has effect**

5A.2.6.1 A Development Contribution Plan does not have effect under this Scheme until it has been incorporated in Schedule 13 as part of the Scheme.

5A.2.7 **Subdivision, Strata Subdivision, Survey Strata Subdivision and Development**

5A.2.7.1 The City shall not withhold its support for subdivision, strata subdivision or survey strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure.

5A.2.7.2 Notwithstanding clause 5A.2.6.1, the Commission or the City by a condition of subdivision or development approval or otherwise, may require an owner to make a Cost Contribution in accordance with a draft or proposed DCP or to enter into an agreement with the City for that purpose and such a condition or agreement may give effect to a draft or proposed DCP before it has been incorporated in Schedule 13 of the Scheme.

5A.2.8 **Guiding Principles for Development Contribution Plans**

The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles—

a) **Need and nexus**

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

b) **Transparency**

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

c) **Equity**

Development contributions should be levied from all developments within a Development Contribution Area, based on their relative contribution to need.

d) **Certainty**

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

e) **Efficiency**

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery costs.

f) **Consistency**

Development contributions should be applied uniformly across a Development Contribution Area and the methodology for applying contributions should be consistent.

g) **Right of consultation and review**

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

h) **Accountable**

There must be accountability in the manner in which development contributions are determined and expended.

5A.2.9 **Recommended content of Development Contribution Plans**

5A.2.9.1 The Development Contribution Plan is to specify—

(a) the Development Contribution Area to which the Development Contribution Plan applies;

(b) the infrastructure and administrative items to be funded through the Development Contribution Plan;

(c) the method of determining the Cost Contribution of each Owner; and

(d) a reference that the priority and timing for the provision of infrastructure is set out in the Cost Schedules and Capital Expenditure Plan.

5A.2.10 **Period of Development Contribution Plan**

5A.2.10.1 A Development Contribution Plan shall specify the period during which it is to operate.

5A.2.11 **Land excluded**

In calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided in that Development Contribution Area for—

a) roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads;

b) existing public open space;

c) government primary and secondary schools; and

d) such other land as is set out for this purpose in the Development Contribution Plan;

is to be excluded.

5A.2.12 **Development Contribution Plan Report and Cost Apportionment Schedule**

5A.2.12.1 Within 90 days of the Development Contribution Plan coming into effect, the City is to adopt and make available a Development Contribution Plan Report and Cost Apportionment Schedule to all owners in the Development Contribution Area.

5A.2.12.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

5A.2.12.3 The Development Contribution Plan Report and Cost Apportionment Schedule do not form part of the Scheme, but once adopted by the City they are subject to review as provided for under Clause 5A.2.13.2.

5A.2.13 **Cost Contributions based on estimates**

5A.2.13.1 The determination of infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

5A.2.13.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government —

(a) in the case of land to be acquired, in accordance with clause 5A.2.14; and

(b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure or liability on the relevant item of infrastructure or administrative costs has occurred.

5A.2.13.3 The City is to have such estimated costs independently certified by an appropriately qualified person whenever any estimate is first proposed or is amended and must make available such independent certification where requested to do so by an Owner.

5A.2.13.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government —

(a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and

(b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly. Such an agreement may stipulate that a Cost Contribution based on estimated costs may be revised when the costs are finally determined.

5A.2.13.5 Where an owner's cost contribution is adjusted under clause 5A.2.13.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

5A.2.13.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

5A.2.13.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined —

(a) by any method agreed between the local government and the owner; or

(b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government and Owner.

5A.2.14 **Valuation of land**

5A.2.14.1 Clause 5A.2.14 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure under the Development Contribution Plan.

5A.2.14.2 In clause 5A.2.14 —

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

'Valuer' means a licensed Valuer as defined in the *Land Valuers Licensing Act 1978* agreed by the City and the Owner, or where the City and the Owner are unable to reach agreement, a Valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

5A.2.14.3 If an Owner objects to a valuation made by the Valuer, the Owner may give notice to the City requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.

5A.2.14.4 If, following an initial valuation or a review, the Valuer's determination of the Value of the land is still not a figure acceptable to the owner, the Value is to be determined —

(a) by any method agreed between the City and the Owner; or

(b) if the City and the Owner cannot agree, either may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

5A.2.15 **Liability for Cost Contributions**

5A.2.15.1 An Owner is required to make a Cost Contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 5A.2.

5A.2.15.2 An Owner's liability to pay the Owner's Cost Contribution to the City arises on the earlier of —

(a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the Owner's land within the Development Contribution Area;

(b) the commencement of any development on the Owner's land within the Development Contribution Area;

(c) the approval of any strata plan by the City or Western Australian Planning Commission on the Owner's land within the Development Contribution Area; or

(d) the approval of a change or extension of use by the City on the Owner's land within the Development Contribution Area.

5A.2.15.3 Notwithstanding clause 5A.2.15.2, an Owner's liability to pay the Owner's cost contribution does not arise if the Owner commences —

(a) development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the Development Contribution Plan;

(b) a change of use where no development is proposed;

(c) a subdivision and/or development which is defined as 'public works' under the Public Works Act;

(d) development of Fencing and Retaining Walls;

(e) development of a Home Business, Home Occupation or a Home Office;

(f) development of Advertisement or Signage;

(g) the Parking of a Commercial Vehicle;

(h) development of a Land Sales Office;

(i) the Stock-piling or storing of earthwork material;

(j) development of Water Storage Tanks;

(k) Subdivision and Development solely within the portion of land that for whatever reason is outside a DCA boundary;

(l) Subdivision solely for the purpose of acquiring a truncation and/or to widen a road;

(m) Subdivision and Development solely for the purpose of acquiring and/or developing infrastructure listed in an approved Development Contribution Plan, or;

(n) any other forms of subdivision or minor or incidental development that does not have a connection (nexus) between the subdivision or development and the demand for the infrastructure included in the Development Contribution Plan.

5A.2.15.4 Where a Development Contribution Plan expires in circumstances contemplated by Clause 5A.2.10, an Owner's liability to pay the Owner's Cost Contribution under that Development Contribution Plan shall never the less continue in effect and in the event that no subsequent Development Contribution Plan comes into operation, an outstanding contribution of any owner shall be carried over by the City and be recovered at one of the times and in accordance with one of the processes provided for in Clause 5A.2.15.2.

5A.2.16 **Payment of Cost Contribution**

5A.2.16.1 The Owner, with the agreement of the City, is to pay the Owner's Cost Contribution by —

(a) cheque or cash;

(b) transferring to the City or a public authority land in satisfaction of the Cost Contribution;

(c) transferring or providing to the City or a public authority infrastructure works in satisfaction of the Cost Contribution;

(d) some other method acceptable to the local government; or

(e) any combination of these methods.

5A.2.16.2 The Owner, with the agreement of the City, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner acceptable to the City.

5A.2.16.3 Payment by an Owner of the Cost Contribution, including a Cost Contribution based upon estimated costs in a manner acceptable to the City, constitutes full and final discharge of the Owner's liability under the Development Contribution Plan and the City shall provide certification in writing to the owner of such discharge if requested by the Owner.

5A.2.17 **Charge on land**

5A.2.17.1 The amount of any Cost Contribution for which an Owner is liable under clause 5A.2.15, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the City may lodge a caveat, at the Owner's expense, against the Owner's certificate of title to that land.

5A.2.17.2 The City, at the Owner's expense and subject to such other conditions as the City thinks fit, can withdraw a caveat lodged under clause 5A.2.17.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

5A.2.17.3 If the Cost Contribution is paid in full, the City, if requested to do so by the Owner and at the expense of the Owner, is to withdraw any caveat lodged under clause 5A2.17.1.

5A.2.18 **Administration of Funds**

5A.2.18.1 The City is to establish and maintain a reserve account(s) in accordance with the Local Government Act 1995 for each Development Contribution Area into which cost contributions for that Development Contribution Area will be credited and from which all payments for the infrastructure costs and administrative costs within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

5A.2.18.2 Interest earned on Cost Contributions credited to a reserve account, is to be applied to expenses for the Development Contribution Area to which the reserve account relates.

5A.2.18.3 The City is to publish an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

5A.2.19 **Shortfall or Excess in Cost Contributions**

5A.2.19.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the City may —

(a) make good the shortfall from its municipal fund;

(b) enter into agreements with Owners to fund the shortfall; or

(c) raise loans or borrow from a financial institution;

5A.2.19.2 Nothing in clause 5A.2.19.1 restricts the right or power of the City to impose a differential rate or specified area rate to a specified Development Contribution Area in that regard.

5A.2.19.3 If there is an excess in funds available to the Development Contribution Area when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the City is to refund the excess funds to contributing Owners for that Development Contribution Area. To the extent, if any, that it is not reasonably practicable to identify Owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that Development Contribution Area.

5A.2.20 **Powers of the City**

The City in implementing the Development Contribution Plan has the power to —

a) acquire any land or buildings within the Scheme area under the provisions of the Planning Act; and

b) deal with or dispose of any land which it has acquired under the provisions of the Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

5A.2.21 **Arbitration**

Subject to clauses 5A.2.14.3 and 5A.2.14.4, any dispute between an Owner and the City in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

PART 6 — SPECIAL CONTROL AREAS

6.1 OPERATION OF SPECIAL CONTROL AREAS

6.1.1 The following special control areas are shown on the Scheme Maps –

a) Aircraft Noise Exposure Areas.

b) Flood Prone Areas.

6.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.2 AIRCRAFT NOISE EXPOSURE AREAS

6.2.1 Aircraft Noise Exposure Areas are defined on the Scheme Map in accordance with the WA Planning Commission's Statement of Planning Policy *"Land Use Planning in the Vicinity of Perth Airport"*, and the Australian Noise Exposure Forecast referred to in the Commission's policy and the most recent Australian Noise Exposure Forecast prepared for RAAF Pearce.

Note: The designation of particular parts of the district as Aircraft Noise Exposure Areas should not be interpreted to imply that areas outside the respective noise exposure contours are un-affected by aircraft noise.

6.2.2 In addition to development which otherwise requires approval under the Scheme, planning approval is required for any development involving building types identified as either 'conditionally acceptable' or 'unacceptable' for the relevant noise exposure zone in Australian Standard AS 2021.

Notwithstanding the above, planning approval is not required under this clause of the Scheme for single dwelling/addition to an existing single or grouped dwelling where the single or grouped dwelling will be the only development on the lot for all land within Special Use Zone No. 24, where it complies with conditions 2 and 3 of this zone. *AMD 147 GG 13/07/18*

Note: An extract from Australian Standard AS 2021-2000 detailing the Building Site Acceptability based on the ANEF (350,000) zones which make up the Aircraft Noise Exposure Area, is included in Schedule 12. While residential development is the primary focus of control under this clause, there are other examples of noise-sensitive development included in AS 2021, which will also be subject to control.

6.2.3 Such development is to be subject to the discretion of the local government, notwithstanding that the use may be designated a 'P' use under the Scheme. The local government may exercise discretion as to approval of the use.

6.2.4 The local government may refuse any application for planning approval or impose conditions on any planning approval so as to:

a) require noise attenuation measures to be incorporated into the design of buildings;

b) require the registration of notifications on title advising of the potential for aircraft noise nuisance.

Note 1: The local government may require registration of notification on title under the provisions of section 75A of the Transfer of Land Act.

2 Noise attenuation (insulation) is to be mandatory for all new residential development subject to forecast noise exposure levels above 25 ANEF (350,000) but is advisory for such development in the ANEF 20-25 noise exposure zone. All development, to which this clause applies, will be subject to a condition requiring the registration of a notice on title advising of the potential for aircraft noise nuisance.

6.3 FLOOD PRONE AREAS

6.3.1 Flood Prone Areas are defined on the Scheme Map in accordance with the 1 in 100 year flood levels defined by the Department of Environment, Water and Catchment Protection.

Note: The designation of particular parts of the district as Flood Prone Areas should not be interpreted to imply that areas outside the designated areas are necessarily free from risk associated with flood or extreme rainfall events.

6.3.2 In addition to development which otherwise requires planning approval under the Scheme, planning approval is required for any development within a Flood Prone Area, which involves the construction or extension of any building or earth works. Such development is to be subject to the discretion of the local government, notwithstanding that the use may be designated a 'P' use under the Scheme.

6.3.3 The local government may refuse any application for planning approval or impose conditions on any planning approval so as to:

a) constrain the location or level of development;

b) require the registration of notifications on title advising of the potential risk associated with flood events.

Note: The local government may require registration of notification on title under the provisions of section 75A of the Transfer of Land Act."

PART 7 — HERITAGE PROTECTION

7.1 HERITAGE LIST

7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage List the local government is to –

a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and

b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List the local government is to –

a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;

b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;

c) carry out such other consultations as it thinks fit; and

d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

Note: The purpose and intent of the heritage provisions are –

(a) to facilitate the conservation of places of heritage value; and
(b) to ensure as far as possible that development occurs with due regard to heritage values.

7.1A MUNICIPAL HERITAGE INVENTORY UNDER PREVIOUS SCHEME

7.1A.1 The Municipal Heritage Inventory adopted as the basis for heritage protection under Town Planning Scheme No.9 shall be employed as the basis for heritage protection under this Scheme as if it were established as a Heritage List under clause 7.1 unless and until a Heritage List is established under that clause. Until that time:

a) the Municipal Heritage Inventory shall have effect under this Scheme as if it was a Heritage List established under clause 7.1; and

b) a reference to the Heritage List shall apply as if it was a reference to the Municipal Heritage Inventory.

7.1A.2 The Municipal Heritage Inventory referred to in clause 7.1A.1 may be amended in accordance with the provisions of clause 7.1 as if it were the Heritage List under the current Scheme but will cease to have effect upon the adoption of a Heritage List under that clause.

Note: The purpose of this savings clause is to recognise the application of the existing Municipal Heritage Inventory under Town Planning Scheme No 9, and to avoid a situation in which there is no basis for heritage protection upon the gazettal of the new scheme. N.B. The enabling provisions of clause 7.1 cannot be acted upon prior to gazettal of the scheme, and the sometimes-extensive consultation associated with the approval of a heritage list would otherwise leave the local government without any effective basis to consider heritage issues.

7.2 DESIGNATION OF A HERITAGE AREA

7.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

7.2.2 The local government is to –

a) adopt for each heritage area a Local Planning Policy which is to comprise —

(i) a map showing the boundaries of the heritage area;
(ii) a record of places of heritage significance; and
(iii) objectives and guidelines for the conservation of the heritage area;

and

b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3 If a local government proposes to designate an area as a heritage area, the local government is to –

a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;

b) advertise the proposal by —

(i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
(ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
(iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;

and

c) carry out such other consultation as the local government considers appropriate.

7.2.4 Notice of a proposal under clause 7.2.3 b) is to specify –

a) the area subject of the proposed designation;

b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and

c) in what form and in what period (being not less than 21 days from the day the notice is published, or the sign is erected, as the case requires) submissions may be made.

7.2.5 After the expiry of the period within which submissions may be made, the local government is to –

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

b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7 The local government may modify or revoke a designation of a heritage area.

7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes to an amendment of the designation of a heritage area.

7.2A CONSERVATION PRECINCTS UNDER PREVIOUS SCHEME

7.2A.1 Where an area of land has been duly classified as a Conservation Precinct under the previous Town Planning Scheme, it shall be employed as the basis for heritage protection under this Scheme as if it were designated as a Heritage Area under clause 7.2.

Note: The purpose of this savings clause is to recognise the application of the existing Conservation Precincts under Town Planning Scheme No 9, and to avoid a situation in which there is no basis for heritage protection upon the gazettal of the new scheme. N.B. The enabling provisions of clause 7.2 cannot be acted upon prior to gazettal of the scheme.

7.3 HERITAGE AGREEMENTS

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

Note: 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
2. Detailed provisions relating to heritage agreements are set out in the Heritage of Western Australia Act 1990.

7.4 HERITAGE ASSESSMENT

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5 VARIATIONS TO SCHEME PROVISIONS FOR A HERITAGE PLACE OR HERITAGE AREA

Where desirable to –

a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or

b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the *Residential Design Codes* by following the procedures set out in clause 5.5.2.

7.6 CONSERVATION INCENTIVES

7.6.1 In dealing with any application concerning or affecting a place of cultural heritage significance or a conservation precinct, the Council may for the purpose of conserving or enhancing the place or precinct give a special approval, benefit, allowance or incentive, including but not limited to, the granting of density bonuses and the transfer from a place of cultural heritage significance or a conservation precinct to another place within the district of unused development rights.

7.6.2 Where in the Council's opinion the granting of a conservation incentive is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the incentive, the Council shall consult the affected parties by following one or more of the provisions dealing with advertising "A" uses pursuant to clause 9.4 and shall have regard to any expressed views prior to making its decision to grant the incentive.

7.6.3 In granting a conservation incentive under this subclause, the Council may enter into an agreement with an owner who would benefit from the incentive which may specify the owner's obligations and contain covenants capable of being noted on relevant Certificates of Title, or otherwise capable of being protected by Caveat.

7.6.4 Density Bonuses

7.6.4.1 Within a conservation precinct, the Council may permit on a residential lot an increase up to 50% of permitted dwelling density which otherwise would apply on that lot under the *Residential Design Codes*, where the increased development would not adversely affect the cultural heritage significance or character or amenity of the place, the streetscape or precinct, and if one or more of the following circumstances apply:

(a) provision is made for the preservation of significant landscape features, including significant trees or other vegetation;

(b) provision is made for the carrying out of conservation works approved by the Council on a heritage place; or

(c) a cash contribution is made to a fund set up by the Council for the purpose of heritage conservation.

7.6.4.2 In any case where the Council has allowed under paragraph 7.6.4 an increase in the permitted dwelling density, the standards and provisions of the higher density code applicable to that permitted dwelling density shall apply.

7.6.5 Transfer of Development Rights

The Council may approve the transfer of development rights from a residential lot within a conservation precinct to a recipient's lot provided that:

a) the recipient lot is not or does not include a place of cultural heritage significance, and is not within a conservation precinct;

b) the recipient lot has an area of not less than 850 square metres;

c) the increase in the permitted dwelling density of the recipient lot does not amount to more than 25% and in any case does not exceed two additional units;

d) where an increased dwelling density is permitted on a recipient lot, the standards applicable to the resulting density code shall apply;

e) the increased development density on the recipient lot will not have an adverse impact on the locality of that lot; and

f) with the exception of the increased density under item c), the development complies with the provisions of the Scheme and all other applicable written laws.

7.7 ADVISORY COMMITTEE

The Council may establish an Advisory Committee pursuant to sub-clause 11.4 to advise it on any matter arising under this clause. The membership of the advisory Committee may include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the conservation or adaptation of places of cultural heritage significance, and a person representing the community within a conservation precinct.

PART 8 — DEVELOPMENT OF LAND

8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

Subject to clauses 3.4 and 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

Note: 1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
2. Development includes the erection, placement and display of any advertisements.
3. Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme.

8.2 PERMITTED DEVELOPMENT

8.2.1 Except as otherwise provided in the scheme, the Council's planning approval is not required for any use or development listed in Schedule 5 or any advertisement listed in Schedule 5A of the Scheme, provided it is in accordance with the conditions corresponding to that use, development or advertisement in those Schedules.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157 of the Planning Act.

8.3 AMENDING OR REVOKING A PLANNING APPROVAL

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

8.4 UNAUTHORISED EXISTING DEVELOPMENTS

8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring the Local government's approval prior to the commencement of development.

8.4.2 The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

Note: 1. Applications for approval to an existing development are made under Part 9.

PART 9 — APPLICATIONS FOR PLANNING APPROVAL

9.1. FORM OF APPLICATION

9.1.1. An application for approval for one or more of the following -

a) a use or commencement or carrying out of development on a Local Reserve under clause 3.4;

b) commencement or carrying out of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;

c) commencement or carrying out of a 'D' use or an 'A' use as referred to in clause 4.3.2;

d) commencement of a use not listed in the Zoning Table under clause 4.4.2 b);

e) alteration or extension of a non-conforming use under clause 4.9;

f) a change of a non-conforming use under clause 4.9;

g) continuation of a non-conforming use under clause 4.12;

h) variation of a site or development requirement under clause 5.5;

i) commencement or carrying out of development under clause 8.1;

j) continuation of development already commenced or carried out under clause 8.4;

(k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and

l) the erection, placement or display of an advertisement,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2. An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

Note:

1. Under the provisions of the Metropolitan Region Scheme, an application for planning approval in respect of land, which is wholly within a regional reserve, is to be referred by the local government to the Commission for determination. No separate determination is made by the local government.

2. An application for planning approval in respect of land which is wholly within the management area of the Swan River Trust is to be referred by the local government to the Swan River Trust for determination by the Minister responsible for the Swan and Canning Rivers Management Act 2006.

3. An application for planning approval in respect of land which is zoned under the Metropolitan Region Scheme and is —

(a) affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme;

(b) within or partly within a Planning Control Area declared by the Commission under part 7 of the Planning and Development Act, 2005;

(c) partly within the management area of the Swan River Trust or which abuts waters that are in that area; or

(d) affected by a notice of delegation published in the Gazette by the Commission under section 16 of the Planning and Development Act 2005 and is not of a type which may be determined by the local government under that notice,

is to be referred by the local government to the Commission in accordance with the requirements of the Metropolitan Region Scheme and notice of delegation.

9.2 ACCOMPANYING MATERIAL

Unless the local government waives any particular requirement every application for planning approval is to be accompanied by –

(a) a plan or plans to a scale of not less than 1:500 showing the –

a) location of the site including street names, lot numbers, north point and the dimensions of the site;

b) existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;

c) existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;

d) existing and proposed means of access for pedestrians and vehicles to and from the site;

e) location, number, dimensions and layout of all car parking spaces intended to be provided;

f) 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;

g) 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 same; and

h) nature and extent of any open space and landscaping proposed for the site;

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

(c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and

(d) any other plan or information that the local government may require to enable the application to be determined.

9.3 ADDITIONAL MATERIAL FOR HERITAGE MATTERS

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application –

(a) street elevations drawn 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 drawn as one continuous elevation;

(b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4 ADVERTISING OF APPLICATIONS

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is –

a) an 'A' use as referred to in clause 4.3.2; or

b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways –

a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;

b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;

c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4 The notice referred to in clause 9.4.3 a) and b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 10 — PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 CONSULTATION WITH OTHER AUTHORITIES

10.1.1 In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application –

(a) the aims, objectives and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);

(b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;

(c) any approved statement of planning policy of the Commission;

(d) any approved environmental protection policy under the *Environmental Protection Act 1986*;

(e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;

(f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;

(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;

(h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;

(i) the cultural heritage significance of any place or area affected by the development, in particular those heritage places included on the Municipal Inventory of Heritage Places;

(j) whether there would be a detrimental impact on the streetscape;

(k) the compatibility generally of a use or development with its setting;

(l) any social issues that have an effect on the amenity of the locality;

(m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;

(n) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;

(o) the preservation of the amenity of the locality;

(p) the relationship of the proposal 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 proposal;

(q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;

(r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

(s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;

(t) whether public utility services are available and adequate for the proposal;

(u) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

(v) whether adequate provision has been made for access by disabled persons;

(w) 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;

(x) whether the proposal is likely to cause soil erosion or land degradation;

(y) the potential loss of any community service or benefit resulting from the planning approval;

(z) any relevant submissions received on the application;

(za) the comments or submissions received from any authority consulted under clause 10.1.1;

(zb) any other planning consideration the local government considers relevant.

10.3 DETERMINATION OF APPLICATIONS

In determining an application for planning approval the local government may –

(a) grant its approval with or without conditions; or

(b) refuse to grant its approval.

10.4 FORM AND DATE OF DETERMINATION

10.4.1 As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

10.4.2 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

10.5 TERM OF PLANNING APPROVAL

10.5.1 Where the local government grants planning approval for the development of land–

a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and

b) the approval lapses if the development has not been substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6 TEMPORARY PLANNING APPROVAL

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

10.7 SCOPE OF PLANNING APPROVAL

Planning approval may be granted –

(a) for the use or development for which the approval is sought;

(b) for that use or development, except for a specified part or aspect of that use or development; or

(c) for a specified part or aspect of that use or development.

10.8 APPROVAL SUBJECT TO LATER APPROVAL OF DETAILS

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

10.8.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9 DEEMED REFUSAL

10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10 APPLICATIONS FOR REVIEW (APPEALS)

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may apply to review that determination under Part 14 of the Planning Act.

PART 11 — ENFORCEMENT AND ADMINISTRATION

11.1 POWERS OF THE LOCAL GOVERNMENT

11.1.1 The local government in implementing the Scheme has the power to –

a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;

b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Planning Act; and

c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2. An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2 REMOVAL AND REPAIR OF EXISTING ADVERTISEMENTS

11.2.1 In this clause 11.2 the term “owner” means the owner of the land on or over which an advertisement is displayed.

11.2.2 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the owner to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.3 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the owner to –

a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or

b) remove the advertisement.

11.2.4 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the owner and is to specify –

a) the advertisement the subject of the notice;

b) full details of the action or alternative courses of action to be taken by the owner to comply with the notice; and

c) the period, being not less than 60 days from the date of the local government’s determination, within which the action specified is to be completed by the owner.

11.2.5 A person on whom notice is served under this clause may apply under Part 14 of the Planning Act to review the determination of the local government.

11.3 DELEGATION OF FUNCTIONS

11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.

11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.3.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

11.4 ADVISORY COMMITTEES

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11.4.1 The Council may from time to time establish Advisory Committees to advise it on any matters in the Scheme subject to such terms of reference, procedures and conditions of office as it thinks fit.

11.4.2 An Advisory Committee shall be chaired by the Mayor of the Council or a nominee, and subject to any provision of this Scheme dealing with membership of an Advisory Committee for any specific purpose, the membership of an Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the Council have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee.

11.4.3 A member of an Advisory Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.

11.4.4 When dealing with any matter involving an application for Development Approval or when considering a Structure Plan or when dealing with any other matter involving a development proposal, the Council shall have due regard to any relevant recommendation of an Advisory Committee.

11.5 PERSON MUST COMPLY WITH PROVISIONS OF SCHEME

11.5.1 A person must not –

a) contravene or fail to comply with the provisions of the Scheme;

b) use any land or commence or continue to carry out any development within the Scheme area –

(i) otherwise than in accordance with the Scheme;
(ii) unless all approvals required by the Scheme have been granted and issued;
(iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
(iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.
(v) contrary to any directive issued under section 214 of the Planning Act.

Note: 1. Section 218 of the Planning Act provides that a person who contravenes –

(a) a town planning scheme; or

(b) any condition imposed with respect to a development by a responsible authority pursuant to its powers under a town planning scheme,

commits an offence. Penalty: $50 000, and a daily penalty of $5 000.

2. Section 223 provides similar penalties for failure to comply with a section 214 direction.

11.6 COMPENSATION

11.6.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 173 of the Planning Act –

a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or

b) where the land has been reserved for a public purpose and —

(i) an application made under the Scheme for approval to carry out development on the land is refused; or

(ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

not later than 6 months after the application is refused or the permission granted.

11.6.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause11.6.1.

Note: 1. A claim for compensation in respect of the refusal of planning approval or the imposition of conditions on land reserved under the Metropolitan Region Scheme should be made under the Planning and Development Act (2005).

2. A claim for compensation under section 173 of the Planning Act may be made in the Form No. 7 in Appendix A.

11.7 PURCHASE OR TAKING OF LAND

11.7.1 If, where compensation for injurious affection is claimed under the Planning Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.7.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Part 11, Division 4 of the Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

11.8 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS

11.8.1 Under section 214(6) of the Planning Act, not less than 60 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.8.2 The local government may recover expenses under section 215(2) of the Planning Act in a court of competent jurisdiction.

11.9 CONTROL OF OVER STOCKING

11.9.1 Where in the opinion of Council the livestock keeping is causing adverse environmental, health or amenity impacts, the Council may by written notice (giving clear reasons) require the owner of the land to:

a) take action to temporarily or permanently reduce the amount of stock kept on the land; or

b) remove all the stock from the land either temporarily or permanently; or

c) rectify the adverse impacts of the livestock keeping.

11.9.2 For the purposes of this clause, any notice to be served on the owner of the livestock is to specify:

a) the livestock the subject of the notice;

b) full details of the action or alternative courses of action to be taken by the owner to comply with the notice; and

c) the period, being not less than 60 days from the date of Council's determination, within which the action specified is to be completed by the owner.

11.9.3 A person on whom notice is served under this clause may appeal under Part 14 of the Planning Act against the determination of Council.

SCHEDULES

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SCHEDULE 1 — DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[cl. 1.7]

A. General Definitions

In the Scheme —

advertisement	means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.
amenity	means all those factors which combine to form the character of an area and include the present and likely future amenity.
appendix	means an appendix to the Scheme, unless explained otherwise within the Scheme.
building envelope	means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.
cabin *AMD 231 GG 16/12/2025*	means a building that – (a) is an individual unit other than a chalet; and (b) forms part of - (i) tourist and visitor accommodation; or (ii) a caravan park; and (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.'
Chalet *AMD 231 GG 16/12/2025*	means a building that — (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) forms part of – (i) tourist and visitor accommodation; or (ii) a caravan park; and (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.'
City	means the City of Swan.
commercial vehicle *AMD 40 GG 09/12/11*	means a vehicle, whether licensed or not, which is rated at a gross vehicle mass of greater than 4.5 tonnes and which is used or designed for use in association with a business or trade, and for the removal of doubt includes the following vehicles above that mass — (a) any rigid (non-articulated) vehicle, including any utility, van, truck, bus, tractor or earthmoving equipment; and (b) any Prime Mover; in addition to any trailer or similar article specifically designed to be an attachment to a vehicle which is rated at a gross vehicle mass of greater than 4.5 tonnes.
conservation	has the same meaning as in the *Heritage of Western Australia Act 1990.*

Council	means the Council of the City of Swan.
cultural heritage significance	has the same meaning as in the *Heritage of Western Australia Act 1990.*
development	has the same meaning as in the Planning Act.
dry industry *AMD 84 GG 10/07/18*	means any industrial use permitted by the City of Swan Local Planning Scheme No.17 and where: (a) it can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the relevant Government agency; and (b) the development is of a type which is predicted to generate waste water intended for disposal on site at a daily volume not exceeding 540 litres per 2000m2 of site area.
dwelling	has the same meaning as in the *Residential Design Codes.*
floor area	has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board.
Frontage	when used in relation to a building that is used for — (a) residential purposes, has the same meaning as in the Residential Design Codes; and (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.
Gazettal date	in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87(3) of the Planning Act.
Gross Leasable Area (GLA)	means the area in square metres derived from measuring all floors occupied by an owner occupier or a tenant for exclusive use from the centre line of inter-tenancy walls or partitions and from the outside faces of external walls of the building alignment including shop fronts.
habitable room	in the case of residential dwellings has the same meaning as in the Residential Design Codes.
height	when used in relation to a building that is used for — (a) residential purposes, has the same meaning as in the Residential Design Codes; or (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above.
heritage list	means the Heritage List established under clause 7.1 and until a Heritage List is established under that clause, means the Municipal Heritage Inventory adopted under Town Planning Scheme No.9.
incidental domestic structure	means a structure or apparatus that is associated with but is incidental and subservient to the domestic environment of a residence, and includes structures such as letter boxes, hot water heating systems, air-conditioning units, clothes-lines and under-eave water tanks.
incidental use	means a use of premises which is ancillary and subordinate to the predominant use.
local government	means the City of Swan.

Local Planning Strategy	means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time.
lot	has the same meaning as in the Planning Act but does not include a strata or survey strata lot.
Metropolitan Region Scheme	has the same meaning as in the Planning Act.
minerals	has the same meaning as in the *Mining Act 1978.*
net lettable area (nla)	means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas — (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
non-conforming use	has the same meaning as it has in section 172 of the Planning Act.
Outline Development Plan	means a document prepared as an Outline Development Plan that has been both approved by the Commission and adopted by the local government.
owner	in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity — (a) is entitled to the land for an estate in fee simple in possession; (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land; (c) is a lessor or licensee from the Crown; or (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise; and for the purposes of clause 6.7, unless the context otherwise requires, means an owner of land that is located within a Development (Structure Plan) Area or a Development Contribution Area.
place	in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990.*
Planning Act	means the *Planning and Development Act 2005.*
plot ratio	in the case of residential dwellings has the same meaning as in the *Residential Design 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 subordinate, incidental or ancillary.
premises	means land or buildings.
proponent	for the purposes of a Structure Plan, means any owner or owners of land to which the Structure Plan relates that has or have submitted that Proposed Structure Plan alone or in combination with any other.

public utility	means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
pylon sign	means a sign, greater than three metres in height, supported by one or more piers and not attached to a building and includes an attached frame supported on one or more piers to which sign in-fills can be added.
Region Scheme - Metropolitan	means the Metropolitan Region Scheme within the meaning of the Planning Act.
Residential Design Codes	means the Codes, as approved by the Governor and published in the Government Gazette as State Planning Policy No.3.1.
residential outbuilding	means any building incidental to a dwelling and includes a cubby house, bird aviary, green house, hot house, gazebo and garden shed, but does not include an incidental domestic structure.
Residential zone	means any zone included under the generic heading of Residential in the Zoning Table.
retail	means the sale or hire of goods or services to the public.
retaining wall	means a walled structure erected for the purpose of supporting land at a level higher than land immediately adjacent to it.
Rural zone	means any zone included under the generic heading of Rural in the Zoning Table.
schedule	means a schedule to the Scheme, unless explained as otherwise within the Scheme.
Scheme	means the City of Swan Local Planning Scheme No. 17 (District Zoning Scheme).
shade structure	means a roofed structure that is incidental to a commercial or industrial building on a site, and is either freestanding or fixed to such building for the purpose of providing shade or shelter from the weather over entrances to the building, external entertaining areas, vehicles, loading / unloading areas, or the like, but does not include the use of land under that structure, which would otherwise require a separate development approval.
substantially commenced	means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development.
temporary building	means any building that is placed on land for a limited period of time that is used incidental to a public event or approved development and will be removed at the completion of such event or development and is used as an office, store, work room, lunch room and the like and includes any temporary plant or equipment associated with the same.
watercourse	means any river, stream or creek as depicted on a plan attached to or associated with the “Interpretation of Watercourses and Wetlands Policy”.
water storage tank	means a structure constructed to store water.

wetlands	means an area of seasonal, intermittent or permanent waterlogged soils or inundated land with ecological attributes as depicted on the attached plans associated with the “Interpretation of Watercourses and Wetlands Policy”.
wholesale	means the sale of goods or materials other than by retail, and being generally a sale to a person other than the ultimate consumer or user.
Zone	means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

B. Land Use Definitions

In the Scheme —

aged or dependent persons dwelling	has the same meaning as in the *Residential Design Codes.*
agriculture - extensive	means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive.
agriculture - intensive	means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following — (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or (d) aquaculture.
agroforestry	means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.
amusement machine	means a game or device which is mechanical or electronic or a combination of both.
amusement parlour	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises.
ancillary accommodation	has the same meaning as in the *Residential Design Codes.*
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.
animal husbandry-intensive	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.
bed and breakfast	DELETED BY AMD 231 GG 16/12/2025
betting agency	means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003.*
cabin or chalet	DELETED BY AMD 231 GG 16/12/2025
camping area	means land set aside for the erection of tents and other similar structures for temporary accommodation.
caravan park	has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995.*
caretaker's dwelling	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.
carpark	means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale.

child care premises	has the same meaning as "Child Care Service" in the *Child Care Services Act 2007.*
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 Crown, 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 the use of 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 consultants 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, or the retail sale of petrol and those convenience goods; (b) operated during hours which include, but may extend beyond, normal trading hours; (c) which provide associated parking; and (d) the floor area of which does not exceed 300 square metres net lettable area.
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.
equestrian facility	means land and or equipment used or intended to be used for private or commercial purposes for the training or exercising of horses or the training of riders, drivers or jockeys in the art of horsemanship or in the care of horses, and which may include as an incidental use, with the approval of the local government, the accommodation of patrons.
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery.
family day care	means premises used to provide family day care within the meaning of the *Child Care Services Act 2007.*
fast food outlet	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar.
food and beverage production	means a building in which food and beverages are manufactured or processed, and which in the opinion of the local government does not affect the amenity of the locality by the emission of noise, odours or other waste, the generation of vehicular traffic or visual intrusion.

fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.
funeral parlour	means premises used to prepare and store bodies for burial or cremation.
garden centre	means land or buildings used for the propagation, rearing and sale of plants and the storage and sale of landscaping materials and products associated with garden décor.
grouped dwelling	has the same meaning as in the Residential Design Codes.
home business	means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which — (a) does not employ more than 2 people not members of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 50 square metres; (d) does not involve the retail sale, display or hire of goods of any nature; (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and (f) does not involve the use of an essential service of greater capacity than normally required in the zone.
home occupation	means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which — (a) does not employ any person not a member of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 20 square metres; (d) does not display a sign exceeding 0.2 square metres; (e) does not involve the retail sale, display or hire of goods of any nature; (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
home office	means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not — (a) entail clients or customers travelling to and from the dwelling; (b) involve any advertising signs on the premises; or (c) require any external change to the appearance of the dwelling.
home store	means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling.

hospital	means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital.
hotel	means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel.
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 the use of premises on the same land used for — (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail: or (d) the provision of amenities for employees; incidental to any of those industrial operations.
industry - cottage	means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which — (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put; (d) does not occupy an area in excess of 50 square metres; and (e) does not display a sign exceeding 0.2 square metres in area.
industry - extractive	means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining.
industry - general	means an industry other than a cottage, extractive, light, mining, noxious, rural or service industry.
industry - light	means an industry — (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; and (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.
industry - mining	means land used commercially to extract minerals from the land.
industry - noxious	means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act 1911* (as amended) but does not include wet fish shops or piggeries or a waste disposal process operation carried out by or under the direct management and supervision of the City.
industry - rural	means - (a) an industry handling, treating, processing or packing rural products; or (b) a workshop servicing plant or equipment used for rural purposes.

industry - service	means – (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.
lunch bar	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.
marina	means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina.
marine filling station	means premises used for the storage and supply of liquid fuels and lubricants for marine craft.
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 or designed for use by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).
motel	DELETED BY AMD 231 GG 16/12/2025
motor vehicle, boat or caravan sales	means premises wherein motor vehicles, boats or caravans are kept, exposed or offered for sale or hire.
motor vehicle repair	means premises used for or in connection with — (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.
motor vehicle wash	means premises where the primary use is the washing or cleaning of motor vehicles.
multiple dwelling	has the same meaning as in the Residential Design Codes.
night club	means premises (a) used for entertainment with or without eating facilities; and (b) licensed under the *Liquor Licensing Act 1988.*
office	means premises used for administration, clerical, technical, professional or other like business activities.
park home park	has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997.*
place of assembly	means premises provided for people to assemble for a public activity.
place of worship	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.

plantation	has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers.
radio and tv. installation – private	means masts, aerials, satellite dishes and other associated equipment used for the transmission and reception of radio or television signals for personal or hobby purposes only, associated with a dwelling on the lot, but does not include similar equipment used for business purposes or for gain.
reception centre	means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.
recreation - private	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge.
recreation - public	means premises used for indoor or outdoor leisure, recreation or sport which are generally open to the public without charge.
residential building	has the same meaning as in the Residential Design Codes.
restaurant	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing 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 *Censorship Act 1996*; (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
roadhouse	means land and buildings used for the predominant purpose of a service station but incidentally including a café or restaurant and/or a shop.
rural pursuit	means any premises used for — (a) the rearing or agistment of animals; (b) the stabling, agistment or training of horses; (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or (d) the sale of produce grown solely on the lot, but does not include agriculture – extensive or agriculture – intensive.
service station	means premises used for — (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking.
shop	means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet.

showroom	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.
single bedroom dwelling	has the same meaning as in the Residential Design Codes.
single house	has the same meaning as in the Residential Design Codes.
storage	means premises used or provided for use for the storage of goods, equipment, plant or materials.
tavern	means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises.
telecommunications infrastructure	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network and includes Radio & T.V. Installations used for business purposes or commercial gain.
tourist facilities	DELETED BY AMD 231 GG 16/12/2025
tourist and visitor accommodation *AMD 231 GG 16/12/2025*	(a) means a building, or a group of buildings forming a complex, that - (i) is wholly managed by a single person or body; and (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and (iii) may include on-site services and facilities for use by guests; and (iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; and (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but (c) does not include any of the following - (i) an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1); (ii) a caravan park; (iii) hosted short-term rental accommodation; (iv) a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1); (v) a park home park; (vi) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1); (vii) a road house; (viii) workforce accommodation.'
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.

transport depot *AMD 40 GG 09/12/11*	means premises, or a portion of premises, used for the parking or garaging of commercial vehicles, and — (a) may include the maintenance and refuelling of those vehicles and the storage of goods brought to the premises by those vehicles, provided that those activities are ancillary to the parking or garaging of the commercial vehicles; and (b) may include the transfer of goods or persons from one motor vehicle to another but does not include the parking or garaging of commercial vehicles approved pursuant to clause 5.10 of the Scheme.
vehicle wrecking	means the use of any land or building for dismantling of motor vehicles and the sale of spare parts derived from such dismantling.
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
warehouse	means premises used to store or display goods and may include sale by wholesale.
winery	means premises used for the production of viticultural produce and may include sale of the produce of the produce.

C. Land Use Definitions Applicable to Schedules 2, 3 And 4 Only

The following definitions apply only to land use terms where they appear in Schedules 2, 3 or 4 where the land use definition does not otherwise appear in A. or B. above. The definitions below have effect only in relation to the land described in the Schedules and do not have general application or effect within the Scheme.

- In Schedules 2, 3 and 4 only:

auction mart	means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, vegetables or livestock;
boarding house	means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include: (a) premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the *Liquor Control Act 1988* (as amended); (b) premises used as a boarding school approved under the *School Education Act 1999* (as amended); (c) a single, attached, grouped or multiple dwelling unit; (d) any building that is the subject of a strata title issued under the provisions of the *Strata Titles Act 1966* (as amended);
car sales lot	means any land or building used for the display and sale of motor vehicles whether new or second-hand but does not include a workshop;
caravan or trailer yard	means any land or building used for: (a) the hire and/or sale of caravans, car trailers, non-motorised horse floats and mobile homes; and (b) the hire and/or sale of tents, camping gear and other items of a similar nature, where such use is incidental to the use falling within (a) above.
civic building	means a building designed, used, or intended to be used by Government Departments, statutory bodies representing the Crown, or the Council alone or in combination with other bodies, as offices or for administrative or other like purposes;
concrete batching plant *AMD 67 GG 6/8/13*	means premises on which concrete is batched for concrete products manufactured on site for use at places or premises other than the subject site, and includes storage of associated products and ancillary office use. *(The use and definition applies to Schedules 2, 3 and 4 only.)*
construction yard	means any land or buildings used for the storage of building material, pipes or similar items related to any trade, and may include manufacture, assembly or dismantling processes where incidental to such use;
consulting rooms group	means a building (other than a hospital) used in the practice of the profession of more than two practitioners, dentists, physiotherapists, chiropractors, masseurs, or persons ordinarily associated with a medical practitioner in the prevention or treatment of physical or mental injuries or ailments, and the practitioners may be of the one profession or any combination of professions or practices;
cultural use	means any use aimed at the improvement or refinement of people by entertainment and/or education but shall not include an education establishment;

factory tenement building	means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more separate industries not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries not owned or managed by the same person;
hire service (industrial)	means any land or building used for the offering for hire or rent of bulky items including machines and mechanical equipment;
hire service (non-industrial)	means any land or building used for the offering for hire or rent of goods of a non-bulky nature which do not include large mechanical devices or equipment;
holiday cottages	DELETED BY AMD 231 GG 16/12/2025
horticultural pursuit	means the use of land for any purpose set out hereunder and the use of buildings normally associated therewith: (a) the intensive growing of vegetables, fruit, cereals or food crops for commercial purposes; (b) the growing of trees, shrubs, plants or flowers for replanting, excluding the use of Turf Farm; (c) the sale of produce grown solely on the lot or on adjoining or nearby lot forming part of the same landholding used for horticultural pursuits;
Kiosk	means the use of land or buildings which is incidental to the predominant use and which complements that use for the purpose of the display and sale of souvenirs and/or refreshments to patrons of the predominant use.
local shop	means the use of land and buildings wherein the only goods or services offered for sale are foodstuffs, toiletries, stationary or goods or services of a similar domestic nature, intended for day to day consumption or use by persons living or working in the locality of the shop and which may include a delicatessen, greengrocery, general smallgoods, butcher's shop, newsagency, hairdressers, chemist, but not a supermarket, and any other shop which in the opinion of Council serves the day to day shopping needs of the immediate locality;
milk depot	means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised;
museum	means any land or building used for the storing and exhibiting of objects illustrative of antiquities, natural history, art, nature and curiosities;
nursery	means land and buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden décor;
office – professional or professional office	means a building used for the purpose of conducting the professional work of an accountant, architect, artist, author, barrister, consular official, engineer, land surveyor, quantity surveyor, solicitor, teacher (other than a dancing teacher or a music teacher), or a town planner or a person having in the opinion of the Council, an occupation of a similar nature, and professional person has a corresponding interpretation;
office – service or service office	means a building wherein is carried on a predominantly administrative type of business but which is dependent on direct access to the public and without limiting the generality of the foregoing includes an estate agency, insurance office, travel agency, bank, building society, post office, and any other public orientated Government agency and a public transport office, but excluding the garaging or servicing of vehicles and excluding a general office;

produce store	means any land or building wherein fodders, fertilizers and grain are displayed and offered for sale;
public amusement	means the use of land and buildings as a theatre, a cinema, a night club, a dance hall, skating rink, swimming pool, or gymnasium, or for games or otherwise for the entertainment of the public with or without charge;
public assembly	means any special place of assembly and without limiting the generality of the definition includes grounds for athletics, all sports grounds with spectator provision, race courses, trotting tracks, stadiums or showgrounds, but does not include club premises;
retail establishment	means any building where goods are of a bulky or non-bulky character, not normally purchased on a daily basis, are kept for display or sale by retail or wholesale and the area for display and sale is not less than 400 square metres;
retirement village *AMD 15 GG 12/3/10*	means development containing accommodation for aged persons with associated ancillary administration and communal facilities;
resource recovery centre *AMD 166 GG 01/10/2021*	means premises other than a waste disposal facility used for the recovery of resources from waste;
rural home occupation	means an occupation carried on in a dwelling or land around a dwelling by a resident of the dwelling or in a domestic outbuilding on the land by a resident of the dwelling which: (a) entails the conduct of a business, office or workshop only; (b) is carried out on a lot which has a minimum area of one hectare; (c) does not occupy an area greater than 150 square metres, providing that no more than 25 square metres is within the dwelling on the property, no more than 100 square metres is within another approved building and no more than 100 square metres is used for outside storage; (d) does not entail the sale of goods, other than goods of an arts or craft nature which are manufactured in the occupation; (e) does not entail the hire of goods of any nature; (f) does not entail hairdressing, services involving skin penetration, the preparation of food, vehicle services or repairs, or the storage of disused materials or vehicles, but may include a child family care centre; (g) does not detract from the residential appearance of the dwelling house or domestic outbuilding; (h) does not entail employment of more than one person not a member of the occupier's household; (i) does not display more than one sign and that sign not exceeding 0.6 square metres in area; (j) does not impose a load on any utility greater than normally required for domestic use; (k) does not entail the presence, parking or garaging of a commercial vehicle contrary to the provisions of this Scheme; (l) will not adversely affect the amenity of the neighbourhood in any way including: • the appearance of any buildings, works or materials used; • the parking of motor vehicles; • the transporting of materials or goods to or from the dwelling; • the hours of operation; • electrical interference; • the storage of chemicals, gases or other hazardous materials; or • emissions from the site including noise;

salvage yard	means land used for the storage or sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;
sawmill	means a mill or premises where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein;
shopping centre	means a group of shops, service offices and general offices and related activities, the group being in excess of 5,000 square metres gross leasable area, developed as an integrated unit together with the required on-site parking facilities;
spray painting non-automotive	means the use of any land or building for painting or coating by spray process of items other than motor vehicles;
stable	means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules;
storage yard	means any land used for the storage of goods;
vehicle sales and service	means any land or buildings used for the sale and servicing of motor vehicles and includes showrooms and workshop;
veterinary consulting rooms	means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which no patient remains on the premises overnight;
veterinary hospital	means any land or building used for, or in connection with the treatment of sick animals and pets and includes accommodation of sick animals and pets. A crematorium for the disposal of animal carcasses or remains may be included with the written consent of the Council;
waste disposal facility *AMD 166 GG 01/10/2021*	means premises used – (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste;
waste storage facility *AMD 166 GG 01/10/2021*	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;
waste transfer station *AMD 102 GG 16/06/15*	means premises operated for the purpose of receiving, sorting and processing of dry bulk household waste materials, woodchips and garden waste for sale on-site or re-use, recycling or disposal off-site;
woodyard	means any land on which wood is stored, sawn, or cut for use as domestic firewood and on which no wood or timber is stored, sawn or cut for any other purpose.

D. Land Use definitions applicable to Schedule 15 – Midland Strategic Regional Centre only

As well as the land use definitions contained in A. or B. above, the following additional land use definitions apply to the Midland Strategic Regional Centre zone: *AMD 119 GG 15/7/19*

Short Term Residential *AMD 119 GG 15/7/19*	DELETED BY AMD 23 GG 16/12/2025
Small Bar *AMD 119 GG 15/7/19*	means licensed premises on land or buildings used for the onsite consumption of alcohol as outlined in Clause 4 (1aa) of the *Liquor Control Act 1988*.

SCHEDULE 2 — ADDITIONAL USES

[cl. 4.5]

No.	Description of land	Additional use	Conditions
1.	Lot 190 on P4804 (No. 2299) Great Northern Highway (cnr Warren Road) Bullsbrook	P – Local Shop	Gross leasable area restricted to the 70m^2.
2.	Part of Lot 24 on D82744 (No.398) Great Northern Highway Middle Swan	P – Caravan Park	
3.	Part of Lot 102 (No. 2507) Toodyay Road Gidgegannup	P – Local Shop with Retail Fuel Sales.	Restricted to the area of approximately 7500m^2 shown on the approved plan.
4.	Lot 250 on SP22405 (No. 25) Victoria Street Midland	P – Office	1. The additional use is restricted to lots 2. 3 and 4 on Strata Plan 22405.
5.	Part of Lot 19 on P9452 (No. 1686) Great Northern Highway Upper Swan	P – Salvage Yard.	Development to be restricted to an area depicted on a feature survey plan to be approved by Council. *AMD 11 GG 23/07/10*
6.	Land generally bounded by Beach Road to the north, Camboon Road to the west, Malaga Drive to the East and located to the north of the intersection of Malaga Drive and Mulgul Road, in the locality of Malaga, as indicated on the Planning Scheme Maps *Note: Reference should be made to the scheme maps to determine the precise extent of the subject area.*	P – Industry - General	The Council shall refer any application to commence development to the Department of Environment for any use which has the potential to cause pollution to the groundwater and may, notwithstanding that a use is permitted, refuse such application on the recommendation of the Department of Environment.
7.	Lot 93 on P18594 (No. 2-6) Capital Road Lot 94 on P18594 (No. 27) Bonner Drive Lot 1 on D85499 (No.23) Bonner Drive Lot 2 on S35683 (No. 15) Bonner Drive Lot 3 on S29476 (No. 9) Bonner Drive Lot 97 on D83390 (No. 7) Bonner Drive Malaga	P – Office; – Market; – Restaurant; – Occupational Health Centre; – Amusement Parlour;	Development to be generally in accordance with the approved plans and subject to the following conditions: 1. The office component not to exceed 3000m^2 (GLA) Gross Leasable Area; 2. The market stalls and associated activities, (excluding food hall) hours of operation to be limited to weekends and public holidays only; 3. The food hall to be in accordance with the provisions of Council's Local Laws Related to Eating Houses and the Health Act and Regulations made thereafter; 4. Application for development approval to be made to Council for each specific use listed above, to be assessed in accordance with Scheme requirements; 5. The additional use, Amusement Parlour, is restricted to Unit 5 facing Bonner Drive, Malaga and is limited to 200m^2 Gross Leasable Area.
8.	Lot 1on P16113 (No. 1904) Beach Road, Malaga	P – Office	Offices - are limited to operate from the first floor floorspace only. Application be made to Council to use each unit for Office purposes.
9.	*DELETED AMD 17 GG 13/11/09*		
10.	Lot 46 on S20583 (No. 16) Stanford Way Malaga	P – Liquor Retail	Liquor sales from the premises to be in an aggregate quantity per person of no less than 9 litres, and to be for consumption off the premises.

No.	Description of land	Additional use	Conditions
11.	Lot 1 on D29455 (No. 2125) Toodyay Road Gidgegannup	D –Real Estate; –Financial Management; –Second-hand furniture sale; –Domestic Appliance Maintenance; –Medical practice	The additional uses are restricted to the existing buildings as indicated on the approved site plan.
12.	Lot 7 on D55984 (No. 5691) West Swan Road (cnr Harrow Street) West Swan	P –Auction Mart	1. The auctioneering and storage of items associated with the Auction Mart is to be confined within the 360m^2 shed identified on the approved plan. 2. No more than 12 auctions are to be carried out within any twelve month period. 3. All car parking associated with the activity is to be contained on site. 4. The additional use is limited to the period of the ownership of Lot 7, West Swan Road by the owner registered on the Certificate of Title as of July 5, 1994.
13.	Lot 812 on DP422350 (No.55) Vale Road, Hazelmere *AMD 214 GG 05/05/2026*	P –Agricultural Machinery Sales and Services A - Transport Depot	Nil
14.	*DELETED BY AMD 188 GG 20/11/2020*		
15.	Lot 198 Midland Road, Hazelmere and Lot 197 Adelaide Street, Hazelmere and Part of part Lot 6 Adelaide Street, Hazelmere *AMD 27 GG 4/6/10*	P - Caravan park	1. In accordance with planning approval. 2. All new park homes, caravans and ablution facilities being connected to deep sewer prior to the Caravan Park development being occupied. 3. Access to Pt Lot 6 (the subject of this amendment) to Midland Road shall be constructed to council's satisfaction as part of the caravan park extension. 4. The portion of part Lot 6, the subject of this application being amalgamated with Lot 97 (339) Adelaide Street Hazelmere prior to the Caravan park development being occupied.
16.	Lot 43 on D50366 and Lots 1, 2, 3, 6 (Plan !265) and Lots 25-41 (Plan 2658) (no. 7) Clayton Street, Bellevue *AMD 25 GG 16/4/10*	P –Markets; –Public Amusement D - Showrooms	
17.	Portion of Lot 40 on D93909 (No. 40) Rutland Road, Bullsbrook	P –LPG Storage Depot (above ground tanks only); D –Office	Limited to the 4 hectares as indicated on the approved plan
18.	Lot 102 on S38735 (No. 8) Exchange Road Lot 103 on D90446 (No. 2) Exchange Road, Lot 306 on S40293 (No. 11) Exchange Road Portion of Lot 303 on D90796 (No. 7) Capital Road, Malaga	P –Office;	Offices are limited to 300m^2 GLA.
19.	Lot 72 on P17782 (No. 3) Exhibition Drive, Malaga	P –Office	Limited to a bank and restricted to 400m^2 on the eastern side of Lot 72.
20	Lot 4 on D48761 (No.6581) West Swan Road West Swan	P –Caravan Park	

[cl. 4.5]

No.	Description of land	Additional use	Conditions
21.	Lot 377 on P22671 (No. 746) Marshall Road, Malaga	D – Shop	
22.	Part of Lot 15 on D10151 (No. 1715) Gnangara Road Ellenbrook	P – Rural Produce Sales	1. The maximum Gross Leasable Area used for display and sale of produce being limited to 75m2 and restricted to the area indicated on the approved plan 2. Sale and display being limited to untreated or processed vegetables, fruit, crops, cereals or produce, flowers and tourist-related information 3. The "Rural Produce Sales" being accommodated within a building that is sympathetic to the Swan Valley, to the satisfaction of Council's Planning Service
23.	Lot 324 on P20784 (No. 15) Action Road Malaga	P – Continental Smallgoods Shop	Limited to a maximum floor area of 70m^2 as shown on the approved plan and is restricted to the sale of goods manufactured on-site.
24.	Lot 131 on P3598 (No. 255) Lefroy Avenue Herne Hill	P – Cattery	1. The maximum number of felines to be accommodated within the cattery at any one time is twenty (20). 2. The cattery be setback a minimum of twenty (20) metres from the southern side boundary. 3. The cattery shall not include the sale or breeding of cats. 4. At the time a development application is lodged, the proposal will be assessed in accordance with the relevant scheme provisions and issues such as effluent disposal, odour and noise will need to be addressed to the satisfaction of Council.
25.	Lot 1 on P2962 (No. 950) West Swan Road (cnr Hamersley Road) Caversham	P – Light Industry (Timber Craft Work – Manufacture, Restoration, Display and Sales)	Limited to the three buildings: - open workshop, display room, work shed which are 110m^2; 50m^2 and 37m^2 respectively, and a car parking area serving these buildings.
26.	Lot 2 on D5887 (No. 2529) Great Northern Highway Bullsbrook	P – Shop; – Shopping Centre	
27.	Portion of Swan Loc K (cnr Marshall Road and Malaga Drive) Malaga	P – Shop; – Offices; – Restaurant D – Retail Establishment	Maximum floor space of the respective additional uses are as follows: Shop: 750m^2 GLA Offices: 1100m^2 GLA Restaurant : 400m^2 GLA Retail Establishment : 5000m^2 GLA
28.	Lot 100 on P21707 (No. 1) Mulgul Road Lot 101 on P21707 (No. 2) Commerce Street Lot 102 on P21707 (No. 8) Commerce Street Lot 103 on P21707 (No. 12) Commerce Street Lot 104 on P21707 (No. 16) Commerce Street Lot 105 on S37520 (No. 20) Commerce Street Lot 106 on P21707 (No. 24) Commerce Street, Lot 107 on P21707 (No. 28) Commerce Street Malaga	P – Restaurant D – Retail Establishment	

[cl. 4.5]

No.	Description of land	Additional use	Conditions
29.	Lots 116 on P21707 (No. 25) Trade Road Lot 117 on P21707 (No. 23) Trade Road Lot 118 on P21707 (No. 21) Trade Road Lot 119 on P21707 (No. 19) Trade Road Lot 120 on P21707 (No. 15) Trade Road Lot 121 on P21707 (No. 9) Trade Road Lot 122 on P21707 (No. 5) Trade Road Lot 123 on P21707 (No. 5) Mulgul Road Malaga	D –Retail Establishment; –General Industry	
30.	Portion of Swan Location K fronting Marshall Road affected by Western Power easement, Malaga	P –Stable; –Horticultural Pursuit; –Rural Pursuit	The Council shall refer any application for development to Western Power and notwithstanding that a use is permitted, may refuse such applications on the recommendations of Western Power.
31.	Lot 49 on D90404 (No. 49) Jenkins Road Bullsbrook	P –Animal Establishment: Cattery Only	1. The sign for the cattery shall not exceed 0.64m^2 and shall be sympathetic to the area. 2. All buildings shall be located within the building envelope depicted on the approved Annotated Building Envelope Plan.
32.	Lot 3 on D22957 (No. 3) Adelaide Street Hazelmere	D –Light Industry and Warehouse	
33.	Lot 10 on P28606 (No. 831) Chittering Road Bullsbrook	D –Private Recreation; –Shop (Tourist)	The 'Shop' shall be limited to the sale of packaged food, drinks and goods of an arts and craft nature.
34.	Lot 26 on D80839 (No. 26) Copley Road (cnr Great Northern Highway) Upper Swan	P –Sales and Assembly of Transportable Buildings.	
35.	Lot 18 on D75099 (No. 510) Great Northern Highway Middle Swan	P –Wooden Furniture Making.	Restricted to an area of 990m^2.
36.	Lots 16 on D44943 (No. 1392) & Lot 32 on D82609 (No. 1398) Great Northern Highway, Upper Swan	P –Machinery and Vehicle Sales and Service.	The owner shall prepare a site audit and management plan relating to soil contamination to the satisfaction of the Principal Planner in consultation with the Department of Environment prior to the approval of any development application on site.
37.	Lot 25 on D74305 (No. 1084) Great Northern Highway (cnr Haddrill Road) Baskerville	P –Local Shop being limited to: i. General Store ii. Newsagency iii. Hardware iv. Liquor Store v. Butcher D –Produce Store; –Offices; –Fuel Sales A –Bulk Fuel Supplies	1. Limited to the following approximate retail floor areas: i. General Store and Liquor Store (475m^2) ii. Newsagency and Butcher (75m^2 each) iii. Offices (100m^2 each). 2. The total floor space for all retail (excluding office and produce store) uses on the site is to be limited to 625m2 GLA. 3. A maximum of five (5) fuel pumps are permitted on the site.
38.	Lot 532 on D97924 (No. 252) Benara Road Beechboro	P –Medical Centre; –Office; –Convenience Store	The Convenience Store is to be restricted to a maximum floor area of 101m^2.
39.	Lot 2 on P5881 (No. 10) Mellar Court, Midland	P –Office	

No.	Description of land	Additional use	Conditions
40.	Lot 800 Morrissey Road, Bullsbrook *AMD 171 GG 26/5/2020*	D – Construction Yard	1. The use is limited to an area of 4000m^2; and 2. Is not permitted in the area where the use of Caravan Park is a discretionary use, depicted on the Scheme Map as 'A40(A1)'.
		D – Caravan Park	1. The use is limited to an area of approximately 22ha in the South West corner of the lot, depicted on the Scheme Map as 'A40(A1)'.
41.	*DELETED - AMD 125 GG 10/11/15*		
42.	Portion of Lot 6 on P3220 (No. 220) Almeria Parade Upper Swan	P – Stockfeed Manufacturing and Wholesale Activity (defined as "any land or buildings used for the manufacturing, cleaning, processing, packing, storage, wholesaling and incidental administration of any rural primary products intended for animal consumption.)	1. The 'Stockfeed Manufacturing and Wholesale Activity' is permitted only on the area of 1 hectare of land which is, on the date of gazettal, being used for stockfeed manufacturing and wholesale activities, and not the whole of Lot 6 Almeria Parade, Upper Swan. 2. The Stockfeed Manufacturing and Wholesale Activity shall be restricted to the following hours of operation: • Monday to Friday (7.00am to 6.00pm) • Saturday (8.00am to 1.00pm) • Sunday and Public Holidays (not permitted) 3. No stock shall be kept within the area used for the Stockfeed Manufacturing and Wholesale Activity. 4. The Stockfeed Manufacturing and Wholesale Activity shall not involve the processing of animal based products. 5. As part of development application and approval, the City of Swan will require: • The monitoring and reporting by the applicant to demonstrate the compliance with conditions of approval. • A minimum building floor level of 0.5 metres above the 100 year flood level and development (e.g. filling, building etc.) located outside the floodway for Ellen Brook. • A licence being obtained from the Department of Environment for the manufacturing operation. • The introduction of dust suppression, unloading and processing techniques to prevent the movement of material blown off-site to the satisfaction of Council in consultation with Agriculture WA. • The implementation of noise suppression measures as required, to ensure compliance with the Environmental Protection (Noise) Regulations. • The implementation of noise suppression measures as outlined in the report of N.D. Engineering, and other measures as required, to ensure compliance with the Environmental Protection (Noise) Regulations. • The planting and continual maintenance of a wind 'net' of appropriate density to surround the site to reduce movement of wind borne material off-site to the satisfaction of Council in consultation with Agriculture WA.
43.	Lot 800 on D98651 (No. 1915) Beach Road (cnr Oxleigh Drive) Malaga	P – Shop; – Office	1. The Shop is restricted to a maximum size of 1500m^2 GLA with individual tenancies limited to 300m^2 GLA. 2. The site shall be developed generally in accordance with an approved Indicative Development Plan.

[cl. 4.5]

No.	Description of land	Additional use	Conditions
44.	Part of Lot 5 on D13130 (No.754) Great Northern Highway Herne Hill	D –Oenological and Viticultural Equipment& Products Showroom	1. The additional use may only be established within the existing building. 2. External display of items for sale is not permitted. 3. If the existing building is removed the additional use must cease. 4. Notwithstanding point 3. above Council may consider approving the additional use within a new building subject to it being restricted to 219m2 in total floor area and if it is considered compatible with the objectives of Area B of the Swan Valley Planning Act 1995. 5. Notwithstanding point 3. above, Council when considering a development for a new building shall not support: • an encroachment into the Primary Regional Road reservation under the Metropolitan Region Scheme; • more than one driveway onto Great Northern Highway; • street or verge parking; • earthworks or stormwater drainage being discharged on to the Great Northern Highway.
45.	*DELETED BY AMD 198 GG 7/10/2022*		
46.	*DELETED BY AMD 186 GG 9/2/2021*		
47.	Lot 3 on D47901 (No.777) Great Northern Highway Herne Hill	D –Local Shop –Fuel Sales –Lunch Bar –Shop and being limited to: (i) Café; and (ii) Arts & Craft Shop; and/or (iii) Tourist Information. –Service Office.	1. The total floor space for all uses on the site is limited to 350 square metres Gross Leasable Area (GLA). 2. A maximum of two (2) fuel pumps are permitted on site. 3. The display and sale of Arts, Crafts and Tourism Information is to predominantly relate to and/or be produced in the Swan Valley to the satisfaction of the Principal Planner. 4. The design and siting of buildings, landscaping and signage is to be in keeping with the traditional rural character of the Swan Valley to the satisfaction of the Principal Planner.
48.	Lot 134 on D85619 (No. 6) and Lot 133 on D74002 (No. 2) Toodyay Road, Middle Swan *AMD 52 GG 05/04/11*	D –Caravan Park	In accordance with the development approval.
49.	Lot 307 on D94779 (No. 2672) Toodyay Road Gidgegannup	P –Hotel	
50.	Pt Lot 498, Lot 499, 500, 501 & 511 on P2505 Blackburn Street Bellevue *AMD 231 GG 16/12/2025*	P –Tourist and Visitor Accommodation	
51.	Lot 228 on P6061 (No. 2081) Toodyay Road Gidgegannup	P –Antique Furniture Reproduction and Residence	The use is limited to a maximum factory floor space of 120m^2.
52.	Part of Lot 50 on D65225 (No. 189) Midland Road Hazelmere	P –Rural Tavern and Restaurants	
53.	Lot 21 (No. 36) and Lot 515 (No. 40) Great Northern Hwy (cnr North Street) Midland *AMD 177 GG 7/4/2020*	P –Consulting Rooms and Pharmacy D –Medical Centre	

[cl. 4.5]

No.	Description of land	Additional use	Conditions
54.	Lot 300 on P632 (No. 105) Terrace Road Lot E1 on P632 (No. 103) Terrace Road Guildford	P –Dwelling (Single House) (R20); –Grouped Dwellings (2 only) (R20); D –Museum; –Restaurant; –Shop: Local; –Shop: Tourism	
55.	Lot 194 on P222550 (No. 24) Stirling Street Guildford *AMD 201 GG 7/10/2022*	D –Cultural Use; –Civic Building; –Museum; –Restaurant; –Shop (Restricted to cultural/heritage and tourism sale of goods) –Garden Centre	1. The operation of a Garden Centre shall be subject to an operational management plan approved by the City and shall cover matters such as (but not limited to) parking and access, heritage impacts, noise and odour.
56.	Lot 24 on D74543 Cathedral Ave Brigadoon	P –Shop –Service Station D –Veterinary Consulting Rooms; –Veterinary Hospital; –Produce Store; –Nursery; –Fast Food Outlet; –Boarding House; –Consulting Rooms; –Farrier; –Office; –Restaurant	1. Shop is restricted to 300m^2 maximum floor area. 2. No development shall be permitted on the site unless the Council is satisfied that the development will be connected to a suitable effluent disposal system to the satisfaction of both the Health Department of Western Australia and Council. 3. The total development on the site shall not exceed 2,500m^2 GLA. 4. The total area used for Office shall not exceed 100m^2.
57.	Portion of Lot 2 on D13124 (No. 436) Portion of Lot 7 on D16327 (No. 432) Portion of Lot 8 on D16327 (No. 428) Lot 12 on D18576 (No. 422) Lot 10 on D18576 (No. 418) Lot 11 on D18576 (No. 416) Portion of Lot 23 on D45252 (No. 426) Great Northern Hwy Middle Swan	P –Industry (Rural); –Radio & TV Installations (Private); D –Construction Yard; –Hire Service (Industry); –Hire Service - Non-Industry; –Milk Depot; –Nursery; –Produce Store; –Public Utility; –Radio & TV Installations (Small Scale Commercial); –Recreation Public; –Recreation Private; –Sawmill; –Storage Yard; –Transport Depot; –Veterinary Hospital; –Woodyard	
58.	Lots 105 & 106 on P7340 (No. 380) Clenton Road Gidgegannup	D –Cultural use; –Education establishment; –Industry: Rural; –Nursery;	1. The development of the subject land to be generally in accordance with an approved site plan. 2. No dwelling may be constructed with a roof area of less than 190 square metres. 3. No building on the lot shall be constructed closer to any boundary of the lot than a distance of 40 metres except that the Council may approve a lesser distance if it can be shown to be necessary or desirable for reasons of topography or other site conditions. 4. No more than 18 dwellings and associated community facilities to be constructed on the lots. 5. A secondary water supply shall be provided by

No.	Description of land	Additional use	Conditions
			a dam or bore. 6. No septic tank or leach drain shall be located within 100 metres of any watercourse. 7. A Bushfire Management Plan shall be prepared to the satisfaction of the City of Swan and the Bushfires Board and reviewed annually. 8. The access road and strategic firebreaks will have a six metre wide clearing and a four metre wide trafficable surface.
59.	Lots 71& 72 on P22111 (No. 1239 & 1235) Great Northern Hwy, Upper Swan	D – Equestrian Facility	
60.	Lot 38 on S26082 (No. 57) Great Eastern Highway, Bellevue	P – Drive-In Bottle Shop and Restaurant	
61.	Lot 14 on D77199 (No. 6639) West Swan Road West Swan	P – Convenience Store	
62.	Lot 50 on D90849 (No. 1383) Great Northern Hwy, Upper Swan.	P – Service Station and Roadhouse	1. Development to be in accordance with Ultimate Development Concept Plan A8906-120-1A which forms part of this amendment document. 2. The retail area comprises two stages to a maximum gross leasable floor space of 560 sqm: - Stage 1 - 360 sq.m - Stage 2 - 200 sq.m 3. The restaurant comprises two stages to a maximum of 175 seats: - Stage 1 - 25 seats - Stage 2 - 150 seats 4. The approval of the Health Department of Western Australia is required for the establishment of any retail activity on the site which in the opinion of Council may discharge large amounts of waste water. 5. To enable the development of Stage 2 of the retail and restaurant areas the following special condition must be complied with: - the site is to be provided with an effluent disposal system designed and installed to the requirements of the Environmental Protection Authority, Health Department of Western Australia, the City of Swan and other relevant Government Authorities or Departments and/or on the provision of a reticulated sewer and immediate connection to that service.
63.	Lot 612 on S23932 (No. 110) Lot 613 on S15405 (No. 114) Lot 614 on D73269 (No. 118) Illawarra Crescent Ballajura	P – Restaurant P – Post Office P – Chiropractor P – Veterinary Hospital P – Medical Centre P – Real Estate Office	
64.	*DELETED BY AMD 231 GG 16/12/2025*		
65.	Lot 72 on P24287 (No. 181) Great Eastern Highway Midland	P – Motor Vehicle Repair	
66.	Lot 123 on D1590 (No. 50) East Street Guildford	P – Hotel	
67.	Lot 1 on D70533 (No. 2131) West Swan Road Caversham	P – Service Station	
68.	Lot 1 on D9938 (No. 2532) Great Northern Highway Bullsbrook	P – Service Station	

[cl. 4.5]

No.	Description of land	Additional use	Conditions
69.	Lot 9 & 10 on P1510 (No. 22) Johnson Street Guildford	P – Service Station	
70.	Lot 550 on D68616 (No. 35) Great Eastern Highway Bellevue	P – Place of Public Assembly	
71.	Lot 50 on D98581 (No. 87) Benara Road Caversham	P – Caravan Park	
72.	Lots 18 & 19 on P1859 (No. 305) Morrison Road Swan View	P – Tavern	
73	Lot 400 (No. 107) on DP 24718 Clayton Street, Bellevue *AMD 205 GG 15/8/2023*	D – Industry - Light – Industry - Cottage – Lunch Bar – Warehouse	
74.	Lot 1 on P21618 (No.1) Bingham Road Bullsbrook	P – Composting Greenwaste and Chicken Manure	1. In considering an application for Approval to Commence Development, Council may at its discretion determine the most appropriate location for the listed additional uses. 2. At the time of Approval to Commence Development, the Council shall require, as a condition of Development Approval, the applicant to pay a contribution towards the upgrading and/or construction of Bingham Road, or alternatively upgrade or construct Bingham Road to the satisfaction of the Council. 3. At the time of Approval to Commence Development, the Council shall require, as a condition of Development Approval, the preparation and implementation of a Conservation and Management Plan for the Bush Forever Site No. 97 area on the site. The Conservation and Management plan shall include a detailed report addressing: • protection of regionally significant vegetation; • provision for initial and ongoing weed control being undertaken within the areas where regionally significant vegetation exists which are primarily to the north, west and south of the land identified for the compost facility; • rehabilitation of degraded areas with local native species to the north, west and south of the land identified for the compost facility; • no stock is permitted on the lot, unless appropriate fencing is implemented to restrict stock movement and access into areas of regionally significant vegetation; and shall be to the satisfaction of the Commission and the Council prior to any development commencing on the site. 4. At the time of Approval to Commence Development, the Council shall, as a condition of Development Approval, require the applicant to prepare and implement a detailed Bushfire Management Plan for the subject land which is to be to the satisfaction of the Fire and Emergency Services Authority and Council. 5. Council shall require, as a condition of Approval to Commence Development, that the proponent prepare and implement a conservation covenant to ensure the protection and enhancement of the natural environment and the long term management of the land. The conservation covenant should have regard for: • the protection of natural values from the

No.	Description of land	Additional use	Conditions
			presence of weeds, pests and diseases; • the value of protecting the regionally significant vegetation; and • restricting the type, number and movement of livestock on the property.
75	Lot 198 Midland Road, Hazelmere and Lot 97 Adelaide Street, Hazelmere and Part of Part Lot 6 Adelaide Street, Hazelmere. *AMD 27 GG 4/06/2020*	P – Caravan Park	1. In accordance with planning approval. 2. All new park homes, caravans and ablution facilities being connected to deep sewer prior to the Caravan Park development being occupied. 3. Access to Pt Lot 6 (the subject of this amendment) to Midland Road shall be constructed to Council's satisfaction as part of the caravan park extension. 4. The portion of Part Lot 6, the subject of this application being amalgamated with Lot 97 (399) Adelaide Street Hazelmere prior to the Caravan Park development being occupied.
76.	Part Lot 3 Campersic Road, Herne Hill	Cement and Concrete Product Manufacture	1. portion of the site which extends 417 metres from the eastern boundary. "AA" use - Concrete and cement product manufacture and associated production and commercial processes including concrete and cement batching, maintenance, administration, storage and distribution of products. 2. Council may require that future proposals provide for the screening of development from the abutting rural lots and may consider the impact of the development on the amenity of the locality in assessment of development applications. 3. Clause 4.8 Non-Conforming Uses of Town Planning Scheme No. 17 shall not apply to the western section (measuring 190 metres from the western boundary) of the Lot. 4. Vegetation shall be planted along the northern, southern and western boundaries of the subject site zoned for Additional Use, to the satisfaction of Council. 5. The remnant vegetation located on the eastern boundary shall not be removed without Council approval. 6. The hardstand areas used for storage, distribution, access and parking shall be sealed to the satisfaction of Council. 7. Prior to the occupation of any of the buildings on the western portion of Lot 3, the owner shall enter into a legal agreement with the Council to ensure that: a. the current non-conforming use rights applicable to the western portion of the lot are relinquished to the Council's satisfaction; b. the existing office building on the western portion of the Lot is converted to a residence to the Council's satisfaction; and c. the existing workshop building on the western portion of the Lot is reduced in size to the Council's satisfaction.
77.	Lot 467 (SN 110) Terrace Road, Guildford *AMD 21 GG 12/11/10*	D – Residential (Multiple Dwellings)	
78.	Lot 178 (No.4) Mathoura Street, Midland	P – Carpark	1. Landscaping strip of 3 metres wide along the western (street) boundary of the site, excluding points of access (driveways) to the site.

No.	Description of land	Additional use	Conditions
79.	Lots 1 (No. 2), 150 (No. 6), 149 (No. 8), 148 (No. 10), 147 (No. 12), 146 (No. 14), 145 (No. 16), Lloyd Street, Midland *AMD 29 GG 22/03/11*	D –Showroom	1. In accordance with the respective planning approval.
80.	Lot 14 (No. 1527) Great Northern Highway, Upper Swan *AMD 10 GG 05/04/11*	P –Storage	1. The use class of 'Storage' is only permitted within the existing shed that was approved on the subject site under planning approval dated 21 February 1992 and building licence dated 24 February 1992.
81	Lot 1 on D7475 (31) Victoria Street, Lot 200 on D98951 (1) Cale Street, Lot 201 on D98951 (8) Cale Street, Midland *AMD 34 GG 06/09/11*	A –Vehicle Sales and Associated Service (Motorcycles)	1. Upon major re-development of the subject lots, the lots will be required to be amalgamated and the strata titles on Lot 1 will be required to be cancelled as a condition of planning approval.
82.	Lot 71 (No. 1) Penn Place, Koongamia *AMD 30 GG 08/03/11*	D –Recreation – Private (Personal Training)	1. In accordance with development approval. 2. Any development approval will be personal to Mr Alan David Pond, and will not be granted to any subsequent landowner.
83.	Lot 64 on Plan P1061 (No. 15) Victoria Street, Midland *AMD 62 GG 27/01/12*	P –Office	1. In accordance with the Development Approval. 2. The office use on the ground floor of this site shall be limited to that occupied by a real estate agent.
85.	Lot 19 (19) John Street, Henley Brook *AMD 51 GG 15/06/12*	D –Home Store	1. Floor area for the Home Store shall be restricted to 50m2. 2. The Home Store shall be operated by a resident of the dwelling. 3. Any development approval will be personal to Mr and Ms Alexander Milligan and will not be transferred to any subsequent owner of the land. 4. The use class 'Home Store' is only permitted where the use is ancillary to the operation of the Home Business (Furniture and Design Studio) approved on the subject land under planning approval dated 24 August 2005.
87.	Lot 4 of Diagram 91152 Truganina Road and Lot 5 on Diagram 91152 (No. 76-78) Malaga Drive, Malaga *AMD 69 GG 02/03/12*	P –Service Station D –Convenience Store	1. A Convenience Store may only be developed on the site when it is part of an integrated development with the Service Station.
88.	Lot 9466 (No. 11) Victoria Street, Midland	P –Civic Use –Community Purpose –Medical Centre	1. Subject to planning approval
89.	Lot 301 (D96440) Arum Lily Place, Hazelmere *AMD 75 GG 22/3/13*	P –Transport Depot	1. A maximum of – a. Six motorised commercial vehicles; and b. Six trailers/attachments. 2. Any development approval for a "Transport Depot" shall be personal to Leon Noel Pietersen and will not be granted to any subsequent owner or lessee of the subject land. 3. A Stormwater Drainage Management Plan is to be lodged and approved by the City prior to any development approval being granted on the subject lot. The Drainage Plan is to demonstrate that stormwater can be disposed of without unacceptable impact on the Hazelmere Lakes.

No.	Description of land	Additional use	Conditions
90.	Lot 304 (No. 63) and Lot 303 (No. 65) Great Northern Highway, Midland *AMD 73 GG 7/12/12*	D – Local Shop - Fast Food Outlet - Restaurant	1. Subject to development approval.
91.	*DELETED BY AMD 198 GG 7/10/2022*		
92.	Lot 1 (No. 1263) Toodyay Road, Gidgegannup *AMD 82 GG18/09/15*	A - Animal Establishment	The Additional Use is restricted to the following: 1. The keeping of dogs as a component of an approved Kennel; and 2. The keeping on site of no more than two horses as a component of an approved agistment. 3. Kennels constructed on the subject lot are to incorporate all of the kennel layout and noise management measures contained in the Environmental Noise Assessment report prepared by Lloyd George Acoustics (January 2015).
93.	Lot 121 on D40221 (No. 3241), Great Northern Highway, Bullsbrook *AMD 106 GG 10/04/15*	P - Transport Depot D - Storage	
94.	Eastern portion only of Lot 634 (No. 733) Great Northern Highway, Herne Hill *AMD 45 GG 13/01/12* *AMD 101 GG 16/1/15*	A – Motor Vehicle Repair	1. Discretionary consideration of any development application for 'Motor Vehicle Repair' is contingent on the prior extinguishment (by legal agreement) of the non-conforming use rights for the 'Home Business (Motor Vehicle Repair)' at Lot 1 (No. 812) Great Northern Highway, Herne Hill. 2. Any workshop/shed used for the purpose of 'Motor Vehicle Repair' shall not exceed 4.7m in height and 26.5m in length. 3. A Landscaping Plan shall be required to be prepared and implemented, to effect screening of any workshop/shed as viewed from the abutting lots to the north, to the satisfaction of the Chief Executive Officer of the City of Swan. 4. An acoustic report from a suitably qualified and experienced consultant is to be provided, to demonstrate that the proposed 'Motor Vehicle Repair' workshop/shed is capable of complying with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the Chief Executive Officer of the City of Swan. 5. Any development approval will be personal to Mr and Mrs Vince Fondacaro and will not be granted to any subsequent owner of the land.
95.	Lot 6 on D55166 Stock West Road Bullsbrook *AMD 102 GG 16/06/15*	P - waste transfer station	1. The additional use referred to is subject to the following conditions: a. No more than 200 tonnes of waste material (total) can be on the site at any one time. b. No hazardous material, bio-solids, manures or mulching is to be produced or stored on site. c. The management of leachate is to be to the satisfaction of the relevant State Authorities.
96.	Lot 3537 on DP 57169 Ponte Vecchio Boulevard Ellenbrook Lot 3675 on DP 57169 Ponte Vecchio Boulevard Ellenbrook	D – Single House – Grouped Dwelling – Multiple Dwelling – Single Bedroom Dwelling	Density coding applicable for the consideration of additional uses shall be R60.

[cl. 4.5]

No.	Description of land	Additional use	Conditions
97.	Lot 1906 on D95622 Ponte Vecchio Boulevard, Ellenbrook	A - Office	The Office floor space is not to exceed the floor space of the residential component of the development of Lot 1906.
98.	Lot 18 on Diagram 42637 (No.159-161) James Street, Guildford *AMD 121 GG 04/03/16*	A – Multiple Dwellings (discretionary after public advertising)	1. Discretion to approve an application for Multiple Dwellings shall only arise with the prior completion of: a. the Conservation Works as specified in the Heritage Agreement dated 30 April 2015 and endorsed by the Minister for Environment and Heritage; b. a heritage impact assessment being undertaken for any new development to make recommendations to mitigate any detrimental effects; c. advertising of the proposed development in accordance with clause 9.4 of the Scheme. 2. The maximum height of any building including lift overruns, air conditioning units, building services, or any other integral part of the building shall conform to the following requirements: a. A base podium to a maximum of three storeys up to a height of 10 metres above natural ground level or to match the top of the parapet of the Guildford Hotel facing Johnson Street, whichever is higher, with a minimum setback of 9 metres to the southern lot boundary and 5.5 metres to the western lot boundary; b. A second tier to a maximum of two storeys up to a maximum overall building height of 17 metres above natural ground level or to match the top of the finished belvedere (excluding any spire) as agreed by the State Heritage Office, whichever is higher, with a minimum 5 metre setback from Johnson Street lot boundary and an average 5 metre setback from the northern, western and southern outer edges of the base podium; and c. The northern face of the base podium shall not project beyond a line that is an extension of the southern boundary of lots 1 and 2 James Street through Lot 18 to Johnson Street. 3. The minimum setback to Johnson Street shall be nil for the base podium. Notwithstanding any provision contained in the Scheme and The Residential Design Codes no plot ratio is to apply to the proposed redevelopment of the site. 4. The minimum setback to the southern rear boundary shall be 9 metres. 5. The minimum setback to the western side boundary shall be 5.5 metres. 6. Any development application for any development of the site shall be subject to review by a Design Review Panel which is to comprise the following: - The Government Architect (as the Chair); - A nominee of the State Heritage Office; - The City of Swan's heritage consultant; and - A suitably qualified town planner. The relevant decision making authority, when dealing with an application for planning approval for the proposed land, shall have due regard to any relevant recommendation of the Design Review Panel. 7. The maximum heights specified in Condition 2 are not capable of variation by any other provision of the Scheme.

[cl. 4.5]

No.	Description of land	Additional use	Conditions
			8. Development must achieve urban design and architecture that is exemplary with respect to heritage, adaptive re-use and multi-residential design. The design of any new development should: a. Provide outstanding architecture that is responsive to the heritage value of the site and the date and design intent of the existing Guildford Hotel building; b. Demonstrate responsiveness to the existing streetscape character, scale and grain of the Guildford township; c. Demonstrate well-considered materiality, colour, articulation and detailing; d. Demonstrate sensitivity to the built form and scale of the Guildford Hotel including its grain, rhythm, order and proportions of elements and openings; e. Ensure siting, height and built form of new buildings maintains primary views and vistas to the Guildford Hotel, including the Belvedere, north and east facades; f. Demonstrate careful arrangement of building massing and height to minimise negative impacts to the amenity of adjacent properties; g. Provide high quality hard and soft landscaping elements including the retention of mature trees; h. Where a development application proposes the removal of existing mature trees then an arborists report shall be provided justifying the removal; and i. Provide considered location of car parking to minimise negative impacts to the public realm. 9. a. Any development is to incorporate noise attenuation measures into the development that achieve the indoor design sound levels specified in AS2021 (2015). b. A Notification under Section 70A of the *Transfer of land Act 1893* must be registered over the certificate of title to the land the subject of any proposed development prior to the lodgement of an application for a building permit. The notification shall notify owners and prospective purchasers of the land that the land is affected by aircraft noise.
100	Portion of Lot 9011 (formerly Lot 9010) Marshall Road Malaga *AMD 138 GG 10/10/17*	P - Shop	Net lettable shop floorspace area to be limited to a maximum 1,500m2.
101	Lot 125 (No. 2071) Toodyay Road, Gidgegannup *AMD 144 GG 22/12/17*	P - Medical Centre P - Shop (Pharmacy)	1. The landowner/ developer must have development approval to commence development for the additonal use. 2. A bushfire management plan being prepared to support the development application in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas to the specifications of the Local Government.

[cl. 4.5]

No.	Description of land	Additional use	Conditions
102	Lot 280 (No. 543) Campersic Road, Millendon *AMD 143 GG 19/01/18*	P - Shop - Farm Supply Centre	1. The Shop being limited to a Farm Supply Centre meaning land or buildings used for the handling, processing, packing, storage and/or sale of any rural products by retail and includes incidental administration. Rural products include; stockfeed (hay bales, rolls, chaff or packaged feed), vitamins, minerals, supplements, horse tack (horseshoes, hoof oil etc.) or other rural supplies (stable sawdust, hay nets etc.). 2. The maximum Gross Leasable Area (GLA) used for small item display, office and sale of rural products being limited to 100m2. 3. Storage and pallet shelving of bulky items, and packing/processing area limited to 350m2 GLA. 4. The 'Shop - Farm Supply Centre' being accommodated within a building that is sympathetic to the Swan Valley, to the satisfaction of the City. 5. No development or commencement of use shall be permitted on the site until a planning approval has been obtained from the local government.
103	Part Lots 9501 on Plan 48644, and Part Lots 9001 on CT 2943/160, Bushmead *AMD 149 GG 27/11/18*	D – Office	Approval is restricted to a Residential Sales Office which is defined as: "**Residential Sales Office**" means a building, structure and associated car parking, used incidental to the sale of land and dwellings and is temporary in nature.
104	DELETED BY AMD 198 GG 7/10/2022		
105	Portion of Lot 71 Arthur Street, Dayton (Diagram: 75249, Vol: 1933, Folio: 980) *AMD 161 GG 16/04/19*	D – Medical Centre	As part of the development of this site, there shall not be vehicular access or egress directly onto Arthur Street or Dayton Boulevard.
106	Eastern Portion of Lot 102 on Diagram 72875 Harrow Street, West Swan *AMD 184 GG 9/2/2021*	D – Educational Establishment	
107	*DELETED BY AMD 198 GG 7/10/2022*		
108	Portion of Lot 151 Toodyay Road, Gidgegannup (DP 30695) Portion of Lot 152 Toodyay Road, Gidgegannup (DP 30695) *AMD 166 GG 01/10/2021*	D – Resource Recovery Centre D – Waste Storage Facility	1. No hazardous material, bio-solids, manures or mulching is to be produced or stored on the site.
109	Lot 111 and 112 Helen Street, Bellevue *AMD 204 GG 05/09/2023*	D - Office - Showroom - Caretaker's dwelling	Nil.
110	Lot 115 Helen Street, Bellevue *AMD 204 GG 05/09/2023*	D - Club Premises	Nil.
111	Lot 463 (No 108) Swan Street, Guildford. *AMD 222 GG 11/04/2025*	D - Dwelling	The Additional Use of Dwelling is limited to the upstairs portion of the existing building located at Lot 463 (No. 108) Swan Street, Guildford.

[cl. 4.5]

No.	Description of land	Additional use	Conditions
112	Lot 4 (No. 1447) Great Northern Highway, Upper Swan *AMD 215 GG 14/10/2025*	A - Consulting Rooms - Storage - Warehouse	1. Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal system shall be approved unless in accordance with the Government Sewerage Policy or relevant State Planning Policy.
113	A 320m^2 portion of Lot 1003 on P23163 Verdelho Drive, The Vines, located near Lot 1 on SP32974 Verdelho Drive, The Vines, as depicted on the scheme map *AMD 191 GG 14/08/2026*	A - Telecommunications Infrastructure	Nil
A114	Lot 6 on P1736 (No. 2) Tanner Street, Middle Swan *AMD 235 GG 11/08/2026*	D - Car Park	1. The car park is for the exclusive use of Lot 7 on P1736 only. 2. Any crossover(s) for the Car Park is only permitted from Tanner Street. 3. Any development application will require a Landscaping Plan to be prepared and implemented, to the satisfaction of the Chief Executive Officer of the City of Swan.

SCHEDULE 3 — RESTRICTED USES

[cl. 4.6]

No.	Description of Land	Restricted use	Conditions
1.	Lot 51 on D72876 (No. 174 - 176) Great Eastern Highway Midvale	Post Office Lunch Bar	No other uses permitted except those uses considered to be incidental to the Post Office use.
2.	*DELETED AMD 35 GG 05/02/13*		
3.	Lot 42 on P934 (No. 86) Great Northern Highway (cnr John Street) Midland	'P' – Local Shop; – Car Sales Lot	
~~4.~~	*DELETED BY AMD 73 GG 7/12/12*		
5.	Lot 8 on P2112 (No. 107) Great Northern Highway Midland	'P' – Local Shop	
6.	Lot 38 on P1236 (No. 52) Great Northern Highway (cnr Charles Street) Midland	'P' – Local Shop; – Dry Cleaning Premises	
7.	Lot 22 on P2112 (No. 75-77) & Lot 23 on S26729 (No. 66-73) Great Northern Highway (cnr Charles Street) Midland	'P' – Local Shop	
8.	Lot 107 & 108 on D84494 (No. 155) Viveash Road Jane Brook	'P' – Dwelling (Single House); – Home Occupation; – Rural Home Occupation; 'D' – Home Business; – Public Utility; 'A' – Radio & TV Installation Private	1. The minimum lot area shall be 1 ha. 2. All buildings shall be located within the Building Envelope depicted on the approved Outline Development Plan for the site. 3. The removal of vegetation shall be limited to the building envelope and those areas necessary for access, fencing and firebreaks.
9.	Portion of Lot 107 & 108 on D84494 (No. 155) Viveash Road Jane Brook	The uses on the sites shall be restricted as follows with respect to a 13m wide buffer along Viveash Road and subject to the following.	1. The subject area shall not be used for any buildings, vehicle parking or storage. 2. The subject area shall be landscaped in accordance with a landscaping plan approved in writing by the Council and maintained by the owner. 3. Prior to the subdivision of the land, uniform fencing approved by the Council shall be constructed along Viveash Road. Such fencing shall be maintained by the owners. 4. Setback requirements under the Residential Design Codes shall be measured from the western edge of the buffer strip.

[cl. 4.5]

No.	Description of Land	Restricted use	Conditions
10.	Lot 1 on D87544 (No. 20) Bonner Drive Lot 2 on S34061 (No. 28) Bonner Drive Lot 3 on S31562 (No. 2) Enterprise Crescent Lot 4 on S32680 (No. 8) Enterprise Crescent Lot 5 on P20832 (No. 12) Enterprise Crescent Lot 6 on S31720 (No. 16) Enterprise Crescent Lot 7 on P20832 (No. 22) Enterprise Crescent Malaga	Uses which could adversely be affected by dust or grit emanating from the adjacent brickworks are not permitted except with the special approval of Council. The Council may seek advice from the Environmental Protection Authority in respect of any use proposed to ascertain whether that use will be so affected.	
11.	Lot 852 on D75520 (No. 1892) Beach Road (cnr Crocker Drive) Malaga	'P' – Industry – Cottage; – Industry - Service; – Recreation – Public; – Motor Vehicle Wash; – Warehouse 'D' – Car Park; – Caretaker's Dwelling; – Community Purpose; – Consulting Rooms (except for accountants); – Industry – Light; – Industry – Service; – Medical Centre; – Recreation – Private; – Storage: – Telecommunications Infrastructure; – Veterinary Centre; – Sporting Goods Retailer; – Chemist; – Stationer; – Newsagents; – Photographic Studio and Supplies; – Florist; – Dry Cleaning Agencies; – Hairdressers and Barbers; – Café; – Liquor Store. 'A' – Service Station.	The restricted uses which are permitted shall occupy a gross leasable floor area (GLA) of no greater than 1400m^2.
12.	*DELETED AMD 15 GG 12/03/10*		
13.	Lot 1001 on DP 66027, Lot 404 on DP 76880 and Lot 405 on DP 76880 Bushmead Road; portion of Lot 25 on Plan 4556 Stirling Crescent; Lot 80 on Plan 4539 and Lot 810 on DP 76251 Bushmead Road; Lot 812 on DP400749 and Lot 813 on DP400749 Tipper Court; Lot 76 on P4539 and Lot 202 on DP39720 Bushmead Road; Lot 4 on D55932 Stirling Crescent; Lot 800 on DP408214, Lot 301 on DP405273 and Lot 100 on Plan 4553 Lakes Road; portion of Lot 117 on Plan 4553 Lakes Road; Lot 116 on Plan 4553 Lakes Road; portion of Lot 50 on Plan 7475 Lakes Road; Lot 800 on DP404599 Lloyd Street; Lot 20 on DP 73040 and Lot 801 on DP410111 Lakes	The Use Classes listed in the Zoning Table against the 'General Industrial' Zone and cross referenced with the symbols of 'P', 'D', and 'A'.	1. Land use and development is restricted to 'Dry Industry' activities unless the site and development is connected to reticulated sewer. 2. A Wastewater Management Plan shall be submitted to the City of Swan with each development application. The management plan shall be prepared to the satisfaction of the Local Government and the agencies which has responsibility for policy relating to Health and other agencies as required and shall demonstrate that the proposed development and land use will comply with the waste water disposal limits as identified within the definition of 'Dry Industry'. 3. Connection to an Aerobic Treatment

[cl. 4.5]

No.	Description of Land	Restricted use	Conditions
	Road; Lot 802 on DP62935 Stirling Crescent; Lot 15 on DP409937, Lot 13 on DP75343 and Lot 14 on DP75343 Lakes Road; Lot 803 on DP413194 Stirling Crescent; Lot 5 on Diagram 55931 and Lot 6 on Diagram 55931 Bushmead Road; and Lot 101 on Diagram 66237 Bushmead Road, Hazelmere. Lot 403 on DP 55161 Bushmead Road; and Lot 405 on DP 400754 Bushmead Road, Hazelmere. Lot 81 on Plan 4539 Bushmead Road, Hazelmere; portion of Lot 99 on P4553 Lakes Road Hazelmere; and portion of Lot 818 on DP410439 Lloyd Street, Hazelmere. Portion of Lot 3001 on DP66027 Central Avenue; Lot 1003 on DP404286 Stirling Crescent; Lot 1004 on DP404286 Bushmead Road; and Lot 29 on Plan 4539 Bushmead Road, Hazelmere. *AMD 84 GG 10/07/18*		Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government and the agency which has responsibility for policy relating to Health. 4. Land use and development shall connect to reticulated sewer where available. 5. Subdivision of existing lots into smaller lot sizes, shall not be supported unless the subdivision represents a minor lot boundary realignment, or the land is connected to reticulated sewer, and/or a Detailed Area Plan is prepared in accordance with the Scheme. 6. A Stormwater Management Plan shall be submitted to the satisfaction of the Local Government with each development application. The Management Plan shall demonstrate that runoff is contained onsite for a 1 year Annual Recurrence Interval (ARI) storm and discharge from lots is limited to a rate of 16L/s/ha through the use of onsite compensation. 7. Any onsite stormwater compensation basin and drainage swale shall be landscaped appropriately in accordance with Water Sensitive Urban Design Guidelines and to enhance the visual and landscape amenity of the site. A Landscape Plan shall be submitted to the satisfaction of the Local Government with each development application. 8. A site investigation and management plan/remediation and validation report (if required) shall be prepared and implemented with respect to potential soil and ground water contamination of a site, with any subdivision proposal or development application, whichever occurs first. The investigation and management plan be prepared to the satisfaction of the Local Government and where necessary approval of the agency which has responsibility for policy relating to Environment. 9. The investigaton of ground water levels on a site shall also include consideration for any requirements for future fill and/or subsoil drainage for the proposed development application or subdivision proposal, to the satisfaction of the Local Government and the agency which has responsibility for policy relating to Water and Water Licensing. 10. A Geotechnical Report may be required to be submitted with any subdivision proposal or development application, which is likely to impact

[cl. 4.5]

No.	Description of Land	Restricted use	Conditions
			upon acid sulfate soils identified as high to moderate by the agency which has responsibility for policy relating to Water, Water Licensing and Acid Sulfate Soils. Where necessary, the report shall also detail a management plan in accordance with the WA Planning Commission Acid Sulfate Soils Planning Guidelines, for approval by the agency which has responsibility for policy relating to Water, Water Licensing, Acid Sulfate Soils and other agencies as required.
14.	Lot 155 on P4553 and Lot 5 on Diagram 27196 Stirling Crescent, Hazelmere Lot 4 on Diagram 27196, Lot 153 on Plan 4553, Lot 152 on Plan 4553 and Lot 11 on Diagram 52977 Talbot Road, Hazelmere. Portion of Lot 801 on Dep Plan 404599 Lloyd Street; Portion of Lot 21 on Dep Plan 73040 Talbot Road; Lot 22 on Dep Plan 73040 Talbot Road; Lot 141 on Plan 4553 Talbot Road; Portion of Lot 5001 on Dep Plan 67434 Talbot Road; Portion of Lot 20 on Diagram 79083 Stirling Crescent; Lot 1 Diagram 44255 Stirling Crescent; Portion of Lot 2 on Diagram 44255 Stirling Crescent; Lot 144 on Plan 4553 Talbot Road; Portion of Lot 145 on Plan 4553 Talbot Road; Portion of Lot 7 on Dep Plan 40987 Talbot Road, and; Lot 147 on Plan 4553 Talbot Road, Hazelmere *AMD 125 GG10/11/15* *AMD 198 GG 7/10/2022*	The Use Classes listed in the Zoning Table against the 'General Industrial' Zone and cross referenced with the symbols of 'P', 'D', and 'A'.	1. Unless development on the site is connected to reticulated sewer - a) development is restricted to 'dry industry' whereby any development application must demonstrate that the quality and volume of effluent to be disposed of onsite can be successfully disposed of, without adverse environmental or health effects, using effluent disposal systems; and b) development shall be restricted to the type which is predicted to generate, and/or generate waste water intended for disposal on site at a daily volume not exceeding 540 litres per 2000m2 of site area. 2. A Wastewater Management Plan shall be submitted with each development application to demonstrate that Condition 1 can be achieved to the satisfaction of the Local Government. 3. Connection to an Aerobic Treatment Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government and Health Department of Western Australia. 4. Land use and development should connect to reticulated sewer where available. 5. Subdivision of existing lots into smaller lot sizes shall only be supported if the land is connected to reticulated sewer, or where the subdivision represents a minor lot boundary realignment. 6. A Stormwater Management Plan shall be submitted to the satisfaction of the Local Government with each development application. The Management Plan shall demonstrate that runoff is contained onsite for a 1 year Annual Recurrence Interval (ARI) storm and discharge from lots is limited to a rate of 16L/s/ha through the use of onsite compensation. 7. A Landscape plan shall be submitted with each development application to demonstrate that any onsite

[cl. 4.5]

No.	Description of Land	Restricted use	Conditions
			stormwater compensation basin and drainage swale will be landscaped appropriately in accordance with Water Sensitive Urban Design Guidelines to enhance the visual and landscape amenity of the site to the satisfaction of the Local Government. 8. Prior to any subdivision or development proposal, whichever occurs first, a site investigation and remediation report (if required) shall be prepared and implemented with respect to potential soil and ground water contamination of a site to the satisfaction of the relevant approval agency on advice from the Department of Environment Regulation. 9. The investigation of ground water levels on a site shall also include consideration for any requirement for future fill and/or subsoil drainage for the proposed development application or subdivision proposal, to the satisfaction of the Local Government. 10. An acid sulphate soils self-assessment form and, if required, an acid sulphate soils report and management plan may be required to be submitted to and approved by the Department of Environment Regulation with any subdivision or development application that is likely to impact on moderate or high risk acid sulphate soils. 11. An Environmental Management Plan shall be submitted with each development application on any land that shares a common boundary with, or partially includes a Bush Forever site. The Environmental Management Plan is to demonstrate that impacts to Bush Forever are avoided to the satisfaction of the Local Government on advice from the Department of Biodiversity, Conservation and Attractions.
15.	• Lot 55 on DP429085 (No.42) Lakes Road; • Lot 812 on DP422350 (No.55) Vale Road; • Portion of Lot 810 on DP422351; • Portion of Lot 813 on DP422350; • Portion of Lot 806 on DP422351; and • Lot 807 on DP422351; each of Hazelmere *AMD 86 GG 28/07/17* *AMD 181 GG 20/11/2020* *AMD 214 GG 05/05/2026*	Land Uses are to be as per the symbols of 'P', 'D' or 'A', as identified in the Zoning Table cross referenced with the relevant zone, or as per Schedule 2 - Additional Uses.	1. Unless development on the site is connected to reticulated sewer, development is restricted to the defined term of 'dry industry'. 2. A Wastewater Management Plan shall be submitted with each application for development approval to address Condition 1.

[cl. 4.5]

No.	Description of Land	Restricted use	Conditions
16.	Portion of Lot 15 Victoria Road, Malaga within 150m of its boundary within Beringarra Avenue. *AMD 138 GG 10/10/17*	Car Park "D" Caretakers Dwelling "D" Community Purpose "D" Consulting Rooms "D" Educational Establishment "D" Fast Food Outlet "D" Funeral Parlour "P" Garden Centre "D" Industry-Cottage "P" Industry-Light "D" Industry-Service "P" Medical Centre "D" Motor Vehicle Wash "P" Motor Vehicle, Boat or Caravan Sales "P" Radio and TV Installation "P" Recreation Private "D" Recreation Public "P" Showroom "P" Storage "D" Tavern "A" Telecommunications Infrastructure "D" Trade Display "P" Transport Depot "D" Veterinary Centre "D" Warehouse "P"	
17	Lot 189 on Plan 4553 Adelaide Street, Hazelmere; Portion of Lot 190 on Plan 4553 Adelaide Street, Hazelmere. *AMD 192 GG 22/04/2022*	The use Classes listed in the Zoning Table against the 'Light Industrial' zone and cross referenced with the symbols of 'P', 'D' and 'A'.	1. Land use and development is restricted to 'Dry Industry' activities unless the site and development is connected to reticulated sewer. 2. A Wastewater Management Plan shall be submitted with each development application to demonstrate that Condition 1 can be achieved to the satisfaction of the Local Government. 3. Connection to an Aerobic Treatment Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government and the relevant Government agency which has responsibility for policy relating to Health. 4. Land use and development shall connect to reticulated sewer where available. 5. A Landscape Plan shall be submitted with each development application to demonstrate the following to the satisfaction of the Local Government: (a) Onsite stormwater compensation basin and drainage swale will be landscaped appropriately in accordance with Water Sensitive Urban Design Guidelines to enhance the visual and landscape amenity of the site. (b) Interface treatment to enhance the visual and landscape amenity of the site from dwellings abutting and in the vicinity of the Adelaide Street and Stirling Crescent Intersection.

[cl. 4.5]

No.	Description of Land	Restricted use	Conditions
18	Lot 811 on DP 400749 Tipper Court, Hazelmere *AMD 178 GG 26/7/2022*	"P" - Fuel Depot - Motor Vehicle Repair - Motor Vehicle Wash "D" - Service Station - Car Park - Convenience Store - Industry - Service - Lunch Bar - Recreation – Private - Telecommunication Infrastructure "A" - Fast Food Outlet - Restaurant In addition to the above, any other Use Classes listed in the Zoning Table against the 'General Industrial' Zone and cross referenced with the symbols "P" "D" and "A"	1. Discretion to approve a Development Application for 'Convenience Store' shall only arise when it is part of an integrated development with a 'Service Station'. 2. The total floor space of 'Shop-retail' ('Convenience Store', 'Fast Food Outlet' and 'Restaurant' combined) shall not exceed a Net Lettable Area (NLA) of 1,500sqm. 3. Land use and development is restricted to 'Dry Activities' unless the site and development is connected to reticulated sewer. 'Dry Activities' means any use permitted by the Local Planning Scheme and where: a. it can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the relevant Government agency; and b. the development is of a type which is predicted to generate waste water intended for disposal on site at a daily volume not exceeding 540 litres per 2000m2 of site area. 4. A Wastewater Management Plan shall be submitted with each development application to demonstrate that Condition 3 can be achieved to the satisfaction of the Local Government. 5. Connection to an Aerobic Treatment Unit (ATU) or Nutrient Effluent Disposal System may be permitted where acceptable groundwater depths exist and subject to the approval by the Local Government and the relevant Government agency which has responsibility for policy relating to Health. 6. Land use and development shall connect to reticulated sewer where available. 7. Subdivision of existing lots into smaller lot sizes, shall not be supported unless the subdivision represents a minor lot boundary realignment, or the land is connected to reticulated sewer. 8. A Stormwater Management Plan shall be submitted to the satisfaction of the Local Government with each development application. The Management Plan shall demonstrate that runoff is contained onsite for a 1 year Annual Recurrence Interval (ARI) storm and discharge from lots is limited to a rate of 16L/s/ha through the use of onsite compensation.

[cl. 4.5]

No.	Description of Land	Restricted use	Conditions
			9. Any onsite stormwater compensation basin and drainage swale shall be landscaped appropriately in accordance with Water Sensitive Urban Design Guidelines and to enhance the visual and landscape amenity of the site. A Landscape Plan shall be submitted to the satisfaction of the Local Government with each development application. 10. A site investigation and management plan/remediation and validation report (if required) shall be prepared and implemented with respect to potential soil and ground water contamination of a site, with any subdivision proposal or development application, whichever occurs first. The investigation and management plan be prepared to the satisfaction of the Local Government and where necessary approval of the agency which has responsibility for policy relating to Environment. 11. A Geotechnical Report may be required to be submitted with any subdivision proposal or development application, which is likely to impact upon acid sulfate soils identified as high to moderate by the agency which has responsibility for policy relating to Water, Water Licensing and Acid Sulfate Soils. Where necessary, the report shall also detail a management plan in accordance with the WA Planning Commission Acid Sulfate Soils Planning Guidelines, for approval by the agency which has responsibility for policy relating to Water, Water Licensing, Acid Sulfate Soils and other agencies as required.
19	Portion of Lot 9009 on DP 400991 Cranwood, Crescent, Viveash, as depicted on the Scheme Map *AMD 209 GG 21/05/24*	Conditions 1 and 2 of this clause shall be satisfied in order for residential development to be capable of approval on this lot.	1. Prior to subdivision it can be demonstrated that the applicant has scoped, designed and validated noise mitigation measures from the brickworks (masonry and clay) activities located on Lot 72 Eveline Road, Middle Swan and demonstrated that noise emissions comply with the *Environmental Protection (Noise) 1997* to the satisfaction of the Western Australian Planning Commission in consultation with the Department of Water and Environmental Regulation. 2. Residential development shall not exceed a maximum overall average density of R20 for the total site area, which is to be demonstrated at each stage of subdivision.

SCHEDULE 4 — SPECIAL USE ZONES

AMD 127 GG 18/10/16
AMD 113 GG 25/10/16
AMD 134 GG 30/6/17
AMD 86 GG 28/07/17
AMD 217 GG 17/11/23

[cl. 4.7]

No.	Description of land	Special use	Conditions
1.	Lots 2983-2987 Harper Street, Caversham	'P' – Manufacture and Sale of Building Products and Associated Activities including Clay Extraction	
2.	Lot 4-11 on D9863 Lot 13 on D56706 Bullsbrook Road and Great Northern Hwy, Bullsbrook	'D' – Amusement Parlour; – Betting Agency – Caravan or Trailer Yard; – Caretaker's Dwelling; – Child Day Care Centre; – Club Premises; – Convenience Store; – Fast Food Outlet; – Industry: Cottage; – Industry: Light; – Industry: Rural; – Industry: Service; – Lunch Bar; – Market; – Motor Repair Station; – Nursery; – Office; – Public Utility; – Recreation: Private; – Restaurant; – Roadhouse; – Service Station; – Shop; – Shopping Centre; – Spray Painting: Non-Automotive; – Storage Yard; – Transport Depot; – Vehicle Sales and Service; – Veterinary Consulting Rooms; – Warehouse 'A' – Hotel; – Tavern	
3.	Land generally bounded by Ellen Brook Drive to the south, the Ellen Brook to the east and the Ellenbrook Estate to the north and west, in the locality of The Vines, as delineated on the scheme maps. *AMD 231 GG 16/12/2025* *Note: There is land within the general area referred to above that is not included in this zone. Reference*	'P' – Home Occupation; – Tourism & Recreation Resort comprising: • Golf Courses; • Resort Centre Facilities including restaurants etc; • Outdoor recreation including tennis, bowls, swimming pool, horse riding; • Indoor Recreation (including squash, gym, billiards); • Hotel/Tourist Visitor accommodation; • Ancillary retailing including souvenirs, convenience goods;	1. Subdivision and development within the resort area shall be subject to the provisions of Part 5A of the Scheme, including the preparation and approval of a Structure Plan. 2. The Structure Plan shall incorporate the following design components and staging requirements: - a Resort Centre comprising Members Facilities, Hotel/Motel and other density tourist accommodation and recreation facilities; - dwelling units amongst the golf course connected to the Resort Centre by footpaths, cycleways and bridle paths as well as roads and golf buggy paths; - a vegetated foreshore area along Ellen Brook blended with the golf course which will assist in the management of nutrients, such foreshore being provided to the satisfaction of the Environmental Protection Authority; - a vegetated Foreshore Protection Area along Saw Pit gully and its major tributary blended with the

[cl. 4.5]

No.	Description of land	Special use	Conditions
	should be made to the scheme maps to determine the precise extent of the zoning. *AMD 56 GG 05/07/11*	• Ancillary services such as hairdressing; • Single houses or multiple dwellings at densities depicted on the Structure Plan. 'D' – Home Business; – Grouped dwelling at densities depicted on the Structure Plan; – Ancillary Accommodation.	development which will assist in the management of nutrients and run-off from the golf course and residential components; - no development is to take place within 30 metres either side of Ellen Brook; - Bush fire management provisions. 3. The resort centre area and such other areas as depicted on the Structure Plan shall be connected to a package waste water treatment system approved by the Council and the Health Department. 4. All the tourism, recreational and residential accommodation elements of the Resort shall be connected to a reticulated water supply system 5. No development shall occur until a plan for the management or nutrient input to Ellen Brook has been prepared and approved by the Council and the Environmental Protection Authority. 6 With the intention of preserving the natural environment of the resort area a minimum of 60% of the area of a lot designated for development at a density of R2.5 and 40% of the area of a lot designated for development at a density of R7.5 such that the minimum area of lot per dwelling shall be 1500m^2 shall be retained in its natural state subject to the following: a) The Council in writing may approve a variation to the area to be retained in a natural state; b) The area to be retained in a natural state on Lots 169 to 173 (inclusive) shall include the 25-metre rear building setback. c) The term natural state does not exclude "Parkland clearing". 7. Owners of land within the resort area may form and be financial members of a tourist and recreation club with a constitution approved by the Council. 8. The owner of the Resort Centre shall be responsible for: a) Maintenance and management of the golf course, and other recreation facilities. b) Maintenance of overall landscaping of road verges and other public places. c) Advising Council on proposals for other development in the resort area. d) Advising land owners of their rights and obligations under the Scheme. e) Preparing and enforcing rules relating to such matters as keeping of horses and other animals, fencing standards, building and outbuilding standards and maintenance.
4.	Land generally bounded by the approved Perth - Darwin Highway road reservation to the west and Maralla Road to the north, in the localities of	Ellenbrook Estate	1 **Interpretation** For the purpose of this Zone: "estate" means the land referred to in the Land Particulars for this Zone. 2 **Objectives of the Estate** The purpose and intent of the Estate is expressed in the following objectives to which the Council shall have regard when dealing with any proposed

No.	Description of land	Special use	Conditions
	Ellenbrook, as delineated on the scheme map. *Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to determine the precise extent of the zoning.* *AMD 19 GG 22/9/09* *AMD 59 GG 10/05/11* *AMD 115 GG 17/6/16*		Structure Plan for and any proposed development within the Estate: a) To provide for the development of a functional and cohesive community consistent with orderly and proper planning and in the interest of the amenity of the Estate; b) To encourage variety in the range of lot sizes and dwelling types within the Estate but consistent with a cohesive and attractive built environment; c) To enhance the Estate with the provision of open space and recreation networks and facilities with particular attention being given to the timely provision of appropriate community services; d) To make provision for school sites and other appropriate educational facilities within the Estate designed to encourage their management and use as a resource for local communities; e) To provide appropriate retail and commercial facilities to service the needs of residents of the Estate and with a view to the integration of retail areas with other commercial and business areas and with social services so as to maximise convenience; f) To provide retail and commercial centres, business parks and industrial and service areas to satisfy the need for such services within the Estate and to provide local employment opportunities; g) To employ strategies and designs aimed at optimising accessibility to local centres by the use of comprehensive movement networks and by other means which will facilitate connection with public transport and arterial road links to Midland, Perth and other parts of the Metropolitan Region. 3 **Structure Plan** Subdivision and development within the Estate shall be subject to the provisions of Part 5A of the Scheme, including the preparation and approval of a Structure Plan, Local Structure Plans (also referred to as Development Plans in 4 below) and Detailed Area Plans. 4 **Development Plan** An approved development plan together with all approved amendments shall apply in relation to the land within the area of the Development Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect within the area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Development Plan the use classes referred to in the Zoning Table shall have the same permissibility spread as set out in that table. Notwithstanding the above, on land in the Ellenbrook Town Centre the permissibility of land uses within the precincts described in the Development Plan is as set out in Schedule 4A. In this Clause the “Ellenbrook Town Centre” means all that land shown on the map titled “Ellenbrook Town Centre” as appended to the scheme as Schedule 4B. 5 As provided by item 11(1) of Schedule 7 of the

[cl. 4.5]

No.	Description of land	Special use	Conditions
			Planning *and Development Act 2005,* the restrictive covenant, Document Number I687182 is extinguished in respect of those land parcels detailed below so that the land is no longer subject to the restrictive covenant: **Location:** Charlotte's Vineyard: **Lot Description** — **Area** POS Lot 3079 — 3815m^2 POS Lot 3666 — 5911m^2 POS Lot 3668 — 4.6710ha Drainage Lot 3832 — 3814m^2 POS Lot 4165 — 3815m^2 POS Lot 4782 — 1.6410ha POS Lot 4991 — 1.5872ha Drainage Lot 5221 — 15603m^2 Coolamon Village: Drainage Lot 3848 — 2390m^2 POS Lot 4388 — 2390m^2 POS Lot 5190 — 882m^2 POS Lot 5219 — 2.3804ha POS Lot 5148 — 1212m^2 POS Lot 5177 — 1161m^2 POS Lot 2438 — 7.2230ha POS Lot 5731 — 11,715m^2 PAW Lot 5734 — 269m^2 POS Lot 5710 — 2,301m^2 POS Lot 5719 — 1,024m^2 POS Lot 3055 — 1.2356ha POS Lot 2156 — 996m^2 Recreation Reserve Lot 9226 — 1.0791ha *AMD 107 GG 24/07/15* Town Centre: Transit Corridor Lot 3001 — 1.3769ha POS Lot 3983 — 3753m^2 PAW Lot 4719 — 150m^2 PAW Lot 4786 — 498m^2 Transit Corridor Lot 3002 — 1.6101ha Parking Lot 5946 — 940m^2 Parking Lot 4729 — 1,059m^2 Police Station Lot 5521 — 2012m^2 Parking Lot 5531 — 922m^2 Parking Lot 5947 — 1625m^2 PAW Lot 5980 — 552m^2 PAW Lot 5981 — 561m^2 POS Lot 4731 — 1.2806ha POS Lot 3431 — 2.9392ha Road Reserve Lot 3005 — 251m^2 Road Reserve Lot 3006 — 1084m^2 Road Reserve Lot 3007 — 176m^2 Road Reserve Lot 3008 — 329m^2 Recreation Reserve Lot 5519 — 3.4851ha Recreation Reserve Lot 6232 — 1977m^2 Drain Reserve Lot 6318 — 2516m^2 Drain Reserve Lot 8382 — 1.5618Ha Recreation Reserve Lot 8801 — 9077m^2 Parking Lot 9147 — 813m^2 *AMD 107 GG 24/07/15* Woodlake Village: POS Lot 842 — 1,171m^2 POS Lot 6727 — 386m^2 6. As provided by item 11(1) of Schedule 7 of the *Planning and Development Act 2005*, the restrictive covenant, Document Number I687188 is extinguished in respect to those land parcels detailed below so that the land is no longer subject to the restrictive covenant:

[cl. 4.5]

No.	Description of land	Special use	Conditions
			Location: Annie's Landing **Lot Description** — **Area** Drain Reserve Lot 8815 — 6621m^2 Recreation Reserve Lot 8914 — 3.2014ha Recreation Reserve Lot 8915 — 7105m^2 PAW Lot 9136 — 401m^2 PAW Lot 8982 — 299m^2 PAW Lot 8923 — 300m^2 Recreation and Foreshore Protection Reserve Lot 8913 — 3930m^2 Drain Reserve Lot 8912 — 2633m^2 Recreation Reserve Lot 8911 — 6847m^2 Recreation Reserve Lot 8954 — 5558m^2 Recreation Reserve Lot 9095 — 6641m^2 Recreation Reserve Lot 9459 — 2851m^2 Recreation Reserve Lot 9461 — 3334m^2 *AMD 107 GG 24/07/15* Charlottes Vineyard: Drain Reserve Lot 5911 — 2.8669ha *AMD 107 GG 24/07/15* District Centre: POS Lot 7199 — 12.1025ha POS Lot 7200 — 1.3317ha PAW Lot 8412 — 300m^2 Recreation Reserve Lot 8496 — 892m^2 PAW Lot 8486 — 299m^2 PAW Lot 8395 — 300m^2 PAW Lot 8441 — 357m^2 Recreation Reserve Lot 9236 — 2380m^2 Recreation and Wetland Conservation Reserve Lot 4820 — 1236m^2 *AMD 107 GG 24/07/15* Lexia: POS Lot 7563 — 6457m^2 POS Lot 7651 — 1.2582ha Recreation Reserve Lot 8599 — 3467m^2 Recreation Reserve Lot 8257 — 947m^2 Recreation and Drainage Reserve Lot 8262 — 9239m^2 *AMD 107 GG 24/07/15* Malvern Springs: POS Lot 5991 — 83,780m^2 POS Lot 6018 — 3,261m^2 POS Lot 6100 — 1,806m^2 POS Lot 6224 — 15,377m^2 POS Lot 6319 — 3,387m^2 POS Lot 6503 — 3,844m^2 Drain Reserve Lot 6477 — 15,742m^2 POS Lot 7086 — 2.3168ha POS Lot 7247 — 2767m^2 Civic Use Lot 7248 — 1225m^2 POS Lot 7206 — 592m^2 POS Lot 7205 — 1172m^2 Recreation Reserve Lot 7880 — 6492m^2 Recreation and Wetland Conservation Reserve Lot 8164 — 8.8863ha Recreation Reserve Lot 8375 — 5126m^2 Recreation and Wetland Conservation Reserve Lot 8165 — 3.8175m^2 Drain Reserve Lot 8333 — 1078m^2 Recreation Reserve Lot 8744 — 4.1866ha *AMD 107 GG 24/07/15* Woburn Village: Portion POS Lot 4820 — 1,236m^2

[cl. 4.5]

No.	Description of land	Special use	Conditions
5.	Portion of Swan Loc 11942 (Reserve 43131) Lord Street, Caversham	'P' – Aboriginal Community Accommodation and incidental associated facilities; - Home Occupation; - Rural Home Occupation; - Local Shop/Education Establishment 'D' – Cultural use; – Home business; – Cottage industry; – Tourist activities	1. Subdivision and development of the land shall be in accordance with an Outline Development Plan approved by the Council. 2. Tourist activities shall be limited to: - the sale and display of traditional aboriginal arts and crafts manufactured on the land by the residents; - the display of aboriginal cultural material and performances by permanent residents of the community. 3. No building on the lot shall be constructed closer to any boundary of the lot than a distance as set out following: Front - 20 metres measured from the road widening to Lord Street; Side - 5 metres; Rear - 10 metres. 4. No land shall be filled within the Special Use Zone unless the filling is in association with any development upon the land approved by the Council. 5. No development shall be carried out and/or commenced within the area affected by the System 6 area, as shown on the approved Outline Development Plan without prior approval of the Council. 6. Development within the System 6 area shown on the approved Outline Development Plan shall be limited to passive recreation uses, site works associated with passive recreation uses or any other minor activities applied for and approved by the Council and other relevant Government agencies. No building or structures (other than those specifically mentioned above) shall be permitted within the System 6 area. 7. The maximum number of additional dwellings on the land shall not exceed 15, and all the existing residences shall be upgraded and rehabilitated to a standard equivalent to the new additional dwellings.
6.	All lots fronting Ellenbrook Road from its intersection with Warbrook Road to the intersection with the Perth – Geraldton Railway Line in the locality of Bullsbrook. As delineated on the Planning Scheme Maps.	'P' - Single House - Home Occupation - Public Utility 'D' – Industry : Cottage All other uses are not permitted. N.B. Notwithstanding any provision in the scheme, Council's prior approval to commence development shall be required for the development of a single house on land within this zone.	**Purpose and Intent of the Zone** The purpose of the zone is to ensure any development, subdivision or strata-subdivision of the land: 1. Excludes land uses that may adversely affect the Western Swamp Tortoise Conservation Reserves and/or the Ellen Brook. 2. Provides for land-uses that are compatible with and protect the function of the adjoining Western Swamp Tortoise Conservation Reserves. 3. Creates no adverse impacts on Ellen Brook and the Western Swamp Tortoise Reserves (including impacts in terms of nutrient loading, water quality, fire risk, and predator risk). 4. Is compatible with surrounding rural land-uses. 5. Subdivision, strata subdivision and development shall be in accordance with any approved Environmental Protection Policy relating to the site and/or the adjoining Tortoise Reserves. **Structure Plan** 1. No subdivision, strata subdivision and/or development shall be permitted unless in accordance with an approved Structure Plan for the entire zoned area.

[cl. 4.5]

No.	Description of land	Special use	Conditions
			2. The preparation, adoption and modification of the Structure Plan for this Zone shall be in accordance with the procedures set out in Part 5A of the Scheme. 3. In addition to those considerations required elsewhere in the Scheme in regard to Structure Plans, any Structure Plan for the site shall describe, consider and resolve the following to the satisfaction of Council and the Environmental Protection Authority: a) A description and assessment of the physical characteristics of the land affected, including an analysis of the geology and soil types, watercourses, wetlands, ground water, land capability, landforms and land-uses. b) An assessment of the landscape qualities of the site, including its topography, vegetation, skylines, vistas, streamlines and significant natural features. c) A description and assessment of the existing constraints and opportunities of the site. d) Details of the likely environmental impacts of any proposed subdivision, strata subdivision and/or development and proposed conservation measures. e) Demonstration that there will be an improvement in surface and ground water quality following subdivision, strata subdivision and/or development including an analysis of the existing situation as a baseline for future monitoring. f) Demonstration that there will be a reduction in nutrient loadings on Ellen Brook and the adjacent Western Swamp Tortoise Habitats following subdivision, strata subdivision and/or development. g) Demonstration that there will be a reduced risk to the Western Swamp Tortoise Habitats from fire, weed invasion, die-back, domestic animals, and predators following subdivision, strata subdivision and/or development. h) Proposed subdivision design which minimizes the number of lots with boundaries facing onto the Western Swamp Tortoise Reserves; i) Minimum lot size of 8 hectares and which meet the environmental quality objective of protecting the beneficial uses of the Western Swamp Tortoises Habitat as well as general planning objectives, j) Proposals for the provision of potable water. k) Details of the means proposed to protect watercourses including the use of setbacks, reserves, nutrient management and/or other special controls. l) Proposals for effluent disposal and drainage. m) Detailed mapping of minimum depths to ground water across the site. n) Assessment of fire risk and the preparation of a Fire Management Plan. o) Mechanisms for mosquito control which do not impact on the habitat of the Western Swamp Tortoise.

[cl. 4.5]

No.	Description of land	Special use	Conditions
			p) Road design sensitive to tortoises crossing. q) Prevention of access by domestic animals to the Western Swamp Tortoise Habitats. r) A programme for revegetation and tree planting including timing and management of revegetation; size, species, location and numbers of plants proposed, plants to be of local native species. s) Details of buffer areas to adjoining agricultural uses to alleviate the impact of spray drift, provide vegetation to protect watercourses, achieve pollution minimisation, reduce salinity and salinity risk and the protection of significant fauna. t) Details of buffer zones relating to the Ellenbrook Speedway and the poultry farm site. u) Proposed development standards. v) A list of commitments by the subdividers or developers undertaking implementation of the Structure Plan including, where necessary, infrastructure cost-sharing arrangements between subdividers/developers in accordance with objectives and provisions of the zone and other conditions or criteria to be met at development, subdivision and/or strata subdivision stage w) A Drainage & Nutrient Management and Water Quality Management Plan including documentation of works to be undertaken (such as tree planting and watercourse protection) to maintain reduced nutrient loadings and improve water quality following subdivision, strata subdivision and/or development. **Subdivision or Strata Subdivision Requirements** 1. In addition to other conditions and requirements of subdivision or strata subdivision, prior to any subdivision or strata subdivision of land within the zone, the subdivider shall undertake an extensive revegetation programme in accordance with the approved Structure Plan to the satisfaction of the City of Swan. An undertaking to this effect shall be incorporated into the approved Structure Plan. 2. Any lots affected by noise from the Ellenbrook Speedway (to be established via the Structure Plan) shall have a notification placed on the Certificate of Title alerting prospective purchasers to potential impacts relating to noise and nuisance. **Development Requirements** 1. No stocking of horses or any other beasts of burden shall be permitted. 2. No more than 1 dwelling per lot shall be permitted. 3. No development of a single house within the Zone shall be permitted within a buffer area of the existing Poultry Farm on Lot 28 (to be established via the Structure Plan) prior to cessation of the Poultry Farm use. 4. Effluent disposal systems shall be considered in conjunction with applications for development on site. Council may require the use of Nutrient Retentive effluent disposal systems. 5. No clearing or development is permitted within

[cl. 4.5]

No.	Description of land	Special use	Conditions
			revegetation areas identified in the approved Structure Plan. 6. Council may require additional tree planting as part of any development proposal for the purpose of landscape protection and enhancement, habitat protection or nutrient/water quality management or other purpose. 7. All development shall comply with development standards as set out in the approved Structure Plan.
7.	Lot 1 on D9175/1 Lot 12 on D56706 Lot 2 on S7762 Lot 2 on D5887 Great Northern Hwy, Bullsbrook *AMD 231 GG 16/12/2025*	'P' – Car Park; – Hire Service Industrial; – Hire Service Non-Industrial; – Hotel; – Industry Light; – Industry Rural; – Industry Service; – Lunch Bar; – Office Professional; – Office Service; – Restaurant; – Service Station; – Showroom 'D' – Auction Mart; – Betting Agency; – Caravan or Trailer Yard; – Car Sales Lot; – Car Sales Showroom; – Consulting Rooms; – Consulting Rooms Group; – Factory Tenement Building; – 'Fast Food Outlet; – Fuel Depot; – Hotel; Tourist and Visitor Accommodation – Medical Centre; – Motor Repair Station; – Nursery; – Office General; – Produce Store; – Public Utility; – Recreation Private; – Roadhouse; – Storage Yard; – Tavern Greater than 200m² GLA; – Trade Display; – Vehicle Sales and Service; – Veterinary Consulting Rooms; – Veterinary Hospital – Warehouse	Subdivision and development within the Rural Service Centre should be generally in accordance with a properly prepared Outline Development Plan approved by the Council and the Western Australian Planning Commission. Preparation and consideration of the Outline Development Plan shall be in accordance with clause 6.3.

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No.	Description of land	Special use	Conditions
8.	Reserve 41579 & Reserve 41580 Gnangara Road, Cullacabardee	'P' – Addiction Treatment Facilities. Accommodation and Associated Activities.	1. The average number of occupiers for the entire development, calculated over a period of one (1) year and including non-patients, shall not exceed 75 persons, unless otherwise agreed to by the Water Authority and Council. 2. Effluent disposal systems for the development being designed to the specifications and satisfaction of the Health Department and the Water Authority. 3. Should scheme water not be able to be provided to the development, then arrangements shall be made to provide an adequate on-site potable water supply in accordance with the requirements of the Health Department, Local Authority and Water Authority.
9.	Part of: Lot 11 on D69105 (No. 11) Lot 2 on D68630 (No. 2) Lot 1 on D15239 Lot 12 on P26468 (No. 1204) Lots 8, 9 and 10 on P10872 Toodyay Road, Gidgegannup As delineated on the Planning Scheme Maps. *AMD 72 GG 7/12/12*	'P' – Waste Management, Receival, Recovery, Treatment, Processing and Disposal – Industry - Extractive – Radio Communications Station	Prior to determining an application for development, Council shall: 1. consult with the Department of Environment and Conservation and Main Roads WA. 2. have regard to the interface with John Forrest National Park, surface and groundwater quality, vegetative buffers from surrounding land, existing remnant vegetation on site and fire management. 3. the use of 'Radio Communications Station' is only permissible on Lot 11 on D69105 (No. 11) Toodyay Road.
10.	Portions of Lots 308 and 309 Park Street. Lots 16, 310, 311, portion of Lot 15 Woolcott Avenue. Portions of Lots 348, 349, 350 and 351 Park Street. Portion of Lot 10 and Lots 17, 19, 20, 345, 346 and 347 Woolcott Avenue. Portions of Lots 352, 353, 354 and 355 Murray Road. Lot 95 and portion of Lot 0. Including all road and drainage reserves within the subject area.	Albion	**1. Interpretation** For the purpose of this zone: "**Estate**" means the land referred to in the Land Particulars for this Zone, "**proponent**" means an owner of land within the estate who submits a plan to the Council for approval pursuant to the provisions hereof and the term shall include the Council where the Council proposes a plan. **2. Objectives of the Estate** The purpose and intent of the Estate is expressed in the following objectives to which the Council shall have regard when dealing with any proposed Structure Plan and Local Structure Plan and proposed development within the estate: a) To consider and demonstrate integration within the broader district context; b) To develop the Estate in a manner that protects, conserves and enhances the natural environment and cultural assets and to investigate and manage impacts; c) To provide for the development of a functional and cohesive community consistent with orderly and proper planning and in the interest of the amenity of the Estate; d) To encourage variety in the range of lot sizes and dwelling types within the Estate but consistent with a cohesive and attractive built environment; e) To enhance the Estate with the provision of open space and recreation networks and facilities with particular attention being given to the timely provision of appropriate community services; f) To make provision for school sites and other appropriate educational facilities within the Estate designed to encourage their management and use as a resource for local communities;

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No.	Description of land	Special use	Conditions
			g) To provide appropriate retail and commercial facilities to service the needs of residents of the Estate and with a view to the integration of retail areas with other commercial and business areas and with social services so as to maximise convenience; h) To provide a retail and commercial centres, business parks and service areas to satisfy the need for such services within the Estate and to provide local employment opportunities; and, i) To employ strategies and designs aimed at optimising accessibility to the local centres by the use of comprehensive movement networks and by other means which will facilitate connection with public transport and arterial road links to Midland, Perth and other parts of the Metropolitan Region. **3. Hierarchy of Plans** Subdivision and development within the Estate shall be subject to the provisions of Part 5A of the Scheme, including the preparation and approval of a District Structure Plan, Local Structure Plan(s) and Detailed Area Plans. The District Structure Plan shall demonstrate integration with the district context. **4. District Structure Plan** **4.1 Environmental Management Plans** **4.1.1 Strategic Acid Sulfate Soils Management Plan** The developer shall submit to the Local government a Strategic acid Sulfate Soils Management Plan for approval as an additional detail of a District Structure Plan pursuant to Part 5A. The Local Government must notify the Department of Environment and Conservation (DEC) of the proposed plan in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). The Strategic ASS Management Plan shall include, but is not limited to the following: a) Field validation of ASS areas and the delineation of high and medium risk areas and broad scale determination of acid generating potential soils; and b) Develop a strategic plan for further investigation and associated management plan for all further stages of development. The Strategic ASS Management Plan required by 4.1.1 shall be implemented to the satisfaction of the Local Government and the DEC's Land and Water Quality Branch. **4.1.2 Local Water Management Strategy** The developer shall submit to the Local Government a Local Water Management Strategy for approval as an additional detail of a District Structure Plan pursuant to Part 5A in order to ensure that surface and ground waters are managed with the aim of maintaining the natural water balance. The Local Government must notify the DEC and Department of Water of the proposed strategy in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). The Local Water Management Strategy shall include, but is not limited to the following: a) In the absence of a District Water Management Strategy (DWMS), the LWMS must include information addressing the following, which would normally be contained in a DWMS: i.) Commit to best practice planning, design and construction; ii.) Refine land use scenario and identify major constraints;

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No.	Description of land	Special use	Conditions
			iii.) Identify water sources for drinking and other uses, consistent with fit-for-purpose water use strategy use; iv.) Refine conceptual stormwater management plan; and v.) Identify issues to be addressed at later stages. b) Further refine urban water management system and quantify land required to meet design objectives; c) Suite of possible BMP's and design BPP's depicted in diagrams; d) Identify requirements of an Urban Water Management Plan (UWMP) and commit to compliance with stated Design Objectives via future UWMP; e) Incorporate best practice Water Sensitive Urban Design principles to maximise on-site water infiltration; f) Undertake monitoring of nutrient levels within groundwater to enable comparisons between pre-development and post-development conditions; g) Undertake groundwater monitoring programs to ensure that current groundwater levels are maintained; h) Recommend monitoring framework; i) Incorporate appropriate stormwater collection and disposal methods and water sensitive design principles to minimise the risk of contamination to groundwater; j) Incorporate connection to main sewerage system for all dwellings to reduce the potential for contamination of drinking water supplies; k) Where possible control stormwater quantity through a waterways system linked to a 'treatment train' process; l) Ensure that changes to surface flow volumes are not significantly altered, and that peak surface flows are not increased; m) Ensure that the rate, quantity and quality of wastewater infiltrating Priority 3 UWPCA within the Estate is maintained at levels compliant with the minimum requirements for the protection of a Priority 3 Groundwater Source Protection Area; n) Protect in areas of open space, significant vegetation and wetlands with an appropriate buffer determined in accordance with DEC's current policies; o) Consider siting and risk prevention factors for potentially polluting commercial activities; p) Minimise fertiliser sources and incorporate effective nutrient stripping features into drainage systems; q) Specify ongoing maintenance requirements and ongoing management responsibility; r) Specify contingency plans in the event that the criteria are temporarily not achieved, and; s) Identify issues to be addressed at later stages. The LWMS required by 4.1.2 shall be implemented to the satisfaction of the Local Government, having regard to any advice from the DEC and Department of Water.

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No.	Description of land	Special use	Conditions
			4.1.3 Noise Management Plan The developer shall submit to the Local Government a Noise Management Plan for approval as an additional detail of a District Structure Plan pursuant to Part 5A. The Local Government must notify DEC of the proposed plan in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). The Noise Management Plan shall include, but is not limited to: a) Noise mapping is carried out in areas within 200 metres of the Perth Darwin Highway, to determine road and rail noise amenity ratings, using direct measurement of noise levels and predicted noise levels using an accepted model, and incorporating predicted traffic volumes at a date 25 years after assessment; b) Current and predicted noise levels and definitions of areas to be noise mapped should be evaluated using criteria supplied by the Western Australian Planning Commission; c) In areas where noise mapping shows that the noise amenity for residential areas or other noise-sensitive environments is conditionally acceptable, appropriate noise attenuation measures are implemented; and d) In areas where noise mapping shows that the noise amenity for residential areas or other noise-sensitive environments is unacceptable, these land uses will not be situated on these sites, or other appropriate measures are taken. The Noise Management Plan required by 4.1.3 shall be implemented to the satisfaction of the Local Government, having regard to any advice from the DEC. **4.1.4 Quantitative Risk Assessment Plan** The developer shall submit to the Local Government a Quantitative Risk Assessment plan (to be implemented as part of the development) for approval as an additional detail of a District Structure Plan pursuant to Part 5A in order to enable safe co-existence of urban land uses. The Local Government must notify the Department for Planning and Infrastructure of the proposed plan in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). The Western Australian Planning Commission (draft) Planning Bulletin for Gas Pipelines constitutes a Quantitative Risk Assessment. **4.1.5 Bushland Management Plans** The developer shall submit to the Local Government Bushland Management Plans for approval as an additional detail of a District Structure Plan pursuant to Part 5A in order to ensure the long term viability of the remnant vegetation. The Bushland management plans shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development and shall be prepared for regionally significant vegetation including the Bush Forever Site and threatened Ecological Community (TEC). The Local Government must notify DEC of the proposed plans in advertising the District Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). **a) Bush Forever Site** The Bushland Management Plan for the Bush Forever Site shall include, but is not limited to the following: i.) Aims and long term management objectives for the area;

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No.	Description of land	Special use	Conditions
			ii.) Description of the area, including size, location, topography and major features; iii.) Aboriginal and European history of the area; including prior land uses, ownership or other relevant data; iv.) Biodiversity and ecological values of the area, including links to other areas; v.) Description of predevelopment flora and fauna – including flora and fauna that have been located in the area and identification of any threatened, endangered or priority species; vi.) Details of how the assessment was conducted, including details of any transects, monitoring points or sampling; vii.) Details of risk assessment for site including risk to flora and fauna from adjacent urban development – from people, litter, pets, road traffic, changes in hydrology, nutrients, pollutants or other facts; viii.) Proposed management strategies to protect flora and fauna; particularly any endangered, threatened or priority species; ix.) Reference Legislation and Policy relevant to the Management Plan; x.) Risks from fire, and to community from fire; xi). Risks to community from biting insects, snakes and pathogens; xii.) Detailed management programs to address issues identified in risk assessments; xiii.) Management and maintenance programs for weed control, fire control, and rehabilitation or restoration of bushland area; xiv.) Description of monitoring programs to be conducted during and after development has occurred; xv.) How the local community will be included in the management of the area, and; xvi.) Responsibility for conducting and financing, monitoring, restoration management and education programs. **b) Threatened Ecological Community (TEC)** The Management Plan for the TEC shall include, but is not limited to the following: i.) Aims and long term management objectives for the area; ii.) Description of the area, including size, location, topography and major features; iii.) Aboriginal and European history of the area; including prior land uses, ownership or other relevant data; iv.) Biodiversity and ecological values of the area, including links to other areas; v.) Description of predevelopment flora and fauna including flora and fauna that have been located in the area and identification of any threatened, endangered or priority species; vi.) Details of how the assessment was conducted, including details of any transects, monitoring points or sampling; vii.) Details of risk assessment for site including risk to flora and fauna from adjacent urban development – from people, litter, pets, road traffic, changes in hydrology, nutrients, pollutants or other factors; xiii.) Proposed management strategies to protect flora and fauna; particularly any endangered, threatened or priority species; ix.) Reference Legislation and Policy relevant to the Management Plan; x.) Risks from fire, and to community from fire; xi.) Risks to community from biting insects, snakes and pathogens; xii.) Detailed management programs to address issues identified in risk assessments; xiii.) Management and maintenance programs for weed control, fire control, and rehabilitation or restoration of bushland area;

No.	Description of land	Special use	Conditions
			xiv.) Description of monitoring programs to be conducted during and after development has occurred; xv.) How the local community will be included in the management of the area; and xvi.) Responsibility for conducting and financing, monitoring, restoration management and education programs. The Bushland Management Plans required by 4.1.5 shall be implemented to the satisfaction of the Local Government, the DPI's Bush Forever Office and/or DEC. **5 Local Structure Plan** **5.1 Local Structure Plan Preparation** A Local Structure Plan(s) shall be prepared in accordance with the provisions of Part 5A of the Scheme over cells within the District Structure Plan area. An approved Local Structure Plan together with all approved amendments shall apply in relation to the land within the area of the Local Structure Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect with the area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Local Structure Plan the use classes referred to in the Zoning Table shall have the same permissibility spread as set out in that table. **5.2 Environmental Management Plans** **5.2.1 Acid Sulfate Soils (ASS) Site Assessment Management Plan** The developer shall submit to the Local Government an ASS Site Assessment and management plan for approval as an additional detail of a Local Structure Plan pursuant to Part 5A in accordance with the WAPC's Planning Bulletin No.64 or its successor. The Local Government must notify the DEC's Land and Water quality Branch of the proposed plan in advertising the Local Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). The ASS Site Assessment and Management Plan shall include, but is not limited to the following: a) Detailed field assessment of ASS in proposed disturbance areas; b) The preparation of ASS management plans in accordance with the DEC's current guidelines, and; c) Preparation of a monitoring program for groundwater discharge areas as part of the Urban Water Management Plan. The ASS Site Assessment and Management Plan required by 5.2.1 shall be implemented to the satisfaction of the Local Government and the DEC's Land and Water Quality Branch. **5.2.2 Urban Water Management Plan** The developer shall submit to the Local Government an Urban water management Plan (UWMP), which is consistent with the LWMS for approval as an additional detail of a Local Structure Plan pursuant to Part 5A. The Local Government must notify the DEC and Department of Water of the proposed plan in advertising the Local Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). The UWMP shall include, but is not limited to the following: a) Demonstrate compliance with Design Objectives; b) Site conditions – management of water dependent ecosystems & contamination/nutrient hot spots; c) Specific BMP's and design of water management systems;

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No.	Description of land	Special use	Conditions
			d) The results of detailed environmental and hydrological studies; e) Precise predictions and post-development modelling; f) Details of location and design of drainage infrastructure; g) Details of monitoring program to evaluate ground and surface water quality, flows and levels, including the location and design of any current and proposed monitoring stations; h) Descriptions and cost-benefit analysis (including whole of life costing) for any structural or non-structural controls; i) Precise and measurable targets and limits for ground and surface water quality, flows and levels that are to be maintained for the development area. This will be accompanied by a clear description of the roles and responsibilities agreed upon by each agency and the agencies commitment for action to be taken, and; j) Details of rehabilitation work to be undertaken in existing wetlands where relevant. The UWMP required by 5.2.2 shall be implemented to the satisfaction of the Local Government, having regard to any advice from the DEC and Department of Water. **5.2.3 Wetland Management Plan** The developer shall submit to the Local Government Wetland Management Plan(s) for approval as an additional detail of a Local Structure Plan pursuant to Part 5A in order for existing waterways and wetlands and their buffers to be implemented as part of development in accordance with the water management strategies / plans. The Local Government must notify DEC and Department of Water of the proposed plan(s) in advertising the Local Structure Plan pursuant to clause 5A.1.8.1(b)(iii). The Wetland Management Plan(s) shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development and will include, but is not limited to, the following: a) Outline reason(s) for preparing the management plan and overall objectives; b) Include a description of the site and context; c) Summarise the issues specific to the site, i.e. Conservation, ecological linkage, recreation water quality, fire management; d) Preservation of the wetland's ecological values; e) Specify management aim and objective and identify management responsibilities; f) Outline the management actions to achieve the objectives i.e. Restoration, fencing, weed control; g) Include a diagrammatic management plan; h) Outline funding arrangements for management of the site and other available resources; i) Identify the attributes that will be monitored, the program, criteria and management response to triggers; j) Program for the restoration and preservation of native

No.	Description of land	Special use	Conditions
			flora and fauna; k) Develop restoration sites in association with constructed waterways and wetlands, to provide habitat areas for native fauna; l) Incorporate buffers of public open space around significant wetlands; and m) Implement an appropriate monitoring program to detect the species of mosquitoes present, the location of potential breeding areas, the population size of mosquito species and the presence of Ross River virus and Barmah Forest virus, before, during and after development. The Wetland Management Plan(s) required by 5.2.3 shall be implemented to the satisfaction of the Local Government and the DEC and Department of Water. **5.2.4 Cultural Heritage Management Plan** The developer shall submit to the Local Government a Cultural Heritage Management Plan for approval as an additional detail of a Local Structure Plan pursuant to Part 5A to be implemented as part of the development. The Cultural Heritage Management Plan shall ensure, but is not limited to: a) The requirements of the Aboriginal Heritage Act 1972 are met so that the development of each cell does not affect cultural heritage and associations with the area; b) An application under the Aboriginal Heritage Act 1972 will be made if disturbance to the archaeological site located at Lot 351 Park Street is to occur as part of urban residential development; c) Commitments made during consultation with Aboriginal groups are maintained during all stages of planning; d) Appropriate recommendations are incorporated into development and subdivision plans which seek to maintain the cultural values of wetlands and creeks; and e) Prior to the commencement of site works, contractors shall undergo a briefing on Aboriginal Heritage issues to enable them to recognise materials that may constitute an Aboriginal site. During earthworks, all contractors shall be supervised by a Site Manager, who shall seek advice from the Aboriginal Affairs Department to confirm the identification of any suspected site. The Cultural Heritage Management Plan required by 5.2.4 shall be implemented to the satisfaction of the Local Government, having due regard for advice from the Department of Aboriginal Affairs. **5.2.5 Fire Management Plan** The developer shall submit to the Local Government a Fire Management Plan for approval as an additional detail of a Structure Plan pursuant to 5A, to be implemented as part of the development. The local Government must notify the Fire and Emergency Service Authority (FESA) of the proposed plan in advertising the Local Structure Plan pursuant to Clause 5A.1.8.1 (b) (iii). The Fire Management Plan shall include, but is not limited to the following: a) Addressing key fire management issues;

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No.	Description of land	Special use	Conditions
			b) Provision of a detailed risk assessment for wildfires within the development area, or in adjoining areas; c) Strategies for fire management such as separation distances and other mechanisms that will be implemented through the planning stages; d) Fire management strategies and programs that will be undertaken by the developer to minimise the risk from fire to the community throughout the life of the development; and e) Compliance with relevant State Government policies, regulations and guidelines. The Fire Management Plan required by 4.2.5 shall be implemented to the satisfaction of the Local Government, and FESA. **6. Development and Subdivision** **6.1 Subdivision Application** Subdivision of land shall be in accordance with the approved Local Structure Plan. **6.2 Environmental Management Plans** **6.2.1 Construction Management Plan** Prior to final subdivision approval, the developer shall prepare and have approved by the Local Government, and to the satisfaction of the DEC, a Construction Management Plan, for all development adjoining the Bush Forever site, TEC and wetlands covered by a Wetland Management Plan, to be implemented as part of the development. The Construction Management Plan shall address, but is not limited to: a) The minimisation of clearing and vegetation disturbance; b) The control and monitoring of dust, noise and smoke; c) The prevention and control of the spread of dieback; and d) The inclusion of environmental protection specifications in all construction related contracts. **6.2.2 Contaminated Site Assessment/ Contamination Remediation Plan** Prior to final subdivision approval, the developer shall prepare and have approved by the Local Government, to the satisfaction of the DEC, a Contaminated Site Assessment/Contamination Plan, covering the former RAAF Caversham Airbase and the egg production facility on Lot 350 Park Road, to be implemented as part of the development. The Contaminated Site Assessment /Contamination Remediation Plan is to be in accordance with DEC Contaminated Sites Assessment Series, and is to include, but is not limited to the following: a) All potential sources of contamination are identified and an adequate soil (and if necessary, groundwater) sampling program is carried out to detect the extent and degree of contamination; b) Appropriate management measures are put in place to reduce contaminant levels to below levels that pose (or potentially pose) an unacceptable risk to human health; c) Prior to subdivision, all contaminant levels at the site are shown to be below levels that pose an unacceptable risk to human health, using the ANZECC B and Dutch B criteria for soil, and ANZECC Drinking Water criteria for groundwater, or other appropriate

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No.	Description of land	Special use	Conditions
			criteria as recommended by the Department of Environment; and d) If necessary, ongoing monitoring of contaminant levels is carried out after remediation actions have been taken. The Contaminated Site Assessment/Contamination Remediation Plan required by 5.2.2 shall be implemented to the satisfaction of the Local Government, and the DEC's Land and Water Quality Branch. **6.2.3 Unexploded Ordnance Remediation Plan** Prior to final subdivision approval the developer shall prepare and have approved by the Local Government, and to the satisfaction of the Local Government, an Unexploded Ordnance Remediation Plan, covering the former RAAF Caversham Airbase, to be implemented as part of the development. The Unexploded Ordnance Remediation Plan is to ensure, but is not limited to: a) Public risk from UXO is minimised; b) All UXO is removed from the site prior to subdivision, commencement of any earthworks and endorsement of any survey documents. The Unexpected Ordnance Remediation Plan required by 6.2.3 shall be implemented to the satisfaction of the Local Government and the relevant authorities.
11.	Land generally bounded by Harrow Street to the north, Lord Street to the west, Reid Highway to the south and the 'Urban' extent of the Metropolitan Region Scheme boundary to the east.	West Swan	**1. Interpretation** For the purpose of this zone: "**Estate**" means the land referred to in the Land Particulars for this Zone, "**proponent**" means an owner of land within the estate who submits a plan to the Council for approval pursuant to the provisions hereof and the term shall include the Council where the Council proposes a plan. **2. Objectives of the Estate** The purpose and intent of the Estate is expressed in the following objectives to which the City shall have regard when dealing with any proposed Structure Plan, Detailed Area Plan or other proposed development within the estate: a) To ensure that development in the estate achieves optimal integration with development in surrounding area; b) To provide for the development of a functional and cohesive community consistent with orderly and proper planning and in the interest of the amenity of the Estate; d) To develop the estate in a manner that protects, conserves and enhances the natural environment and cultural assets and to investigate and manage impacts upon the natural environment; e) To encourage variety in the range of lot sizes and dwelling types within the Estate but consistent with cohesive f) To enhance the Estate with the provision of open space and recreation networks and facilities with particular attention being given to the timely provision of appropriate community services; g) To make provision for school sites and other appropriate education facilities within the Estate in a manner that facilitates their management and use as a resource for local communities;

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No.	Description of land	Special use	Conditions
			h) To provide appropriate retail and commercial facilities to service the needs of residents of the Estate and with a view to the integration of retail areas with other commercial and business areas and with social services so as to maximise convenience; i) To provide a retail and commercial centres, business parks and service areas to satisfy the need for such services within the Estate and to provide local employment opportunities; and, j) To employ strategies and designs aimed at optimising accessibility to the local centre and future public transport node(s) by the use of comprehensive movement networks and by other means which will facilitate connection with public transport and arterial road links to Midland, Perth and other parts of the Metropolitan Region. **3. Development Hierarchy** Subdivision and development within the Estate shall be subject to the provisions of Part 5A of the Scheme and shall be carried out in accordance with a state approval process as follows: a) District Structure Plan; b) local Structure Plan; c) Subdivision Plan; d) Detailed Area Plan as may be required. **4. District Structure Plan** **4.1** The District Structure Plan shall demonstrate integration with the regional context to the City's satisfaction. **4.2** The management strategies or plans referred to in sub-clauses 4.2.1 to 4.2.2 shall be: a) prepared by the applicant to the satisfaction of the City; b) submitted for approval together with a proposed District Structure Plan; c) deemed to form a part of the accompanying District Structure Plan upon the City's approval; and d) Implemented to the satisfaction of the City. **4.2.1 Acid Sulphate Soils Management Plan** A strategic Acid Sulphate soils Management Plan shall be prepared in consultation with the Department of Environment and Conservation (DEC) and shall include, but not limited to: a) An initial identification and assessment of Acid Sulphate Soils (ASS) and Potential for Acid Sulphate Soils (PASS) located within the District Structure Plan area, together with a delineation of high, medium and low risk areas. b) A strategic plan for further investigation, assessment and management of potential acid sulphate soils for all further stages of development. **4.2.2 Local Water Management Strategy** A Local Water Management Strategy shall be prepared in consultation with the City and the DEC and shall include, but not be limited to: a) Water management objectives for the District Structure

No.	Description of land	Special use	Conditions
			Plan area; b) Mapping clearly detailing the extent of the area covered by the Local Water Management Strategy. **5. Local Structure Plan Preparation** **5.1** A Local Structure Plan(s) shall be prepared in accordance with the provisions of Part 5A of the Scheme over cells within the District Structure Plan area. **5.2** An approved Local Structure Plan together with all approved amendments shall apply in relation to the land within the area of the Local Structure Plan as if was an amendment of the Scheme and the Structure Plan provisions shall be given full effect within the area accordingly. Without limiting the generality of the foregoing, within the land use designated in the Local Structure Plan the use classes referred to in the Zoning Table shall have the same permissibility as set out in that table. **5.3** The management strategies or plans referred to in sub-clauses 5.3.1 to 5.3.4 shall be: a) prepared by the applicant to the satisfaction of the City where relevant to that Local Structure Plan cell; b) submitted for approval together with a proposed Local Structure Plan; c) deemed to form a part of the accompanying Local Structure Plan upon the City's approval; and d) implemented to the satisfaction of the City. **5.3.1** A Wetland Management Plan including mosquito monitoring and control program in accordance with EPA guidelines; **5.3.2** Cultural Heritage Management Plan to ensure that the requirements of the *Aboriginal Heritage Act 1972* are met and consultation with local aboriginal groups and the Department of Indigenous Affairs occurs so that the development does not affect cultural heritage and associations within the area; **5.3.3** An Odour Impact study to be undertaken to ensure development design avoids any adverse impacts of odour emissions associated with existing land uses in accordance with EPA guidelines; **5.3.4** A Quantitative Risk Assessment Plan to assess potential risks associated with any variation to the agreed Dampier to Bunbury or Parmelia gas pipeline buffer in accordance with WAPC guidelines and/or approved methodologies. **6. Subdivision and Development** **6.1** Subdivision and development of land within the Estate shall be generally in accordance with the approved Local Structure Plan for the relevant area and in particular shall comply with the permissibility of land uses under the Scheme or the Local Structure Plan, the permissible residential densities and any policy guidelines, development standards and conditions included within an approved Local Structure Plan. **6.2** The management programmes stipulated in this clause shall be required prior to construction commencing and shall be implemented upon approval of subdivision or development;

No.	Description of land	Special use	Conditions
			a) A Contaminated Site Assessment and Soil Contamination and Remediation Plan in accordance with the DEC Contaminated Sites Assessment Series for any sites of potential sources of contamination; and b) An Urban Water Management plan, prepared to the satisfaction of Council and the Department of water.
12.	Lots 457 & 458 Paradise Quays and Lot 462 Summerlakes Parade, Ballajura *AMD 8 GG 21/7/09*	Residential Development at R30 Code	Development to be in accordance with a Detailed Area Plan (DAP) which provides for an integrated development on the site which: ▪ addresses the interface with abutting residential lots and public open space, and ▪ promotes a high quality urban design outcome with good accessibility, orientation of buildings and built form.
14.	Lot 911 Midland Road, Hazelmere *AMD 81 GG 13/3/15*	As per Structure Plan prepared and approved in accordance with Part 5A of the Scheme	**1. Subdivision and Development** Subdivision and development of the subject land shall be subject to the provisions of Part 5A of the Scheme, including the preparation and approval of a Structure Plan. **2. Local Water Management Strategy** Prior to final endorsement of the Structure Plan, a Local Water Management Strategy over the subject land and adjacent land where necessary, shall be prepared in accordance with the Better Urban Water Management framework and approved to the specifications and satisfaction of the Department of Water with advise from the City of Swan to ensure that the groundwater and surface water management measures will maintain the existing environmental values of the site and Kadina Brook in particular. **3. Fire Management Plan** The comprehensive local structure plan, subdivision and development must be in accordance with WAPC's Planning for Bushfire Protection Guidelines, which includes but is not limited to - a) Identifying appropriate hazard separation zones and building protection zones; b) Construction to AS3959-2009 (noting (c) below); c) No residential development within the bush fire attack level (BAL) zones BAL-FZ or BAL-40; and d) Consideration of ember protection features incorporated in all dwelling design within the precinct.
15.	Lot 2 on Diagram 60886 Stirling Crescent; Portion of Lot 12 on Plan 4556 Stirling Crescent; Lot 13 on Plan 4556, Lot 14 on Plan 4556, Lot 15 on Plan 4556 Stirling Crescent; Portion of Lot 16 on Plan 4556 Stirling Crescent; Portion of Lot 17 on	The land uses as specified in an adopted local structure plan consistent with the Land Use Intent detailed for Precinct 2A "Helena River" within the Local Government and WAPC approved Hazelmere Enterprise Area Structure Plan Report.	1. Subdivision and development shall be in accordance with a Structure Plan prepared and approved in accordance with the provisions of Part 4 of the Deemed provisions for local planning schemes at schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. 2. A Structure Plan shall include all lots within this Special Use Zone and be prepared and approved prior to any additional land use, development proposal or subdivision of a lot, with the exception that the Local Government may consider granting an approval for the following land use, development or subdivision, without the prior requirement for a Structure Plan: a) Single House and associated residential structures and activities such as a Home Business; Home Occupation; Home Office; Home Store on a lot, or

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No.	Description of land	Special use	Conditions
	Plan 4556 Stirling Crescent; Portion of Lot 18 on Plan 4556 Stirling Crescent, Hazelmere *AMD 85 GG 23/05/17*		b) minor lot boundary changes. 3. The Structure Plan is required to observe the Land Use Intent and Development Requirements as detailed within Precinct 2A "Helena River" within the Local Government and WAPC approved Hazelmere Enterprise Area Structure Plan. 4. The Structure Plan is to take into account any additional foreshore reserve requirements identified in the Helena River Foreshore Definition Study and provide a constructed road interface with the Helena River reserve. 5. The Structure Plan is required to facilitate a vegetation buffer along the western boundary of Lot 2 Stirling Crescent. The vegetation buffer is required to provide visual screening of future development from Amherst Road.
16.	Lot 93 on Plan 4553 Hazelmere Circus; Portion of Lot 83 on Plan 4539 Bushmead Road; Lot 651 on DP 64462 Stirling Crescent; Lot 39 on Plan 4539 Stirling Crescent; Lot 58 on Plan 4539 Bushmead Road, Hazelmere *AMD 86 GG 28/07/17*	The land uses as specified in an adopted local structure plan consistent with the Land Use Intent detailed for Precinct 3A "HEA Buffer Area" within the Local Government and WAPC approved Hazelmere Enterprise Area Structure Plan Report.	1. Subdivision and development shall be in accordance with a Structure Plan prepared and approved in accordance with the provisions of Part 4 of the deemed provisions. 2. A Structure Plan shall include all lots within this Special Use Zone and be prepared and approved prior to any additional land use, development proposal or subdivision of a lot, with the exception that the Local Government may consider granting an approval for the following land use, development or subdivision, without the prior requirement for a Structure Plan: a) Single House and associated residential structures and activities such as a Home Business; Home Occupation; Home Office; Home Store on a lot, or b) minor lot boundary changes. 3. The Structure Plan is required to observe the Land Use Intent and Development Requirements as detailed within Precinct 3A "HEA Buffer Area" within the Local Government and WAPC approved Hazelmere Enterprise Area Structure Plan.
18.	Lot 23 and Part Lots 24 and 25 Stirling Crescent, Hazelmere *AMD 127 GG 18/10/16*	Land uses shall be guided by in an approved structure plan.	1. A structure plan prepared and approved pursuant to Part 4 of the deemed provisions shall apply to the area to guide subdivision and/or development.
21.	Lot 338 on P4155 Morrison Road, Midvale *AMD 134 GG 30/6/17*	Consulting Rooms - 'D' Fast Food Outlet - 'D' Lunch Bar - 'P' Medical Centre - 'D' Motor Vehicle Wash - 'D' Recreation - Private - 'D' Restaurant - 'D' Service Station - 'A' Shop - 'D'	1. Development to be in accordance with a Detailed Area Plan approved by the City of Swan; and 2. 'Shop' floor space shall not exceed 1,950m^2 GLA

[cl. 4.5]

No.	Description of land	Special use	Conditions
22.	Referred to as South Bullsbrook Industrial Precinct Lots 1, 3, 139, 140, 141, 11, 12, 25, 151, 190, 123, 186 Great Northern Highway Lots 2, 149, Pt Lot 203 Butternab Road Lots 152, 153, 7, 189, 185, 5, 176, 177, 202 Warren Road Lots 150, 204, 352 Dewar Road Lots 6, 188, 184, 187 Stock Road Lot 300 Almeria Parade Including all road reserves within the subject area. *AMD 60 GG 5/3/13* *AMD 101 GG 16/01/15*	Bullsbrook Industrial	**1. Interpretation** For the purpose of this zone: "Estate" means the land referred to in the Land Particulars for this Zone, "proponent" means an owner of land within the estate who submits a plan to the Council for approval pursuant to the provisions hereof and the term shall include the Council where the Council proposes a plan. **2. Objectives of the Estate** The purpose and intent of the estate is expressed in the following objectives to which the Council shall have regard when dealing with any proposed Local Structure Plan and proposed development within the estate: a) To consider and demonstrate integration within the broader district context; b) To develop the estate in a manner that recognises the natural environment and cultural assets and to investigate and manage impacts; c) To provide an integrated approach to traffic and transport management within the estate and within the existing and planned regional road network; d) To provide amenity in the public realm through the appropriate use of landscaping and vegetation, and the integration of drainage areas within road reserves and areas of public open space; e) To ensure the timely provision and coordinated delivery of service infrastructure, recognising the staged approach to subdivision and development of the estate; and f) To provide a suitable local employment base to encourage and facilitate employment self-sufficiency. g) Recognise the regional and district level function of the estate, from both an employment and service industry perspective. h) Allow for staged future development of the estate that accommodates evolving land uses as the estate matures. **3. Hierarchy of Plans** Subdivision and development within the Estate shall be subject to the provisions of Part 5A of the Scheme, including the preparation and approval of Local Structure Plan(s). **4. Local Structure Plan** **4.1 Local Structure Plan Preparation** A Local Structure Plan(s) shall be prepared in accordance with the provisions of Part 5A of the Scheme over the entire estate, or over any portion of the estate. An approved Local Structure Plan together with all approved amendments shall apply in relation to the land within the area of the Local Structure Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect with the area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Local Structure Plan the use classes referred to in the Zoning Table shall have the same permissibility spread as set out in that table. **4.2 Environmental Management Plans** The following Environmental Management Plans shall be prepared and submitted as an additional detail of a Local Structure Plan unless otherwise determined by the Local Authority. **4.2.1 Local Water Management Strategy**

[cl. 4.5]

No.	Description of land	Special use	Conditions
			The developer shall submit to the Local Authority a Local Water Management Strategy (LWMS) for approval as an additional detail of a Local Structure Plan pursuant to Part 5A in order to ensure that surface and ground waters are managed with the aim of maintaining the natural water balance. The Local Authority must notify the DEC and Department of Water of the proposed strategy in advertising the Local Structure Plan(s) pursuant to clause 5A.1.8.1 (b) (iii). The LWMS shall include, but is not limited to the following: a) Refinement of the District Water Management Strategy and quantification of land required to meet design objectives, recognising that this will be further refined at Urban Water Management Strategy stage; b) Consideration of the findings and recommendations of the District Water Management Strategy and provide more detailed assessment where necessary; c) A summary of the principles, objectives and requirements for total water cycle management; d) Details of existing site characteristics such as geology, hydrogeology and groundwater characteristics in more detail than the District Water Management Strategy; e) An Analysis of site constraints and opportunities (such as water dependent environments, remnant vegetation, landscape and landform), identifying the critical issues and how they are proposed to be managed; f) Demonstration of the capacity of the land to sustain the proposed land uses including any management responses required to address: - The likely extent and severity of acid sulphate soils; - Potential impacts on surface and groundwater quality and quantity; - Potential impacts on ecosystems and biodiversity; - Potential impacts on existing land uses in the vicinity; - Any likely engineering constraints and impacts on infrastructure; and - cumulative impacts. Management responses will vary depending on the characteristics of the Local Structure Plan area, and are subject to negotiation and agreement with the Local Authority and the Department of Water. a) A conceptual urban water management system, including: - Fit for purpose water use strategy mechanisms to conserve potable water, minimise wastewater, and re-use all forms of water, including stormwater; - Quantification of land required for detention of stormwater in accordance with the principles of the District Water Management Strategy; - Identification of land required for retention of the 1 in 1 year, 1 hour ARI storm event and treatment of all runoff contained in the drainage infrastructure network; - Calculation of the proportion of constructed impervious surface; - Map of existing groundwater levels and any proposed controlled groundwater level (with justification for this control; - Identify suite of possible BMP's and design BPP's depicted in diagrams; - Identification of indicative infrastructure and management requirements and proposed locations for water, wastewater and stormwater systems; and - If wastewater re-use is proposed, a wastewater re-use

No.	Description of land	Special use	Conditions
			management plan is to be prepared as part of the LWMS. b) A summary of the issues to be addressed at final subdivision approval stage via an Urban Water Management Plan; c) A recommended monitoring framework, pre and post development; and d) Proposed implementation of strategy, including roles, responsibilities and funding for monitoring and maintenance. The LWMS required by 4.2.1 shall be implemented to the satisfaction of the Local Authority, having regard to any advice from the Department of Water. **4.2.2 Wetland and Waterway Management Strategy** The developer shall submit to the Local Authority a Wetland and Waterway Management Strategy for approval as an additional detail of a Local Structure Plan pursuant to Part 5A in order for existing waterways and wetlands and their buffers to be identified and planned for accordingly through the Local Structure Plan process and future planning stages. The Local Authority must notify DEC and Department of Water of the proposed strategy in advertising the Local Structure Plan pursuant to clause 5A.1.8.1 (b) (iii). The Wetland and Waterway Management Strategy shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development and will include, but is not limited to, the following: a) Outline reason(s) for preparing the management strategy and overall objectives; b) Include a description of the Local Structure Plan area and context; c) Identify any wetlands and waterways either partially or wholly contained within the Local Structure Plan area, recognising that a Local Structure Plan may be prepared over all or part of the estate; d) Provide a detailed description of all wetlands and waterways within the Local Structure Plan area, including any characteristics specific to a particular wetland or waterway, and include a plan or series of plans showing locations. e) Identify management strategies specific to each wetland and/or waterway within the Local Structure Plan area including the following: i. Indicative buffers and setbacks for each wetland and/or waterway; ii. Indicative interface treatments between wetlands and/or waterways and industrial areas; iii. In conjunction with the LWMS, identify appropriate treatment of surface water including stormwater runoff and groundwater; iv. Identification of risk prevention factors for potentially polluting activities and land uses; f) Identify opportunities for enhancement of the wetlands and/or waterways as part of the land development process through appropriate planting / landscaping, and water management. g) Identify issues to be addressed at later stages via Wetland and Waterway Plan(s).

No.	Description of land	Special use	Conditions
			The Wetland and Waterway Management Strategy required by 4.2.2 shall be implemented to the satisfaction of the Local Authority on the advice of the DEC and Department of Water. **5. Development and Subdivision** **5.1 Subdivision Application** Subdivision of land shall be in accordance with the approved Local Structure Plan. **5.2 Management Plans** **5.2.1 Wetland Management Plans** Where a proposed subdivision includes wetlands and / or waterways as identified in the Wetland and Waterway Management Strategy, the developer shall submit to the Local Authority Wetland Management Plan(s) for approval as a condition of subdivision approval in order for existing waterways and wetlands and their buffers to be implemented as part of development in accordance with the water management strategies / plans. The Wetland Management Plan(s) shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development and shall include, but not be limited to, the following: a) Reason(s) for preparing the management plan and overall objectives; b) A description of the site and context; c) Summary of the issues specific to the site, i.e. Conservation, ecological linkage, recreation water quality, fire management; d) Management aims and objectives and identification of management responsibilities; e) Management actions to achieve the objectives i.e. Restoration, fencing, weed control; f) A diagrammatic management plan; g) Summary of funding arrangements for management of the site and other available resources; h) Identification of the attributes that will be monitored, the program, criteria and management response to triggers; i) Program for the restoration and preservation of native flora and fauna; j) Development of restoration sites in association with constructed waterways and wetlands, to provide habitat areas for native fauna; k) Incorporation of buffers of public open space around significant wetlands; and The Wetland Management Plan(s) required by 5.2 shall be implemented to the satisfaction of the Local Authority on advice from the DEC and Department of Water. **5.2.2 Acid Sulfate Soils (ASS) Site Assessment Management Plan** The developer shall submit to the Local Authority an ASS Site Assessment and Management Plan for approval as condition of subdivision approval in accordance with the WAPC's Planning Bulletin No.64 or its successor. The ASS Site Assessment and Management Plan shall include, but is not limited to the following—

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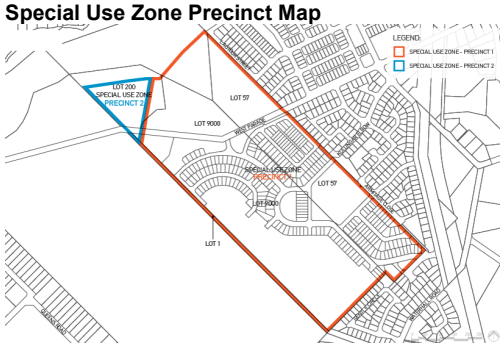
No.	Description of land	Special use	Conditions
			(a) Detailed field assessment of ASS in proposed disturbance areas; (b) The preparation of ASS management plans in accordance with the DEC's current guidelines; and (c) Preparation of a monitoring program for groundwater discharge areas as part of the Urban Water Management Plan. The ASS Site Assessment and Management Plan shall be implemented to the satisfaction of the Local Authority on the advice of the DEC's Land and Water Quality Branch. **5.2.3 Urban Water Management Plan** The developer shall submit to the Local Authority an Urban Water Management Plan (UWMP), which is consistent with the LWMS for approval as a condition of subdivision approval. The UWMP shall include, but is not limited to the following— a) Demonstrate compliance with Design Objectives; b) Site conditions – management of water dependent ecosystems & contamination / nutrient hot spots; c) Specific BMP's and design of water management systems; d) The results of detailed environmental and hydrological studies; e) Precise predictions and post-development modelling; f) Details of location and design of drainage infrastructure; g) Details of monitoring program to evaluate ground and surface water quality, flows and levels, including the location and design of any current and proposed monitoring stations; h) Descriptions and cost-benefit analysis (including whole of life costing) for any structural or non-structural controls; i) Precise and measurable targets and limits for ground and surface water quality, flows and levels that are to be maintained for the development area. This will be accompanied by a clear description of the roles and responsibilities agreed upon by each agency and the agencies commitment for action to be taken, and; j) Details of rehabilitation works to be undertaken in existing wetlands where relevant. The UWMP required by 5.2.3 shall be implemented to the satisfaction of the Local Authority, on advice from the Department of Water. **5.2.4 Unexploded Ordnance (UXO) Survey** The developer shall submit to the Local Authority and FESA an UXO Survey as a condition of subdivision. The UXO survey shall be prepared in accordance with the requirements of FESA, and shall identify— i) Potential UXO locations; ii) Management plans to be implemented in the event that UXO is found to exist within the Estate.

No.	Description of land	Special use	Conditions
23.	Portion of Lot 501 on Plan 69205 Paradise Quays Ballajura *AMD 197 GG 25/11/2022*	The objective of the zone is to provide for the coordinated development of a future retirement village estate that incorporates both Independent Living Units in addition to Low and High Care Accommodation. 'P' - Retirement Village - Residential Aged Care Facility 'D' - Any other uses that Council considers to be suitable in servicing the needs of a Residential Aged Care Facility and/or Retirement Village.	1. Development in this Special Use Zone shall be in accordance with the requirements of the Residential Design Codes, to a maximum of R60 with a maximum building height of three (3) storeys not exceeding 12 metres above natural ground level, unless restricted by Condition 1. a-f, and Condition 2, below: a) Development of land within 35m of the zone's Northern Rear Boundary, shall not exceed: i. A maximum building height of two (2) storeys not exceeding 9 metres above natural ground level; and ii. A boundary setback of 6 metres from the Northern Rear Boundary. If a greater setback is required under Residential Design Codes for a wall setback or visual privacy setback, the greater setback shall apply. The setback area shall be landscaped and not used for car parking or vehicle access. b) Development of land within 35m from the zone's lower Eastern Side Boundary shall not exceed: i. A maximum building height of two (2) storeys not exceeding 9 metres above natural ground level; and ii. A boundary setback of 6 metres from the Lower Eastern Side Boundary. If a greater setback is required under Residntial Design Codes for a wall setback or visual privacy setback, the greater setback shall apply. The setback area shall be landscaped and not used for car parking or vehicle access. c) All buildings must be setback no closer than 6m from the zone's primary street boundary (Paradise Quays). d) All buildings must be setback no closer than 10m from the Zone's Secondary Street Boundary with Alexander Drive that is north and south of Paradise Quays. If a greater setback is required under the Residential Design Codes for a wall setback, landscaping tree retention or visual privacy setback, the greater setback shall apply. e) Development on the land is to provide passive surveliance to the abutting Emu Swamp reserve; and f) Development is to be in accordance with an approved Bushfire Management Plan. 2. A Landscape Management Plan must be prepared and submitted with the development application. The Landscape Management Plan shall include the whole site and shall specify the vegetation planting within the 6 metre boundary set-back areas stipulated in Conditions 1.a.ii and 1.b.ii. **Definitions** For this Special Use Zone the following definitions apply: '**residential aged care facility'** means premises where residential care as defined in the *Aged Care Act 1997* section 41(3) is provided. '**retirement village'** has the meaning given to that term in the *Retirement Villages Act 1992* (WA) and incorporates the sense of the term as defined in Schedule 1 of this Scheme. **'retirement village estate'** means land intended to contain a retirement village and a residential aged care facility and which may include any other uses that Council considers to

No.	Description of land	Special use	Conditions
			be suitable in servicing the needs of a Residential Aged Care Facility and/or Retirement Village. **'Zone's Northern Rear Boundary'** means the zone's rear boundaries located north of the Paradise Quays road reserve that shares a common boundary with Residential zoned land. **'Zone's Lower Eastern Side Boundary'** means the zone's eastern side boundary located south of the Paradise Quay road reserve that shares a common boundary with Residential land zoned 'Special Use Zone No. 12'.
24.	Lot 57 on P28643 West Parade, Lot 9000 on DP30961 West Parade, Lot 200 on DP30961 West Parade, Lot 1 on P7052 West Parade and part of Lot 82 on P25397 West Parade, South Guildford. Precinct No. 1 and Precinct No. 2 boundaries as depicted on the Special Use Zone Precinct Map. Precinct No. 1: Boundaries as depicted on the Special Use Zone Precinct Map. Precinct No. 2: Boundaries as depicted on the Special Use Zone Precinct Map *AMD 217 GG 17/11/23* *AMD 231 GG 16/12/2025*	'A' – Tourist and Visitor Accommodation	1. Subdivision and development shall be in accordance with a Structure Plan prepared in accordance with the provisions of Part 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015.* 2. Residential development shall be at a maximum density of R20, except where land is below the 20 ANEF exposure level, in which case the applicable density shall be in accordance with the Rosehill Waters Structure Plan. 3. Notwithstanding the provisions of State Planning Policy 5.1 Land Use Planning in the Vicinity of Perth Airport, noise insulation in accordance with AS2021-2015: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction is required as a minimum for residential development within the 20-25 ANEF contour. 4. A notification is to be included on all titles and within sale contracts, to be signed and acknowledged by all purchasers, which states as follows: 'This land is subjected to aircraft noise at any time by the 24 hour a day, 7 day a week passenger and freight aircraft flight operations arriving and departing Perth Airport. The frequency of aircraft movements and the size of aircraft are forecast to increase indefinitely into the future. It is the responsibility of landowners to noise attenuate their property to ensure their property to ensure their amenity, as Perth Airport will remain curfew free." 5. Signage indicating "Aircraft Noise Area" is to be erected and maintained to the east and west of the development on West Parade. Such signage is to be erected prior to the sale of any lot or the advertising of the lots for sale and is to be maintained permanently thereafter. 6. In addition to the requirements specified for Structure Plans in Part 4 of the Regulations, the Structure Plan shall address the following: • Provision of a Foreshore Management Plan inclusive of details of landscaping, interface treatment to the Helena River and details of implementation and maintenance at the subdivision/ development stage. • In addition to the requirements for a Structure Plan the Traffic Management Plan should identify, amongst other items, the nature and timing of upgrades to the intersection of the Great Eastern Highway and Queens Road. • A Landscape Plan to identify, amongst other items, an appropriate buffer to be provided along West Parade that retains the existing vegetation and maintains the visual amenity of West Parade.

No.	Description of land	Special use	Conditions
			7. Notwithstanding any other provision of the Scheme, development approval is not required for any Single Dwelling/addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot and where it complies with the conditions 2 and 3 of this zone and where the development is not: *AMD 147 GG 13/07/18* i) On a lot within or abutting the Development Control Area under the *Swan and Canning Rivers Management Act 2006* or abuts or is likely to affect waters which are within the Development Control area; or ii) On a lot located within a Heritage Area or is on a lot that contains a place on the Heritage List.
	Precinct No. 1: Boundaries as depicted on the Special Use Zone Precinct Map.		Specific Provisions: 1. Permissibility of land uses within Precinct No. 1 is to be in accordance with Residential zoned land under Clause 4.3 – Zoning Table of this Scheme.
	Precinct No. 2: Boundaries as depicted on the Special Use Zone Precinct Map.		Specific Provisions: 1. Permissibility of land uses within Precinct No. 2 is to be in accordance with the following: • Carpark (D) • Club Premises (D) • Community Purpose (D) • Exhibition Centre (D) • Food and Beverage production (D) • Garden Centre (A) • Hotel (A) • Kiosk (D) • Recreation – Private (d) • Reception Centre (A) • Restaurant (D) • Tavern (A) • Telecommunications Infrastructure (D) • Tourist Facilities (A) All other uses not mentioned above are not permitted (X).Single House
			Special Use Zone Precinct Map 
25.	Lot 38 on Plan 4539 Stirling Crescent; Lot 59 on Plan 4539 Bushmead Road; Lot 1 on Diagram 73177 Bushmead Road; Portion of Lot 83 on Plan 4539	The Use Classes listed in the Zoning Table against the 'Light Industrial' Zone and cross referenced with symbols of 'P' 'D' and 'A' Other Uses	1. Subdivision and development shall be in accordance with a Structure Plan prepared and approved in accordance with the provisions of Part 4 of the deemed provisions. 2. Unless development on the site is connected to reticulated sewer – a) Development is restricted to 'dry industry' whereby any development application must demonstrate that the quality and volume of effluent to be disposed of onsite can be successfully disposed of, without

No.	Description of land	Special use	Conditions
	Bushmead Road; Lot 82 on Plan 4539 Bushmead Road Lot 100 on Diagram 83965 and Lot 101 on Diagram 83965 Hazelmere Circus Lot 95 on Plan 4553, Lot 96 on Plan 4553, Lot 97 on Plan 4553 Lakes Road; Portion of Lot 99 on P4553 Lakes Road Hazelmere *AMD 86 GG 28/07/17*		adverse environmental or health effects, using effluent disposal systems; and b) Development shall be restricted to the type which is predicted to generate, and/or generate waste water intended for disposal on site at a daily volume not exceeding 540 litres per 2000m2 of site area. 3. A Wastewater Management Plan shall be submitted with each development application to demonstrate that Condition 1 can be achieved to the satisfaction of local government.
26.	Lot 5 Diagram 48061 Elvire Street, Viveash *AMD 196 GG 26/7/22*	The objective of the zone is to provide for the coordinated development of a future retirement village estate that incorporates both Independent Living Units in addition to Low and High Care Accommodation. "P" - Retirement Village - Residential Aged Care Facility "D" - Any other uses that Council considers to be suitable in servicing the needs of a Residential Aged Care Facility and/or Retirement Village.	1. All development in this zone shall: a) Be a maximum building height of two (2) storeys; b) Be in accordance with the R-Codes provisions and requirements for R40 coded land. If a greater setback is required under Condition 1c) for a major opening, the greater setback shall apply; c) All major opening(s) in the second storey of buildings that face toward the zone's northern side boundary are to be set back no closer than 6 metres from the northern side boundary. The setback area shall contain landscaping; and d) Vehicle access and parking must be set back no closer than 10 metres from the zone's northern boundary. 2. Discretion to vary Condition 1 and permit development up to a maximum of R60 and a maximum building height of three (3) storeys shall only be permitted if: a) The third storey is located to minimise visual impact from the primary street and adjoining properties, to the satisfaction of the local government; b) All buildings are set back no closer than 4 metres from the zone's primary street boundary (Elvire Street); c) All buildings are set back no closer than 3 metres from the zone's southern side boundary; d) All buildings are set back no closer than 3.5 metres from the zone's northern side boundary. If a greater setback is required under Condition 2(e) for a major opening, the greater setback shall apply; e) All major opening(s) in the second and third storey of buildings that face toward the zone's northern side boundary are to be set back no closer than 6 metres from the northern side boundary. The setback area shall contain landscaping; and f) Vehicle access and parking must be set back no closer than 10 metres from the zone's northern boundary.

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No.	Description of land	Special use	Conditions
			3. All buildings must be set back no closer than 4 metres from the Regional Reserve - Parks and Recreation. 4. A mosquito management plan, prepared in accordance with the Department of Health's Mosquito Management Plan template, should be submitted as part of any development application, at the discretion of the local government. **Definitions** For this Special Use Zone the following definitions apply: **"residential aged care facility"** means premises where residential care as defined in the Aged Care Act 1997 section 41(3) is provided. **"retirement village"** has the meaning given to that term in the Retirement Villages Act 1992 (WA) and incorporates the sense of the term as defined in Schedule 1 of this Scheme. **"retirement village estate"** means land intended to contain a retirement village and a residential aged care facility, and which may include any other uses that Council considers to be suitable in servicing the needs of a Residential Aged Care Facility and/or Retirement Village.
27.	Portion of Lot 570 on DP 409808 Eveline Road, Middle Swan located west of Blackadder Creek, as delineated on the scheme map *AMD 179 GG 30/11/2021* *AMd 231 GG 16/12/2025*	"P" - Aged or Dependent Persons Dwelling - Residential Aged Care Facility - Independent Living Complex "D" - Ancillary Accommodation - Caretaker's Dwelling - Child Care Premises - Civic Use - Community Purpose - Consulting Rooms - Educational Establishment - Family Day Care - Grouped Dwelling - Home Business - Home Occupation - Home Office - Hospital - Hosted Short-term Rental Acommodation. - Multiple Dwelling - Medical Centre - Place of Worship - Radio & TV Installation Private - Recreation - Public - Single Bedroom Dwelling - Single House - Telecommunicatio n Infrastructure	**1. Objective of the Zone** a. To provide for urban infill development within the Estate, with the predominant land use being aged care related land uses; b. To consider uses that are suitable in servicing the needs of, and/or are compatible with, aged care uses, at the discretion of Council; and c. To consider and demonstrate integration within the broader district context. **2. Subdivision and Development** a. Residential development shall comply with the R20 code. b. Noise insulation measures are to be in accordance with *State Planning Policy 5.1 - Land Use Planning in the Vicinity of Perth Airport*. c. Subdivision and development of the subject land shall be in accordance with an approved Structure Plan. d. In addition to the requirements specified in the provisions of Part 4 of the Deemed Provisions, the Structure Plan shall address the following: i. Provision of a Local Water Management Strategy (LWMS) that assesses and makes recommendations to ensure that ground water and surface water management measures will maintain the existing environmental values of adjoining Blackadder Creek, and in addition to the ordinary requirements of a LWMS under the Better Urban Water Management framework. ii. The Structure Plan is to address any additional foreshore reserve requirements identified in the Local Water Management Strategy to provide an appropriate interface with the Blackadder Creek

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No.	Description of land	Special use	Conditions
		"A" - Home Store - Residential Building "X" - All other uses defined under Part 4 of the Scheme.	iii. Provision of a Landscape Plan that identifies which existing vegetation need to be protected and retained where possible, details of the interface treatment to the Blackadder Creek reserve and details of implementation and maintenance at the subdivision/development stage. iv. The Structure Plan is to address any requirements of the Bushfire Management Plan for a two-way access route solution. e. The Structure Plan, subdivision and development must be in accordance with *State Planning Policy 3.7 - Planning in Bushfire prone areas*. f. Development of the site is subject to the drainage and removal of the two underground storage tanks located west of the Boiler House, accompanied by excavation validation testing and reporting. **3. Definitions** For this Special Use zone, the following definitions apply: ***"Estate"*** means the land referred to in the Land Particulars for this Zone. ***"Residential Aged Care Facility"*** means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes: a) appropriate staffing to meet the nursing and personal care needs of residents b) meals and cleaning services furnishings, furniture and equipment. This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility. ***"Independent living complex"*** means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation but does not include a development which includes these features as a component of a residential aged care facility.
29.	Part of Lot 86 on Deposited Plan 10324, Lot 500 on Deposited Plan 63649, Lot 14170 on Deposited Plan 26108, and part of Lot 55 on Deposited Plan 10324. *AMD 190 GG 7/10/2022*	The objective of the zone is to provide for the coordinated development of a Residential Aged Care Facility and/or Independent Living Complex. "P" – Residential Aged Care Facility – Independent Living Complex "D" - Any other incidental and ancillary land uses associated with and	1. All development and landscaping in this Special Use zone shall be in accordance with the requirements of the Residential Design Codes, to a maximum of R50. 2. Notwithstanding the Condition 1, the third storey is to be located to minimise visual impact from Kerwin Way and the adjoining properties, to the satisfaction of the local government. 3. Development in the Special Use zone shall be in accordance with a Local Development Plan that is consistent with Condition 1 and endorsed by Council. The Local Development Plan shall address: a) Landscaping and visual privacy transition to adjoining land on all boundaries;

[cl. 4.5]

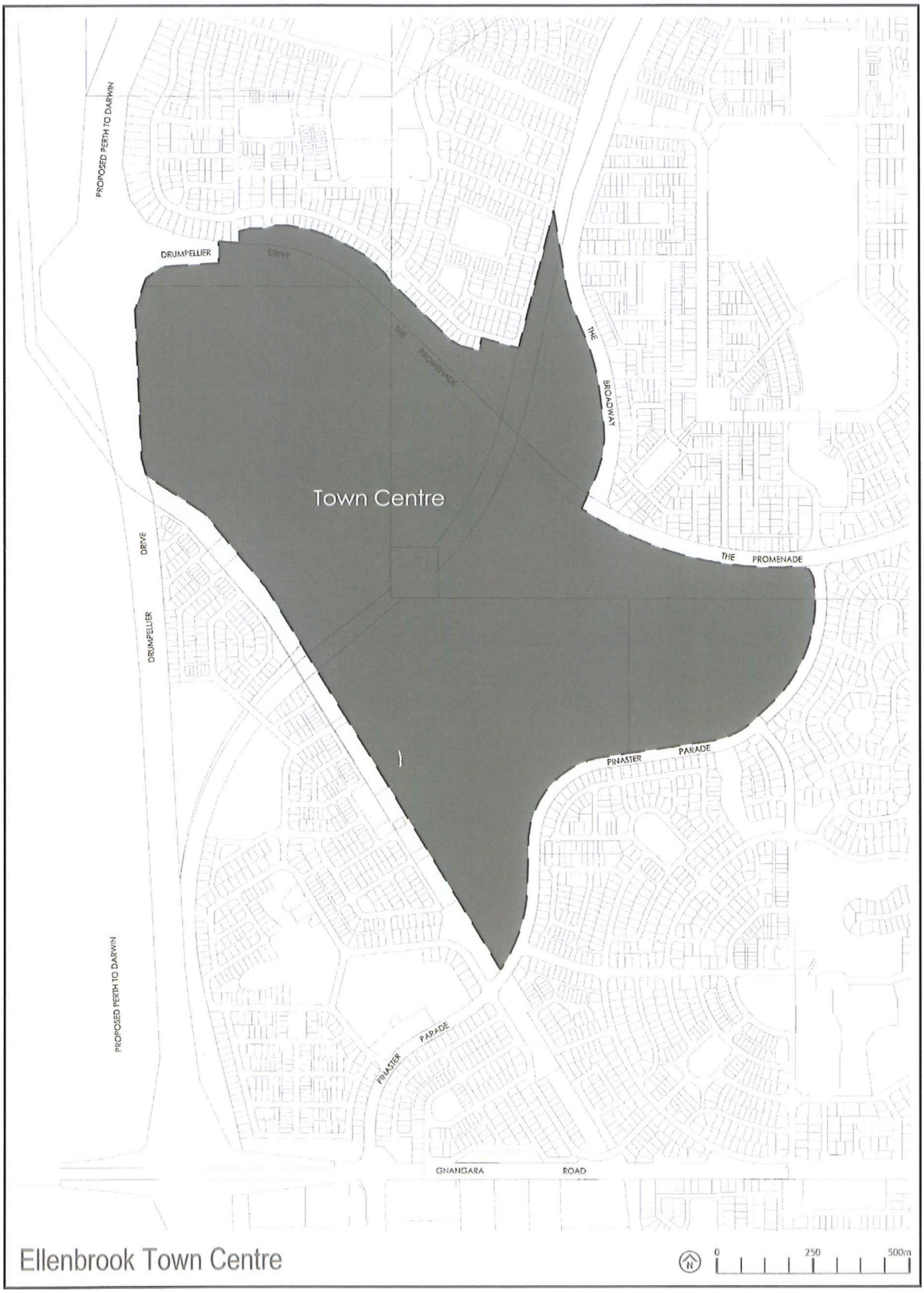
No.	Description of land	Special use	Conditions
		supporting residential aged care facilities and/or independent living complexes that are accessable to both residentis and the general public.	b) Vehicle parking, access and egress arrangements, with primary vehicle access to be provided from Diana Crescent, with supplementary alternative vehicle access from Kerwin Way and Jennings Way; c) Safe public pedestrian access between Kerwin Way and Rosher Oval, d) A Landscape Management Plan that identifies significant trees that are to be retained and additional tree planting required as per the R-Codes. 4. The Western Power substation located on Lot 86 must: a) Maintain a 6m clearance from any building to ensure an adequate safety distance in case of a fire. b) Be accessible at all times to Western Power for operation and maintenance purposes. c) Not be adversely impacted by vehicle movement. Vehicles are to not obstruct access to the substation for operation and maintenance. **Definitions:** For this Special Use Zone the following definitions apply: **Residential aged care facility** - a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes: a) appropriate staffing to meet the nursing and personal care needs of residents; b) meals and cleaning services; c) furnishings, furniture and equipment. This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility. **Independent Living Complex** - a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residental aged care facility.

SCHEDULE 4A — ELLENBROOK TOWN CENTRE ZONING TABLE

Permissibility of Land Uses within the Precincts described in the Development Plan referred to in sub-paragraph 4 of Special Use Zone No. 4 (Ellenbrook Estate) in Schedule 4 of the Scheme

Land Use	**Precincts described in the Development Plan**					
	Retail	**Cultural / Civic**	**Education**	**Commercial Enterprise**	**Mixed Use**	**Recreation**
Car Park	D	D	D	D	D	D
Car Sales Lot	D	X	X	P	D	X
Car Sales Showroom	D	X	X	P	D	X
Car Wash Station	D	X	X	P	D	X
Cinema / Theatre	P	P	X	X	D	X
Civic Building	D	P	X	X	D	P
Consulting Rooms	D	D	X	P	D	X
Consulting Rooms : Group	D	D	X	P	D	X
Convenience Store	P	D	X	P	D	D
Cultural Use	D	P	D	D	D	P
Dwelling : Aged or Dependent Persons	X	X	X	X	P	X
Dwelling : Attached House Grouped (2 only) multiple	X	X	X	X	P	X
Dwelling : Attached House (more than 2)	X	X	X	X	P	X
Dwelling : Grouped (more than 2)	X	X	X	X	P	X
Dwelling : Multiple	D	D	X	D	P	X
Dwelling : Single House	X	X	X	X	P	X
Education Establishment	D	D	P	D	P	X
Factory Tenement Building	X	X	X	P	X	X
Fast Food Outlet	P	D	X	P	D	X
Funeral Parlour	D	X	X	P	D	X
Hospital	D	P	X	X	D	X
Hosted short-term rental accommodation *AMD 231 GG 16/12/2025*	P	P	X	P	P	X
Industry : Cottage	X	X	X	P	D	X
Industry : Light	X	X	X	P	D	X
Industry : Service	X	X	X	P	P	X
Medical Centre	P	X	X	P	D	X
Motor Vehicle Repair	D	X	X	P	D	X
Exhibition Centre	D	P	X	X	D	X
Garden Centre	D	X	X	P	D	X
Office	D	X	X	P	D	X
Restaurant	P	D	X	X	D	D
Service Station	D	X	X	D	D	X
Shop	P	D	X	D	D	D
Showroom	D	X	X	P	D	X
Tavern	P	D	X	X	D	X
Tourist and Visitor Accommodation *AMD 231 GG 16/12/2025*	A	A	X	A	A	X
Unhosted short-term rental accommodation *AMD 231 GG 16/12/2025*	A	A	X	A	A	X
Veterinary Centre	D	X	X	P	D	X
Warehouse	D	X	X	P	D	X
Any other use not listed above	D	D	D	D	D	D

SCHEDULE 4B — ELLENBROOK TOWN CENTRE MAP



SCHEDULE 5 — EXEMPTED DEVELOPMENT

[cl. 8.2]

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT

Ancillary Accommodation	Residential Development;
	Residential Redevelopment;
	Residential;
	All Special Use zones.
		Where the ancillary accommodation meets all of the following criteria:
		• complies with the Acceptable Development Standards as outlined within Clause 4.1.1 of the *Residential Design Codes*, which includes;
		  o the sole occupant or occupants are members of the family of the occupiers of the main dwelling;
		  o the lot is not less than 450 square metres in area;
		  o the open space requirements of Table 1 (*Residential Design Codes*) are met;
		  o there is a maximum plot ratio area of 60 square metres; and
		  o one additional car space is provided.
		• Does not require approval under Part 6 of the Scheme;
		• is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List;.
		• there is no more than one dwelling of any description on the lot.

Demolition of Single Houses and Outbuildings	All zones	Where all of the following criteria are met: • is not on a lot that contains a place on the Heritage List; • is not located within a Heritage Area; • does not affect a place that is the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; • does not affect a place that is the subject of a heritage Agreement under the Scheme or Part 4 of the *Heritage of Western Australia Act, 1990*; and • does not affect a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act, 1990*.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Driveways *AMD 92 GG 23/10/15*	All zones (excluding Residential)	Where the driveway meets all of the following criteria: • does not require excavation or filling along the alignment of the driveway of greater than 300mm vertically; • does not incorporate a bridge greater than 5 metres in length; • is no wider than 6 metres.
	Residential	Where the driveway meets all of the following criteria: • does not require excavation or filling along the alignment of the driveway of greater than 300mm vertically; • does not incorporate a bridge greater than 5 metres in length; • is no wider than 6 metres; • Where the driveway/s associated with a single house, grouped or multiple dwelling development, or residential subdivision including survey strata subdivision, does not establish more than one crossover onto an abutting dedicated road.
	All Local Reserves	No conditions.
Single Dwelling / Addition to an existing Single or Grouped Dwelling where the Single or Grouped Dwelling will be the only development on the lot **Residential Outbuilding or addition thereto, including Incidental Domestic Structures.** *AMD 92 GG 23/10/15; AMD 147 GG 13/07/18; AMD 233 GG 10/07/2026;*	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where the development meets all of the following criteria: • it is proposed to be located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with the standard setback for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • does not require approval under Part 6 of the Scheme; • is not located within a Heritage Area and is not located on a lot that contains a place on the Heritage List; and • is on a lot within or abutting the Swan River Trust Management Area or abuts or is likely to affect waters which are in that Management Area.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Family Day Care	City Centre – Business; Midland Strategic Regional Centre Residential; Residential Development; Residential Redevelopment; General Rural; Special Rural' Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.	Where the development meets all of the following criteria: • does not require approval under Part 6 of the scheme; • is not located within a Heritage area and is not on a lot that contains a place on the Heritage List. Or: Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets all of the following criteria: • does not involve any change to the external appearance of the building; • does not involve any construction; • does not involve the care of more than 4 children, exclusive of the occupants' children; • does not require approval under Part 6 of the Scheme.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT

Fences	All zones **except**:
	
	General Rural;
	Special Rural;
	Swan Valley Rural;
	Rural Living;
	Rural Residential;
	Landscape;
	Resource.
		Where the fence is not located within a Heritage Area or on a lot that contains a place on the Heritage List and meets any of the following criteria:
		• is a front fence and meets the acceptable development provisions of the Residential design Codes, including:
		  ○ front fences within the primary street setback area being visually permeable 1.2 metres above natural ground level; and
		  ○ fences being truncated to no higher than 0.75 metres within 1.5 metres of where the fence adjoins a vehicle access point, where the driveway meets a public street and where 2 streets intersect;
		• is located on a common boundary, is located greater than 4.5 metres from a primary street boundary and is no greater than 2.4 metres in height;
		• is located on a secondary street boundary and is not greater than 1.8 metres in height.
		
		Or:
		Where the fence is located in a Heritage Area or on a lot that contains a place on the Heritage List and is no more than 2.0 metres in height and meets at least one of the following criteria:
		• is located on a rear property boundary, not adjoining a secondary street or any public land;
		• is located on a side property boundary, not adjoining a secondary street or any public land, and extends no closer than 4.5 metres to the front property boundary.
		
		Or:
		Where the fence is located within a Heritage Area or on a lot that contains a place on the Heritage List and is located on a side property boundary, not adjoining a secondary street or any public land, and extends closer than 4.5 metres to the front property boundary and is no greater than 1.0 metres in height.
		
		Or:
		Where the fence meets all of the following criteria:
		• is located within a 14 metre visual truncation on a corner lot and is no higher than 1.2 metres;
		• is located within a 3 metre visual truncation to a vehicular accessway and is no higher than 1.2 metres;
		• is no higher than 1.8 metres in all other cases;
		• is constructed of post and wire or post and rail;
		• is not located within a heritage area and is not on a lot that contains a place on the Heritage List.

	All Local Reserves	Where the fence meets all of the following criteria: • is located greater than 6 metres from a street boundary; • is no higher than 1.8 metres.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Home Occupation	Midland Strategic Regional Centre Residential Development; Residential Redevelopment; Residential; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.	Where a home occupation complies with the Scheme definition of a Home Occupation.
Home Office	Midland Strategic Regional Centre Residential Development; Residential Redevelopment; Residential; General rural; Special rural; Swan Valley Rural; Rural Residential; Landscape; Resource; Private Clubs and Institutions; All Special Use zones.	Where a home office complies with the definition of Home Office.
Internal building alterations	All zones	Where the internal alterations / rearrangement of the building will not increase the total floor area of the building.
Keeping of Livestock	General Rural	No conditions.
	Rural Residential; Rural Living; Resource; Landscape; Special Rural; Swan Valley Rural.	Where the number of livestock kept on the lot is equal to or less than the base (dry) stocking rate that applies to the land (as defined in the Agriculture Western Australia document titled “Stocking Rate Guidelines for Rural Smallholdings – Swan Coastal Plain and Darling Scarp”).
Maintenance and removal of non-native vegetation	All zones	Where the property on which the vegetation is situated is not on a lot that contains a place on the Heritage List.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Outdoor lighting and supporting poles	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial; All City Centre zones (excluding City Centre -Residential zone);	Where lighting meets all of the following criteria: • is not set more than 5 metres above ground level; • floodlighting is directed only into the land on which it is located.
	Residential; Residential Development; Residential Redevelopment; General Rural; Special Rural' Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource; Place of Public Assembly; All Special Use zones.	Where the lighting meets all of the following criteria: • is not set more than 2.5 metres above ground level; • is fixed to a building on the property; • floodlighting is directed only into the land on which it is located.
Parking of Commercial Vehicles *AMD 40 GG 09/12/11*	General Rural Swan Valley Rural Special Rural Rural Living Rural Residential Landscape Resource	Where – (a) The subject lot has a total area of equal to or greater than 10,000m2 (1.0 hectares); and (b) The subject vehicle is rated at a gross vehicle mass of less than or equal to 6.5 tonnes.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Radio and TV Installation – Private (excepting satellite dishes)	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where the development meets all of the following criteria: • is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List; • consists of an aerial, antenna or mast not exceeding 12 metres in height above natural ground level; • is located within an approved building envelope or where no building envelope exists is setback from the property boundaries in accordance with the standard setback specified for that zone. Where no setback is specified it shall be exempt if it meets the required setbacks for the general rural zone. Or: Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets the following criteria: • comprises an antenna of no higher than 1.5 metres; • is located on the roof of a building that does not face any adjoining street or public land.
	Midland Strategic Regional Centre Residential Development; Residential Redevelopment; Residential; Special Use zone.	Where the development meets all of the following criteria: • is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List; • complies with the Acceptable Development provisions of the Residential Design codes (where applicable). Or: Where the development is located within a Heritage Area is on a lot that contains a place on the Heritage List and meets all of the following criteria: • comprises an antenna of no higher than 1.5 metres; • is located on the roof of a building that does not face any adjoining street or public land.
Repairs and routine maintenance to an existing building	All zones	No conditions
Retaining Wall	All zones **except**: General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource zones	Where the retaining wall meets all of the following criteria: • has a maximum height of 1 metre above adjoining lower level; • is not located within a Flood Prone Area; • is not located within a heritage Area and is not on a lot that contains a place on the Heritage List; • is located on a boundary other than the primary street boundary.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Rural shed or outbuilding or addition thereto including railway carriages and shade structures	General Rural; Swan Valley Rural	Where the building meets all of the following criteria: • the combined area of sheds (and other outbuildings) on the land would not exceed 300m^2; • the height does not exceed 5 metres; • external surfaces are clad with non-reflective materials; • the shed or other building is set back from the boundaries in accordance with the standard setback specified for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • is not located within a Flood Prone Area; • is not located in a Heritage Area and is not located on a lot that contains a place on the Heritage List.
	Special Rural; Rural Living; Rural Residential; Landscape; Resource	Where the building meets all of the following criteria: • the combined area of sheds (and other outbuildings), on the land would not exceed 200m^2; • the height does not exceed 5 metres; • external surfaces are clad with non-reflective materials; • the shed or other building is located within an approved Building Envelope, or where no Building envelope exists, is set back from the property boundaries in accordance with the standard setback for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • is not located within a Flood Prone Area; • is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
Satellite Dish	All zones	Where the development is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets the following criteria: • a ground mounted dish has a maximum diameter of 3.0m and height not exceeding 3.0m and is located in the rear set-back of the property; or • a roof-mounted dish has a maximum diameter of 1.5m and is not positioned on any part of the roof facing a street; or • a wall mounted dish has a maximum diameter of 1.2m and is not positioned on any part of a wall facing a street. Or: Where the development is located within a Heritage Area or on a lot that contains a place on the Heritage List and meets any of the following criteria: • has a diameter not exceeding 0.8m; • is located on the roof of a building that does not face an adjoining street or public land.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Shade Structure	General Commercial; Highway Service; Industrial Development; General Industrial; Light Industrial.	Where the structure meets all of the following criteria: • complies with the standard setback specified for that zone for the development existing on the site, or where no setbacks are prescribed the structure shall not be closer than 9m to the front boundary, 3m to the side boundary and 6m to the rear boundary; • is no greater than 5m in height; • is incidental to an existing commercial or industrial building on the site; • is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
Solar Collectors Incidental to buildings *AMD 182 GG 4/03/2022*	All zones	Where the development meets all of the following criteria: o is installed on the roof or other part of buildings; o a maximum projection no greater than 1.5 metres from the highest point of the building to which it is attached to; o incidental to an approved land use; o satisfies the deemed-to-comply requirements of the R-Codes, if the R-Codes apply to the development; o is not located in a place: o entered in the Register of Heritage Place under the *Heritage Act 2018*; o the subject of an order under the *Heritage Act 2018*; and o the subject of a heritage agreement entered into under the *Heritage Act 2018*. o Is not located within a Heritage Area designated by this Scheme and is not on a lot that contains a place on the Heritage List prepared in accordance with this Scheme. Or; Where the development is located within a Heritage Area designated by this Scheme or a lot that contains a place on the Heritage Lost prepared in accordance with this Scheme and meets all of the following criteria: • is installed flush-mounted on the roof or other part of buildings that does not face any adjoining street or public land; • satisfies the deemed-to-comply requirements of the R-Codes, if the R-Codes apply to the development; • is not located in a place: o entered in the Register of Heritage Place under the *Heritage Act 2018*; o the subject of an order under the *Heritage Act 2018*; and o the subject of a heritage agreement entered into under the *Heritage Act 2018*.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Swimming Pool/Spa	Residential Development, Residential Redevelopment; Residential; Midland Strategic Regional Centre All Special Use zones.	Where the pool / spa meets all of the following criteria: • the area of the pool/spa is no greater than 100m^2; • the pool/spa is to be used only for domestic purposes; • is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource	Where the pool / spa meets all of the following criteria: • the area of the pool/spa is no greater than 100m^2; • it is located within an approved Building Envelope, or where no Building Envelope exists, is set back from the property boundaries in accordance with the standard setback specified for that zone. Where no setback is specified in this table it shall be exempt if it meets the required setbacks for a General Rural zone; • the pool/spa is to be used only for domestic purposes; • is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
Temporary Building (including temporary plant and equipment)	All zones	Where the building meets all of the following criteria: • is necessary for the construction of a current approved development that is being constructed on the same site as that temporary building; • will not be located on the lot for more than 6 months.
Temporary Sale of Foods or Other Goods	All zones and all Local Reserves	Where the non-food merchandise is sold at a fete, show, swap-meet or the like held for no more than 3 days on the same lot in any 12 month period. Where the sale of food meets one of the following criteria: • the food is sold by traders at weekend markets; • the temporary food premises is subject to an Itinerant Food Vendors Licence; Trader's Licence; or Stallholder's Licence under any Local Law adopted by Council from time to time.
Water Storage Tank	All rural zones	Where it is located within an approved Building Envelope, or where no Building Envelope exists, is set back no less than 15m from any lot boundary and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.

SCHEDULE 5A — EXEMPTED ADVERTISEMENTS

[cl. 8.2]

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Advertisements (excepting balloons, bunting and flags)	All zones	Where the advertisement is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets at least one of the following criteria: • is erected for no more than 6 months in any 12 month period during the construction of a building and/or sale of a property and advertises the sale, lease or rent of the land/building or provides the construction company details and is located on the lot for sale or where construction is taking place, and does not exceed 3sqm in area; • is inside a building and cannot be seen outside the building; • is a portable sign with a surface area of not more than 1.0sqm per each side, with a maximum of one portable sign for each lot; • any sign approved under a local law. Or: Where the advertisement is located within a Heritage Area or on a lot that contains a place on the Heritage List and is the only advertisement on the lot and meets at least one of the following criteria: • is erected for no more than 6 months in any 12 month period during the construction of a building and/or sale of a property and advertises the sale, lease or rent of the land/building or provides the construction company details and is located on the lot for sale or where construction is taking place, and does not exceed 3sqm in area; • is inside a building and cannot be seen outside the building; • any sign approved under a local law.
	Residential Development; Residential Redevelopment; Residential; Midland Strategic Regional Centre All Special Use zones.	Where there is only one advertisement on the lot and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and it meets all of the following criteria: • is flush mounted or painted on the wall of a building, fence or wall; • is not illuminated; • is no more than 0.2m^2 in area; • does not contain moving parts; • solely displays the details of a business operating from the lot.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Advertisements (Cont.)	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial	Where the advertisement is not a pylon sign and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets all of the following criteria: • is flush mounted or painted on the wall of a building so that no part of the advertisement is more than 5 metres above ground level; • the combined area of all signs, hoardings and advertising devices on the lot does not exceed 20m^2; • the sign predominantly displays the name or nature of the business existing on site; Where the advertisement is a pylon sign and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets all of the following criteria: • there is no more than one pylon sign per lot; • has a surface area of no more than 6m^2 per side; • the sign and its supporting pylon have a combined height of no more than 6m; • has a clearance under it of at least 2.4m; • the sign predominantly displays the name or nature of the business existing on site. Where the advertisement is a portable sign with a surface area not more than 1.5m^2 per each side and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
	Midland Strategic Regional Centre	Where the advertisement is not a pylon sign and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and meets all of the following criteria: • is flush mounted or painted on the wall of a building at a height of no greater than 5 metres above ground level; • the combined area of all such advertisements on the lot does not exceed 10m^2; • the sign predominantly displays the name or nature of the business existing on site; Where the advertisement is a portable sign with a surface area not more than 1.5m^2 per each side and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
	General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural Residential; Landscape; Resource.	Where there is only one sign on site and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and it meets all of the following criteria: • is fixed to or painted on an existing building, fence or wall; • is not illuminated; • is no more than 1m^2 in area; • the sign displays the name of the owner, the name of the property or the predominant nature of business conducted from the property or all of these details.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE / RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Advertisements (Cont.)	All Local Reserves	Where the advertisement is not located within a Heritage Area and is not on a reserve that contains a place on the Heritage List and is fixed to or painted on: • bus shelters or bus seats; • rubbish bins in public places; • recreation / sporting and community facilities if the signs are visible only from within such facilities.
Balloons & Bunting	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial; Midland Strategic Regional Centre	Where the lot is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List and there is only one balloon on the lot and it meets the following criteria: • is displayed for no more than 4 consecutive weeks and for no more than 3 months in any 12 month period; • has dimensions no greater than 9 metres in height and 8 metres in width; • the maximum height above ground level to the top of the balloon does not exceed 18 metres; • is not illuminated.
Flags and Flagpoles	General Commercial; Highway Service; Private Clubs and Institutions; Industrial Development; General Industrial; Light Industrial; Midland Strategic Regional Centre	Where there are no more than 2 flagpoles on a lot and each flagpole is no more than 6 metres in height and is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.
	Midland Strategic Regional Centre Residential Development; Residential Redevelopment; Residential; General Rural; Special Rural; Swan Valley Rural; Rural Living; Rural-Residential; Landscape; Resource; All Special Use zones.	Where the flag and flagpole meet all of the following criteria: • there is no more than one flagpole on the lot; • the height of the pole does not exceed 6 metres; • the flag is not used for commercial advertising; • is not located within a Heritage Area and is not on a lot that contains a place on the Heritage List.

SCHEDULE 6 — FORM OF APPLICATION FOR PLANNING APPROVAL

[cl. 9.1.1]

Application for Planning Approval

Owner details		
Name:		
Address: Postcode:		
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person:		
Signature:		Date:
Signature:		Date:
The signature of the owner(s) is required on all applications. This application will not proceed without that signature.		

Applicant details		
Name:		
Address: Postcode:		
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact person for correspondence:		
Signature:		Date:

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

Existing building/land use:
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

OFFICE USE ONLY
Acceptance Officer's initials: Date received:
Local government reference no:

(The content of the form of application must conform to Schedule 6 but minor variations may be permitted to the format.)

SCHEDULE 7 — ADDITIONAL INFORMATION FOR ADVERTISEMENTS

[cl. 9.1.2]

Note: to be completed in addition to the Application for Planning 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 (i.e. freestanding, wall mounted, other): .... (b) Height: ……. Width: ……. Depth: ……. (c) Colours to be used: (d) Height above ground level — • (to top of advertisement): ..... • (to underside): ..... (e) Materials to be used: .... 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 removed detailed in 4 above. Signature of advertiser(s): ..... (if different from land owners) ..... Date: .....

SCHEDULE 8 — NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

[cl. 9.4.4]

Planning and Development Act (2005)

City of Swan

Notice of public advertisement of planning proposal

The City of Swan has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No.: Street: Suburb:

Proposal:

.....

.....

.....

Details of the proposal are available for inspection at the local government 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 City of Swan

SCHEDULE 9 — NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

[cl. 10.4.1]

Planning and Development Act (2005)

City of Swan

Determination on application for planning approval

Location:
Lot: Plan/Diagram:
Vol. No.: Folio No.:
Application date: Received on:
Description of proposed development: .....

.....

.....

The application for planning approval is:

❒ granted subject to the following conditions:
❒ refused for the following reasons(s):

Conditions/reasons for refusal:

.....

.....

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

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

Note 3: If an applicant is aggrieved by this determination there is a right of review under Part 14 of the *Planning and Development Act (2005)*. An application for review must be lodged within 28 days of the determination.

Signed:	Dated:
.....	.....
for and on behalf of the City of Swan	

(The content of the determination notice must conform to Schedule 9 but minor variations may be permitted to the format.)

SCHEDULE 10 — ENVIRONMENTAL CONDITIONS

[cl. 5.6.1]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions
		There are no environmental conditions

SCHEDULE 11 — SPECIAL RURAL ZONES

SPECIAL RURAL ZONE NO. 1 - 'HENLEY BROOK'	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
Land generally bounded by Park Street to the south, Lord Street to the west and the Swan Valley Planning Act Area to the east and located south of the intersection of Henley and Lord Streets, in the locality of Henley Brook, as delineated on the scheme maps. *Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to determine the precise extent of the zoning.*	1. Subdivision of this Special Rural Zone is to be in accordance with an approved Structure Plan and shall be in accordance with the following criteria: a) Minimum lot size shall be 2 ha. b) A bridle path system incorporated into the design connecting the Special Rural Zone to Whiteman Park. 2. a) The following use is permitted 'P' - within the Special Rural Zone: • Dwelling House • Home Occupation • Rural Home Occupation b) The following uses are not permitted unless Council gives its approval in writing - 'D': • Home Business • Public Utility c) The following use is an 'A' use: • Grouped Dwelling d) The following uses are not permitted unless approval is granted by Council and Council is advised by the Department of Environment, Water and Catchment Protection that a licence would be issued for the use of groundwater in the amounts necessary for the development: • Stables • Rural Pursuit • Private Recreation • Public Recreation e) All other uses not mentioned under a), b) and c) above and Rural pursuits, other than those referred to in d) above, which normally require the issue of any licence and permit are not permitted - 'X'. 3. The Council may specify that no house shall be constructed with an internal floor area of less than 100 square metres. No building shall be constructed within the Zone of materials, the nature, colour or texture of which, in the opinion of the Council, is undesirable for the locality. 4. The Council may require an owner of a subdivided lot within the area to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement. 5. The subdivider shall ensure that each prospective purchaser of a subdivided lot acknowledges in writing at the time of purchase of a lot a schedule of conditions relating to the subdivision. Such schedule shall include the following provisions: a) As these lots are within a public water supply and underground water pollution control area the requirements and regulations of the Department of Environment, Water and Catchment Protection regarding the use of the groundwater and the protection of groundwater supplies shall apply. The Department of Environment, Water and Catchment Protection is unlikely to issue a licence for the use of groundwater for amounts more than 1,500 cubic metres per annum. This is sufficient for house and domestic garden requirements and for the irrigation of approximately

SPECIAL RURAL ZONE NO. 1 - 'HENLEY BROOK'	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
	0.1 ha of pasture or other crops. b) The siting of bores on each lot shall be carried out in consultation with the Department of Environment, Water and Catchment Protection, having regard to the position of effluent systems, the spacing of bores between neighbouring lots and the Water Corporation's bores. 6. Prior to Council issuing any licence to build within the zone, the Council shall be satisfied that there is sufficient vertical separation between the bottom of any proposed onsite effluent disposal system and the highest known level of the water table. 7. Any person who keeps an animal or animals or who uses any land in the zone for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include: (i) Seeding, cultivating, top dressing and/or stocking so as to maintain vegetative cover; (ii) Installing sprinkler or ground water irrigation where necessary to maintain soil moisture at a level that will prevent windblown dust; (iii) Constructing feed lot facilities; (iv) Adopting any other management system that prevents dust arising or soil erosion. Where in the opinion of the Council the continued presence of animals on any portion of land in the zone is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be serviced on the owner of the said portion of land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.
Lot 48 Toodyay Road, and Lot 5 Stoneville Road, Gidgegannup. *AMD 103 GG 10/02/2023*	1 Subdivision of this Special Rural Zone is to be in accordance with the following criteria a) On Parent Lot 5 I. A maximum of four new lots fronting Stoneville Road, and with a minimum lot size of 2ha, and II. A balance lot with the existing dwelling (also fronting Stoneville Road), and a conservation area b) On Parent Lot 48 I. A maximum of four new lots in the northern section with access from Stanley Road, and with a minimum lot size of 2ha and II. A balance lot with a conservation area 2 Subdivision and development must address the following: a) Subdivision design and accompanying Bushfire Management Plan achieve compliance with State Planning Policy 3.7 Planning in Bushfire Prone Areas. b) An Environmental Management Plan (EMP) (or equivalent) shall be required to submit with an application for subdivision and shall include, but in not limited to I. Land capability, II. Hydrology and proposed waste and stormwater treatment and management, III. Identification of key areas of vegetation and fauna habitat for retention and protection, IV. Fauna management, V. Foreshore and Buffer Management, VI. Site Management measures (pre-construction, during construction post-construction), and

SPECIAL RURAL ZONE NO. 1 - 'HENLEY BROOK'	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
	VII. Implementation and responsibility. c) Identification and Implementation of Conservation Covenant Areas to ensure the protection of remnant vegetation and its long-term management within portions of the Lot 48 Toodyay Road and Lot 5 Stoneville Road. d) Building envelopes shall be located in areas where it can be demonstrated that development will not impact on remant vegetation worthy of retention, particularly with respect to Rare and Priority Flora and conservation of identified fauna and its habitat. 3 The following use class permissibility will apply to this precinct- a) The following uses are P uses- • Bed and Breakfast • Home Occupation • Home Office • Sigle House b) The following uses are D uses and are not permitted unless Council has exercised its discretion in grating planning approval- • Home Business • Industry-Cottage • Place of Assembly • Rural Pursuit • Telecommunications Infrastructure • Family Day Care c) The following uses are A uses and are not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4. • Animal Establishment • Cabin or Chalet 4. Application for development approval shall be referred to the Department of Water and Environmental Regulation.

SPECIAL RURAL ZONE NO. 2 - 'HENLEY BROOK'	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
Land generally bounded by Gnangara Road to the north, Lord Street to the west, Pine Road to the east and located to the north of the intersection of Henley and Lord Streets, in the locality of Henley Brook as delineated on the scheme map. *Note: There is land within the general area referred to above that is not included in this zone. Reference should be made to the scheme maps to determine the precise extent of the zoning.*	1. Subdivision of this Special Rural Zone is to be in accordance with an approved Structure Plan and shall be in accordance with the following criteria: a) Minimum lot size shall be 2 ha. 2. a) The following use is permitted - 'P' - within the Special Rural Zone: • Dwelling House • Home Occupation • Rural Home Occupation b) The following uses are not permitted unless Council gives its approval in writing - 'D': • Home Business • Public Utility c) The following use is an 'A' use: • Grouped Dwelling d) The following uses are not permitted unless approval is granted by Council and Council is advised by the Department of Environment, Water and Catchment Protection that a licence would be issued for the use of groundwater in the amounts necessary for the development: • Stables • Rural Pursuit • Private Recreation • Public Recreation e) All other uses not mentioned under a), b) and c) above and Rural pursuits, other than those referred to in d) above, which normally require the issue of any licence and permit are not permitted - 'X'. 3. The Council may specify that no house shall be constructed with an internal floor area of less than 100 square metres. No building shall be constructed within the zone of materials, the nature, colour or texture of which, in the opinion of the Council, is undesirable for the locality. 4. The Council may require an owner of a subdivided lot within the area to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement. 5. The subdivider shall ensure that each prospective purchaser of a subdivided lot acknowledges in writing at the time of purchase of a lot a schedule of conditions relating to the subdivision. Such schedule shall include the following provisions: a) As these lots are within a public water supply and underground water pollution control area the requirements and regulations governing the use of the groundwater and the protection of groundwater supplies shall apply. The Department of Environment, Water and Catchment Protection is unlikely to issue a licence for the use of groundwater for amounts more than 1,500 cubic metres per annum. This is sufficient for house and domestic garden requirements and for the irrigation of approximately 0.1 ha of pasture or other crops.

SPECIAL RURAL ZONE NO. 2 - 'HENLEY BROOK' (Cont.)	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
	b) The siting of bores on each lot shall be carried out in consultation with the Department of Environment, Water and Catchment Protection, having regard to the position of effluent systems, the spacing of bores between neighbouring lots and the Water Corporation's bores. 6. Prior to Council issuing any licence to build within the zone, the Council shall be satisfied that there is a minimum vertical separation of 1.2 metres between the highest known groundwater level and the bottom of any proposed onsite effluent disposal system. 7. Any person who keeps an animal or animals or who uses any land in the zone for the exercise or training of animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include: (i) Seeding, cultivating, top dressing and/or stocking so as to maintain vegetation cover; (ii) Installing sprinkler or groundwater irrigation where necessary to maintain soil moisture at a level that will prevent windblown dust; (iii) Constructing feed lot facilities; (iv) Adopting any other management system that prevents dust arising or soil erosion. Where in the opinion of the Council the continued presence of animals on any portion of land in the zone is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be serviced on the owner of the said portion of land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.

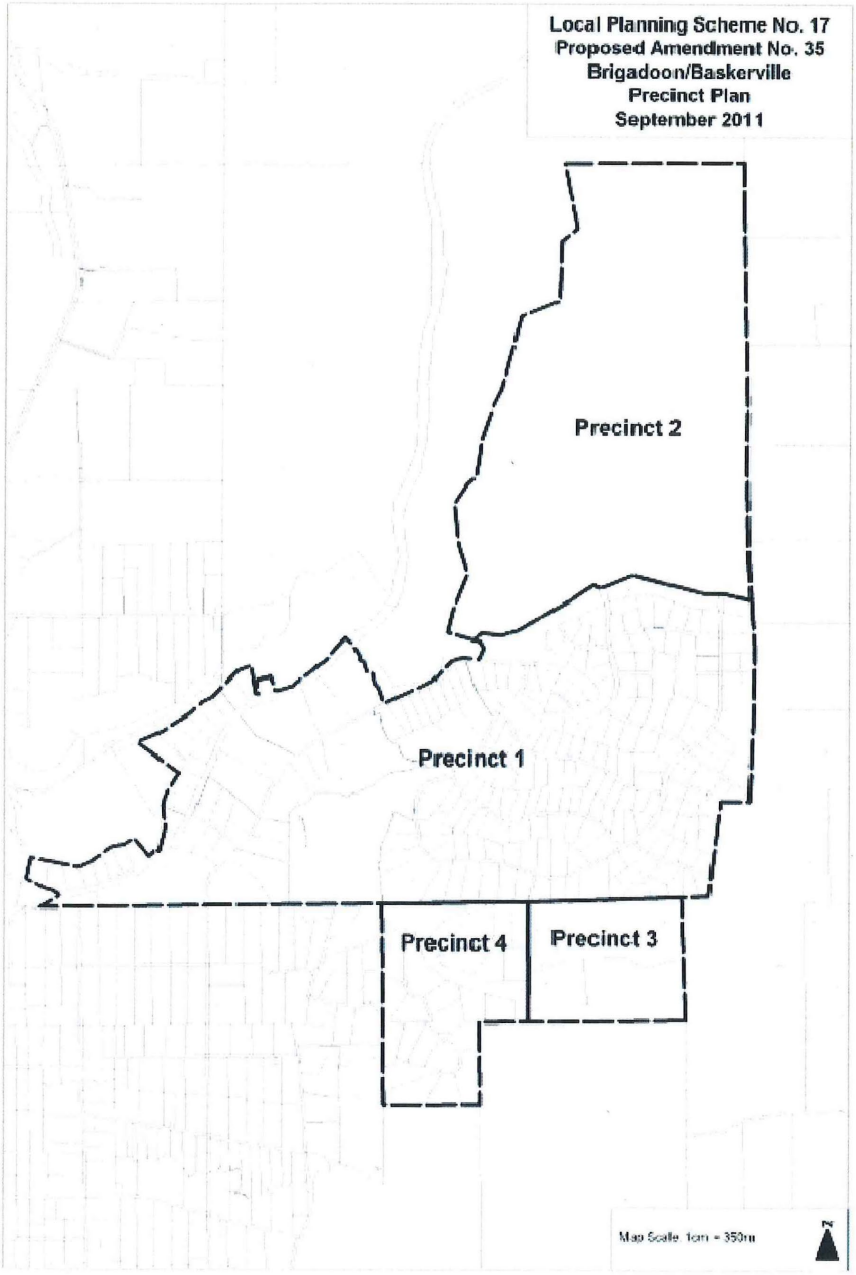
SPECIAL RURAL ZONE NO. 3 - 'SWAN VALLEY SPECIAL RURAL AND RECREATION'	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
Portion of Swan Location 1317 and being Lot 15, portion of Swan Location 4 and Swan location 2, Haddrill Road, Millendon and Copley Road, Millendon, Upper Swan. Notwithstanding the list of properties identified above, the provisions of this zone do not apply to those lots which have been rezoned from Special Rural to Swan Valley Rural.	*DELETED AMD 35 GG 05/02/13*

SPECIAL RURAL ZONE NO. 3 – BRIGADOON/BASKERVILLE	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
Land generally bounded by the Baskerville suburb boundary to the south, but including that land generally fronting Weir Road, Daniel Place, Abraham Close and Joshua Mews, the Gidgegannup suburb boundary to the east, to the north and west encompassing the majority of Parent Lot 1022 Cathedral Avenue and then further delineated to the west by Campersic Road, the freight rail line reserve (as far as Lot 45 Cathedral Avenue), Lot 1007 Cathedral Avenue, the State Equestrian Centre, Holstein Close, Cathedral Avenue and the freight rail line, as depicted on the Scheme maps. *AMD 35 GG 5/2/13*	**General Provisions** The purpose and intent of this Special Rural Zone is to create a high quality rural living estate which satisfies the following objectives— (a) Minimise adverse impacts on the natural environmental qualities of the area including native flora and fauna, ecological linkages within the area and to adjoining areas of regional open space, water resources, soils and landform; (b) Ensure development does not negatively impact on the visual landscape qualities of the area including landform, slopes, ridge-lines, rock outcrops and especially the visual prominence of the area along the Darling Scarp; (c) Ensure adequate protection of life and property especially from bush fire; (d) Ensure that lot size minimises adverse impacts on landscape and natural environmental qualities of the area, especially reducing the need to clear high quality remnant vegetation and provide opportunities for rural activities where land capability and suitability permits. (e) Incorporate a safe and integrated road network with alternative means of access to Brigadoon Estate. (f) Return the area of Swan River valley to the ownership of Council or the State government for the purpose of public open space or regional open space respectively. (g) The following use class permissibility will apply to Precincts 1, 2 and 3 of this zone— (i) The following uses are 'P' uses— • Hosted Short Term Rental Accommodation *AMD 231 GG 16/12/2025* • Family Day care • Home Occupation • Home Office • Radio & TV Installation Private • Single House (ii) The following uses are 'D' uses and are not permitted unless Council has exercised its discretion in granting planning approval— • Ancillary Accommodation • Home Business • Rural Pursuit • Private Recreation • Place of Assembly • Public Recreation • Public Utility • Veterinary Centre • Industry—Cottage (iii) The following uses are 'A' uses and are not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4— • Community Purpose • Telecommunications Infrastructure • Grouped Dwelling • Unhosted Short Term Rental Accommodation *AMD 231 GG 16/12/2025* (iv) All other uses not mentioned under i), ii) or iii) are not permitted.

SPECIAL RURAL ZONE NO. 3 – BRIGADOON/BASKERVILLE	
Precinct 1—Land generally bounded by the Baskerville suburb boundary to the south, the Gidgegannup suburb boundary to the east, to the north by Lot 1022 Cathedral Avenue and then westwards by Campersic Road, the freight rail line reserve (as far as Lot 45 Cathedral Avenue), Lot 1007 Cathedral Avenue, the State Equestrian Centre, Holstein Close, Cathedral Avenue and the freight rail line, as depicted on the **Precinct Plan.**	**Specific Provisions** The existing mix of lot sizes as originally depicted in Subdivision Guide Plan 8A for Brigadoon are to be maintained, with any further re-subdivision of lots to achieve a minimum size of 4 hectares and to fulfil objectives a) to e) for this zone as set out in the General Provisions, and; - subdivision and development must achieve compliance with WAPC *Planning for Bushfire Protection Guidelines Edition 2* (or as otherwise revised or superseded by the WAPC).
Precinct 2—The majority of parent Lot 1022 Cathedral Avenue as depicted on the **Precinct Plan.**	**Specific Provisions** Subdivision shall be generally in accordance with the approved Structure Plan SP-008 for this precinct. No additional lots beyond the 214 lots approved under the Structure Plan are permitted.
Precinct 3—Parent Lots 100, 504, 505 and 506 Joshua Mews as depicted on the **Precinct Plan.**	**Specific Provisions** The following conditions must be satisfied prior to the granting of approval for subdivision or development— (1) Subdivision within this precinct shall be in accordance with a comprehensive local structure plan that is consistent with the requirements of part 5A of *Local Planning Scheme 17* and has been endorsed by the City of Swan and the Western Australian Planning Commission. (2) The comprehensive local structure plan, subdivision and development must be in accordance with WAPC's Planning for Bushfire Protection Guidelines, which includes but is not limited to— (a) identifying appropriate hazard separation zones and building protection zones; (b) construction to AS3959 (noting c) below); (c) no residential development within the bush fire attack level (BAL) zones BAL-FZ or BAL-40; and (d) consideration of ember protection features incorporated in all dwelling design within the precinct. (3) The comprehensive local structure plan must be accompanied by a Bush Fire Hazard Assessment in accordance with Appendix 1 of the WAPC's Planning for Bush Fire Protection Guidelines (refer to Appendix 1) and a land capability assessment. (4) Regardless of whether the land has been designated as bush fire prone, any buildings to be erected within Precinct 3 shall comply with the requirements of AS3959-2009.
Precinct 4—Land generally fronting Weir Road, Daniel Place, Abraham Close and Joshua Mews but excluding parent Lots 100, 504, 505 and 506 Joshua Mews as depicted on the **Precinct Plan.**	**Specific Provisions** The existing mix of lot sizes as established through past subdivision are to be maintained, with any further re-subdivision of lots to achieve a minimum size of 4 hectares and to fulfil objectives a) to e) for this zone as set out in the General Provisions, and— - subdivision and development must achieve compliance with WAPC *Planning for Bushfire Protection Guidelines Edition 2* (or as otherwise revised or superseded by the WAPC); - All dwellings and ancillary buildings are to be located within the building envelopes designated for each allotment shown on the plan of subdivision approved by the Commission, unless otherwise approved by Council.

SPECIAL RURAL ZONE NO. 3 – BRIGADOON/BASKERVILLE	
	The following use class permissibility will apply within Precinct 4 of this zone— (i) The following uses are 'P' uses— • Home Occupation • Home Office • Radio & TV Installation Private • Rural Home Occupation • Single House (ii) The following uses are 'D' uses and are not permitted unless Council has exercised its discretion in granting planning approval— • Ancillary Accommodation • Home Business • Rural Pursuit • Private Recreation • Public Recreation • Public Utility • Industry—Cottage (iii) All other uses not mentioned under i) and ii) are not permitted.

SPECIAL RURAL ZONE NO. 3 – BRIGADOON/BASKERVILLE



SPECIAL RURAL ZONE NO. 4 - 'ADAMS ROAD, RED HILL'	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
Land to the immediate south of Adams and Toodyay Roads, in the locality of Red Hill, as delineated on the scheme maps. *Note: The above description refers to a general area only. Reference should be made to the scheme maps to determine the precise extent of the zoning* Land to the immediate south of Adams and Toodyay Roads, in the locality of Red Hill, as delineated on the scheme maps. *Note: The above description refers to a general area only. Reference should be made to the scheme maps to determine the precise extent of the zoning*	The purpose and intent of this Special Rural Zone is to create a high quality, rural residential estate. 1. Subdivision of this Special Rural Zone shall be in accordance with the Subdivision Guide Plan as endorsed by the CEO and with the following criterion: a) Minimum lot size shall be 1 ha. 2. a) The following uses are permitted - 'P' within the Special Rural Zone No. 4: • Dwelling House • Home Occupation • Rural Home Occupation b) The following uses are not permitted unless Council gives its approval in writing - 'D': • Home Business • Public Utility • Rural Pursuit • Stable c) The following use is an 'A' use: • Grouped Dwelling d) all other uses not mentioned under a), b) and c) above and rural pursuits which normally require the issue of any licence and permit other than that referred to in b) above, are not permitted. 3. No building on a lot shall be constructed closer to any boundary of the lot than 15 metres except that the Council may approve a lesser distance if it can be shown to be necessary or desirable for reasons of topography or other site conditions. 4. The keeping of livestock and poultry for commercial purposes is prohibited. 5. The land shall be managed in such a manner as to avoid the land being laid bare of vegetation resulting in loose, wind erodable conditions. In particular, lots shall not be cleared of trees except where necessary to permit strategic and general firebreaks, the construction of houses and outbuildings as approved by Council or where trees are dead or pose a hazard to safety. 6. Where in the opinion of the Council the continued presence of animals on any portion of the land in the zone is likely to contribute, or is contributing to dust pollution and soil erosion, notice may be serviced on the owner of the said land requiring the immediate removal of animals and rehabilitation of the property to the satisfaction of Council. 7. The Council may require an owner of a subdivided lot within the area, as a condition of development for any Building Permit issued in the zone, to commence a tree planting programme to its specification, of Australian native trees on lots it considers require tree cover improvement and require the owner to maintain these trees. 8. No septic tank or disposal area shall be sited closer than a minimum of 60 metres to any watercourse or stream within the zone, and/or located in a position to the satisfaction of Council's Environmental Health Service. 9. No direct vehicular access or egress shall be permitted on to the proposed highway reserve or Toodyay Road. 10. All buildings shall be constructed of materials and in colours acceptable to the Council.

SPECIAL RURAL ZONE NO. 5A – GIDGEGANNUP RURAL SMALL HOLDINGS PRECINCT	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
Lot 81 Reen Road, Lot 99 the Springs Road, Lots 51 & 52 Toodyay Road and Lot 50 Reserve Road, Gidgegannup *Described as land generally bounded by Reen Road to the west, Toodyay Road to the south and Reserve Road to the east, in the locality of Gidgegannup, as delineated on the scheme maps.* *AMD 46 GG 04/11/11*	1. The purpose and intent of this Special Rural Zone is to create a high quality rural living estate. The following conditions must be satisfied prior to the granting of approval for sub-division or development - 2. Subdivision within this Special Rural Zone shall be in accordance with a comprehensive local structure plan that is consistent with the requirements of part 5A of Local Planning Scheme 17 and has been endorsed by the City of Swan and the Western Australian Planning Commission. 3. Subdivision must provide for a variety of lot sizes with a minimum of 4 hectares and an average of 6 hectares over the entire precinct to provide for the preservation of local natural assets and landscape characteristics and allow for low-impact rural activity; 4. The subdivision design and layout must be in accordance with WAPC Policy DC3.7 Bushfire Planning. 5. The comprehensive local structure plan must be accompanied by a Type 2 Bush Fire Hazard Assessment in accordance with WAPC/FESA Planning for Bush Fire Protection. 6. A field investigation of Declared Rare and Priority Species that conforms to the EPA 'Guidance Statement 51 – Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessments in Western Australia' must be undertaken during the flowering season prior to the commencement of site works. If identified on the property these species are to be protected pursuant to the provisions of the Wildlife Conservation Act 1950. 7. Building envelopes must be located in areas of cleared land where it can be demonstrated that development will not impact on vegetation worthy of retention, particularly with respect to Declared Rare and Priority Flora. 8. The following use class permissibility will apply to this precinct – (a) The following uses are 'P' uses – • Hosted Short Term Rental Accommodation *AMD 231 GG 16/12/2025* • Family Day Care • Home Occupation • Home Office • Radio & TV Installation Private • Single House (b) The following uses are 'D' uses and are not permitted unless Council has exercised its discretion in granting planning approval – • Animal Establishment • Agriculture – Extensive • Agriculture – Intensive • Agroforestry • Ancillary Accommodation • Camping Area • Community Purpose • Home Business • Garden Centre • Industry – Cottage • Place of Worship • Recreation – Private • Recreation – Public • Rural Pursuit • Telecommunications Infrastructure • Veterinary Centre

SPECIAL RURAL ZONE NO. 5A – GIDGEGANNUP RURAL SMALL HOLDINGS PRECINCT	
	(c) The following uses are 'A' uses are not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 – • Unhosted Short Term Rental Accommodation *AMD 231 GG 16/12/2025* • Club Premises • Equestrian Facility • Grouped Dwelling • Food and Beverage Production • Restaurant • Tourist Facilities • Winery (d) All other uses not mentioned under a), b) and c) are not permitted. 9. No additional direct vehicular access or egress shall be permitted on to Toodyay Road or the future Perth-Adelaide National Highway without the prior approval of the relevant agency.
SPECIAL RURAL ZONE NO. 6 – GIDGEGANNUP SOUTH	
SPECIFIED AREA OF SPECIAL RURAL ZONE	**SPECIAL PROVISIONS**
Lot 48 Toodyay Road, and Lot 5 Stoneville Road, Gidgegannup *AMD 103 gg 10/02/2023*	1. Subdivision of this Special Rural Zone is to be in accordance with the following criteria: (a) on Parent Lot 5: i. a maximum of four new lots fronting Stoneville Road, and with a minimum lot size of 2ha; and ii. a balance lot with the existing dwelling (also fronting Stoneville Road) and a conservation area. (b) on Parent Lot 48: i. a maximum of four new lots in the northern section with access from Stanley Road, and with a minimum lot size of 2ha; and ii. a balance lot with a conservation area. 2. Subdivision and development must address the following: (a) Subdivision design and accompanying Bushfire Management Plan achieve compliance with State Planning Policy 3.7 Planning in Bushfire Prone Areas. (b) An Environmental Management Plan (EMP) (or equivalent) shall be required to submit with an application for subdivision and shall include, but is not limited to: i. Land capability; ii. Hydrology and proposed waste and stormwater treatment and management; iii. Identification of key areas of vegetation and fauna habitat for retention and protection; iv. Fauna management; v. Foreshore and Buffer Management; vi. Site management measures (pre-construction, during construction, post-construction); and vii. Implementation and responsibility. (c) Identification and Implementation of Conservation Covenant Areas to ensure the protection of remnant vegetation and its long term management within portions of Lot 48 Toodyay Road and Lot 5 Stoneville Road.

SPECIAL RURAL ZONE NO. 5A – GIDGEGANNUP RURAL SMALL HOLDINGS PRECINCT	
	(d) Building envelopes shall be located in areas where it can be demonstrated that development will not impact on remant vegetation worthy of retention, particularly with respect to Rare and Priority Flora and conservation of identified fauna and its habitat. 3. The following use class permissibility will apply to this precinct – (a) The following uses are 'P' uses- • Hosted Short Term Rental Accommodation *AMD 231 GG 16/12/2025* • Home Occupation • Home Office • Single House (b) The following uses are 'D' uses and are not permitted unless Council has exercised its discretion in granting planning approval – • Home Business • Industry – Cottage • Place of Assembly • Rural Pursuit • Telecommunications Infrastructure • Family Day Care (c) The following uses are 'A' uses and are not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 – • Animal Establishment • Unhosted Short Term Rental Accommodation *AMD 231 GG 16/12/2025* 4. Applications for development approval shall be referred to the Department of Water and Environmental Regulation.

SCHEDULE 12 — BUILDING SITE ACCEPTABILITY BASED ON AIRCRAFT NOISE ZONES

(Adapted from Australian Standard AS 2021-2000, Table 2.1: *Building Site Acceptability)*

[Cl. 6.2.2]

BUILDING TYPE	**FORECAST NOISE EXPOSURE LEVEL (ANEF)**			
	less than 20 ANEF (Note 1)	**20 to 25 ANEF** (Note 2)	**25 to 30 ANEF**	**30 to 35 ANEF**
House, home unit, flat, caravan park	Acceptable	Conditionally Acceptable	Unacceptable (Note 4)	Unacceptable (Note 4)
School, university	Acceptable	Conditionally Acceptable	Unacceptable (Note 4)	Unacceptable (Note 4)
Hospital, nursing home	Acceptable	Conditionally Acceptable	Unacceptable (Note 4)	Unacceptable (Note 4)
Hotel, hostel	Acceptable	Acceptable	Conditionally Acceptable	Unacceptable (Note 4)
Public building	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable (Note 4)
Commercial building	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable
Light Industrial	Acceptable	Acceptable	Acceptable	Conditionally Acceptable
Other industrial	Acceptable	Acceptable	Acceptable	Acceptable

NOTES:

1. *The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths.*

2. *Within 20 ANEF to 25 ANEF, some people may find that the land is not compatible with residential or educational uses. Land use authorities may consider that the incorporation of noise control features in the construction of residences or schools is appropriate.*

3. *There will be cases where a building of a particular type will contain spaces used for activities which would generally be found in a different type of building (e.g. an office in an industrial building). In these cases the above table should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by Table 3.3 of AS 2021 (Appendix 3).*

4. *This Standard does not recommend development in unacceptable areas. However, where the relevant planning authority determines that any development may be necessary within existing built-up areas designated as unacceptable, it is recommended that such development should achieve the required Aircraft Noise Reduction determined according to AS 2021. For residences, schools, etc., the effect of aircraft noise on outdoor areas associated with the buildings should be considered.*

5. *In no case should new development take place in greenfield sites deemed unacceptable because such development may impact airport operations.*

SCHEDULE 13 — DEVELOPMENT CONTRIBUTION AREAS

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
DCA 1	**Brabham (Albion) –** The Development Contribution Area (DCA) comprises all the land referred to as Brabham (Albion) identified by scheme maps as DCA 1 *AMD 57 GG 04/04/14*	Relationship to other planning instruments	The development contribution plan generally conforms to the following endorsed plans: • The Swan Urban Growth Corridor Sub-Regional Structure Plan. • The Urban Growth Corridor - Sub Regional Planning Community Facilities Analysis, 2008 (CFA). • The Albion District Structure Plan (including associated Appendices). • The Capital Expenditure Plan for the Urban Growth Corridor. • Urban Growth Corridor Facilities Justifications Report (UGCFJ).
		Infrastructure and Administrative Items to be funded:	**Standard Infrastructure** *Transport* Construction and/or upgrade of the following existing and future roads which are required to service the Development Contribution Area: • Construction of Henley Brook Avenue (i.e. single carriageway and full earthworks) between Park Street and Harrow Road and land resumption necessary to accommodate the proposed design of the DCP Road on Lot 9000 on DP55665 Park Street Brabham. • Upgrade/Construction of Lord Street through the Bushforever Site 200 immediately north of Harrow Street with the cost apportioned between the Brabham (Albion) and Dayton (West Swan East) DCAs based on their respective ultimate infrastructure demand. • Land resumptions necessary to accommodate the proposed designs for all DCP roads and intersection treatments listed, where not already provided in existing reserves. • Intersection treatments at: o Henley Brook Avenue and Youle Dean Road; o Henley Brook Avenue and Woollcott Avenue - South; o Henley Brook Avenue and Woollcott Avenue - North; o Henley Brook Avenue and Future Neighbourhood Connector B - North; o Henley Brook Avenue and Future Neighbourhood Connector B - South; and o Henley Brook Avenue and Park Street. • 50% of the cost of constructing a pathway connecting Youle Dean Road with the Swan Valley Bike Path at West Swan Road. Land for Public Open Space and Community Facilities Acquire land for three (3) separate active spaces co-located with primary school sites and a local community centre at the general locations identified by the Albion District Structure Plan. **Community Infrastructure** Sub Regional Community Infrastructure Land for and construction of community facilities identified by the (CFA) and refined by the UGCFJ. Specifically: • Construction of a District Active Open Space in Dayton (West Swan East) to provide playing fields, hard courts, a multi-purpose District Active Open Space Community Building and associated supporting amenity identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. • Acquisition of Land in Brabham (Albion) to support provision of a District Community Centre as identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. • Construction of a District Community Centre in Brabham (Albion) as identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. Local Community Infrastructure Land for and construction of community facilities identified by the CFA and the

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
			Albion (Brabham) District Structure Plan and refinded by the UGCFJ. Specifically: • Construction of playing fields, hard courts and supporting infrastructure to provide Neighbourhood Active Open Spaces at three sites generally identified in the Albion District Structure Plan and the relevant Local Structure Plans. • Construction of Local Community Buildings co-located with the Neighbourhood Active Open Spaces to provide a multi-purpose facility as identified by the UGCFJ. • Acquisition of land for three (3) separate active spaces and Local Community Buildings co-located with primary school sites at the general locations identified by the Albion District Structure Plan and the relevant Local Structure Plans. **Administrative Items** Administrative Items permitted by definition under Clause 5A.2.3 and identified in more detail in the Development Contribution Plan Report, including: • Costs to prepare and administer the Development Contribution Plan (including legal expenses, valuation fees, cost of design and cost estimates, consultant and contract services, financing costs, proportion of staff salaries, technical support and office expenses for the purposes of administering the plan and expenses incurred by the City in relation to litigation in any Court or Tribunal or arbitration, whether incurred before or after the incorporation of the DCP in Schedule 13). • Cost to review estimates including the costs for appropriately qualified independent persons. • Costs to update the cost apportionment schedules, register of cost contributions, and infrastructure agreements.
		Method for calculating contributions	The amount of an owner's Cost Contribution will be determined by the proportional share of Infrastructure Demand that the proposed development generates in accordance with the Cost Apportionment Schedule. a. The DCP Report and Cost Apportionment Schedule shall define units of Infrastructure Demand used to calculate a Cost Contribution. b. The DCP Report shall estimate the Infrastructure Demand and both the Administrative and Infrastructure Cost for each network of Infrastructure to calculate the Infrastructure Contribution Rate expressed in $/unit of Infrastructure Demand. c. The Cost Apportionment Schedule shall report the infrastructure Contribution Rates for each network of Infrastructure. d. The Cost Contribution applicable to development for each network of Infrastructure will be calculated in accordance with the general method outlined: **C = [ID x CR] x I** Where **C** = Cost Contribution (for a chosen network, e.g. Transport) **ID** = Infrastructure Demand, calculated using the *Cost Apportionment Schedule* **CR** = Contribution Rate as set out in the *Cost Apportionment Schedule;* and **I** = Indexation factor set out in the *Cost Apportionment Schedule* to take into account inflation and other matters relevant to the capital cost of infrastructure.
		Priority and timing:	The priority and timing of each infrastructure network shall be informed by the 'Capital Expenditure Plan for the Urban Growth Corridor' and be described in the 'Infrastructure Cost Schedules' which shall outline the costs and timing assumptions necessary to determine infrastructure contribution rates and inform the Cost Apportionment Schedules.
		Period of Operation *AMD 219 GG 11/04/25*	This Development Contribution Plan (DCP) shall retain its force and effect until the completion of the development of all en-globo landholdings within the Development Contribution Area (DCA) and shall operate for a period of twenty years from April 4, 2014, after which the DCP will be reviewed and if necessary, amended or replaced.
		Review Process	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with Clause 5A.2.13 of Local Planning Scheme No. 17.

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
DCA 2	**Dayton (West Swan East) –**The Development Contribution Area (DCA) comprises all the land referred to as Dayton (West Swan East) identified by scheme maps as DCA 2 *AMD 58 GG 04/04/14*	Relationship to other planning instruments	The Development Contribution Plan generally conforms to the following endorsed plans: • The Swan Urban Growth Corridor Sub-Regional Structure Plan. • The Urban Growth Corridor - Sub Regional Planning Community Facilities Analysis, 2008 (CFA). • The West Swan East District Structure Plan (Including associated Appendices). • The Capital Expenditure Plan for the Urban Growth Corridor. • Urban Growth Corridor Facility Justifications Report (UGCFJ).
		Infrastructure and Administrative Items to be funded:	**Standard Infrastructure** *Natural Gas* Additions to the natural gas mains required to service the Development Contribution Area. Specifically: • The construction of a Pressure Reduction Station along Marshall Road. *Transport* Construction and/or upgrade of the following existing and future roads which are required to service the Development Contribution Area: • Upgrade/construction of Marshall Road between Lord Street and the future Henley Brook Avenue. • Construction of Henley Brook Avenue between Reid Highway and Harrow Road. • Upgrade/Construction of Lord Street from the northern extent of the 'Bushforever Site 200' through to Harrow Street with the cost apportioned between the Brabham (Albion) and Dayton (West Swan East) DCAs based on their respective ultimate infrastructure demand. • Upgrade/Construction of Lord Street from Harrow Street through to Marshall Road East and the intersection with St Leonards Boulevard deviation. • Upgrade/Construction of Arthur Street between Cranleigh Street and the Reid Highway. • Upgrade/Construction of Cranleigh Street between Lord Street and Arthur Street. • Land resumptions necessary to accommodate the proposed designs for all DCP roads and intersection treatments listed, where not already provided in existing reserves. • Intersection Treatments at: o Henley Brook Avenue and Marshall Road Extension; o Henley Brook Avenue and Harrow Street; o Henley Brook Avenue and Victoria Road; o Arthur Street and St. Leonards Boulevard; o Marshall Rd Extension and Future Link (South); o Lord Street and Harrow Street; o Marshall Road and Arthur Street; o Marshall Road (East) and Lord Street; o Arthur Street and Cranleigh Street o Lord Street and Cranleigh Street; o Marshall Road and Future Link (North); o Arthur Street and Victoria Road; o Marshall Road (West) and Lord Street. • 50% of the cost of constructing a pathway providing connection to the Swan Valley Bike Path at West Swan Road from Malvern Street. • 50% of the cost of constructing a pathway adjacent to Coast Road providing connection to the Swan Valley Bike Path at West Swan Road from Henley Brook Avenue. *Land for Public Open Space and Community Facilities* Acquire land for Public Open Space, District Open Space precinct and Local Community centre at the general locations and quantity identified by the West Swan East District Structure Plan. **Community Infrastructure** *Sub Regional Community Infrastructure* Land for and construction of community facilities identified by the CFA and refined by the UGCFJ. Specifically: • Construction of a District Active Open Space in Dayton (West Swan East) to provide playing fields, hard courts, a multi-purpose District Active Open Space Community Building and associated supporting amenity identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. • Acquisition of Land in Brabham (Albion) to support provision of a district

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
			community centre as identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. • Construction of a district community centre in Brabham (Albion) as identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. *Local Community Infrastructure* Land for and construction of community facilities identified by the CFA and the West Swan East (Dayton) District Structure Plan and refined by the UGCFJ**.** Specifically: • Construction of playing fields, hard courts and associated supporting infrastructure to provide a Neighbourhood Active Open Space site co-located with the District Open Space (DOS) • Construction of fifteen (15) Local Passive Public Open Spaces. • Construction of a local community centre to provide a multi-purpose facility as identified by the UGCFJ, West Swan East District Structure Plan and Dayton Local Structure Plan 1. **Administrative Items** Administrative items permitted by definition under Clause 5A.2.3 and identified in more detailed in the Developers Contribution Plan Report, including: • Costs to prepare and administer the Development Contribution Plan (including legal expenses, valuation fees, cost of design and cost estimates, consultant and contract services, financing costs, proportion of staff salaries, technical support and office expenses for the purposes of administering the plan and expenses incurred by the City in relation to litigation in any Court or Tribunal or arbitration, whether incurred before or after the incorporation of the DCP in Schedule 13). • Cost to review estimates including the costs for appropriately qualified independent persons. • Costs to update the cost apportionment schedules, register of cost contributions, and infrastructure agreements.
		Method for calculating contributions	The amount of an owner's Cost Contribution will be determined by the proportional share of Infrastructure Demand that the proposed development generates in accordance with the Cost Apportionment Schedule. a. The DCP Report and Cost Apportionment Schedule shall define units of Infrastructure Demand used to calculate a Cost Contribution. b. The DCP Report shall estimate the Infrastructure Demand and both the Administrative and Infrastructure Cost for each network of Infrastructure to calculate the Infrastructure Contribution Rate expressed in $/unit of Infrastructure Demand. c. The Cost Apportionment Schedule shall report the Infrastructure Contribution Rates for each network of Infrastructure. d. The Cost Contribution applicable to development for each network of Infrastructure will be calculated in accordance with the general method outlined: **C = [ID x CR] x I** Where **C** = Cost Contribution (for a chosen network, e.g. Transport) **ID** = Infrastructure Demand, calculated using the *Cost Apportionment Schedule* **CR** = Contribution Rate as set out in the *Cost Apportionment Schedule*; and **I** = Indexation factor set out in the *Cost Apportionment Schedule* to take into account inflation and other matters relevant to the capital cost of infrastructure.
		Priority and timing	The priority and timing of each infrastructure network shall be informed by the 'Capital Expenditure Plan for the Urban Growth Corridor' and be described in the 'Infrastructure Cost Schedules' which shall outline the costs and timing assumptions necessary to determine infrastructure contribution rates and inform the Cost Apportionment Schedules.
		Period of Operation	This Development Contribution Plan (DCP) shall retain its force and effect until the completion of the development of all en-globo landholdings within the Development Contribution Area (DCA) and shall operate for a period of twenty years from April 4, 2014, after which the DCP will be reviewed and if necessary, amended or replaced. *AMD 220 GG 10/01/2025*

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
		Review process	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with clause 5A.2.13 of Local Planning Scheme No. 17
DCA 3	**Caversham –** The Development Contribution Area (DCA) comprises all the land referred to as Caversham and identified by scheme maps as DCA 3 *AMD 59 GG 04/04/14* *AMD 221 GG 14/02/25*	Relationship to other planning instruments	The development contribution plan generally conforms to, the following endorsed plans: • The Swan Urban Growth Corridor Sub-Regional Structure Plan. • The Urban Growth Corridor - Sub Regional Planning Community Facilities Analysis, 2008 (CFA). • The Caversham North Structure Plan (including associated Appendices). • The Caversham Structure Plan (including associated Appendices). • The Capital Expenditure Plan for the Urban Growth Corridor. • Urban Growth Corridor Facilities Justifications Report (UGCFJ).
		Infrastructure and Administrative Items to be funded:	**Standard Infrastructure** *Transport* Construction and/or upgrade of the following existing and future roads which are required to service the Development Contribution Area: • Upgrade/construction of Suffolk Street between Lord Street and West Swan Road. • Upgrade of Arthur Street between Reid Highway and West Swan Road. • Upgrade/Construction of Waldeck Street between Suffolk Street and Benara Road. • Relocation of Overhead High Voltage Electrical Services on Suffolk Street, west of Arthur Street. • Construction of Lord Street between Reid Highway and Benara Road: earthworks for the ultimate dual carriageway and construction of the first stage road works (single carriageway). • Intersection Treatments at: o Arthur Street and Suffolk Street; o Lord Street and Suffolk Street; o Reid Highway and Lord Street; o Lord Street and Benara Road; o West Swan Road and Suffolk Street; o Benara Road and Waldeck Street; o Suffolk Street and Waldeck Street; o Benara Road and West Swan Road; and o West Swan Road and Arthur Street. • Land resumptions necessary to accommodate the proposed designs for all DCP roads and intersection treatments as previously listed, where not already provided in existing reserves. **Community Infrastructure** Sub Regional Community Infrastructure Land for and construction of community facilities identified by the CFA and refined by the UGCFJ. Specifically: • Construction of a District Active Open Space in Dayton (West Swan East) to provide playing fields, hard courts, a multipurpose District Active Open Space Community Building and associated supporting amenity identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. • Acquisition of Land in Brabham (Albion) to support provision of a district community centre as identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. • Construction of a district community centre in Brabham (Albion) as identified by the UGCFJ with the cost apportioned between the Brabham (Albion), Dayton (West Swan East) and Caversham Development Contribution Areas and future West Swan West cell based on their respective estimated ultimate infrastructure demand. Local Community Infrastructure Construction of Community Infrastructure identified by the Urban Growth

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
			Corridor Facility Justifications Report (UGCFJ) and the Caversham Local Structure Plan. Specifically: • Construction of playing fields, hard courts and supporting infrastructure to provide Neighbourhood Active Open Space at a site generally identified in the Caversham Local Structure Plan. • Construction of a local community building co-located with the Neighbourhood Active Open Spaces to provide a multi-purpose facility as identified by the UGCFJ. **Administrative Items** Administrative items permitted by definition under Clause 5A.2.3 and identified in more detail in the Development Contributions Plan report, including: • Costs to prepare and administer the Development Contribution Plan (including legal expenses, valuation fees, cost of design and cost estimates, consultant and contract services, financing costs, proportion of staff salaries, technical support and office expenses for the purposes of administering the plan and expenses incurred by the City in relation to litigation in any Court or Tribunal or arbitration, whether incurred before or after the incorporation of the DCP in Schedule 13). • Cost to review estimates including the costs for appropriately qualified independent persons. • Costs to update the cost apportionment schedules, register of cost contributions, and infrastructure agreements.
		Method for calculating contributions	The amount of an owner's Cost Contribution will be determined by the proportional share of Infrastructure Demand that the proposed development generates in accordance with the Cost Apportionment Schedule. a) The DCP Report and Cost Apportionment Schedule shall define units of Infrastructure Demand used to calculate a Cost Contribution. b) The DCP Report shall estimate the Infrastructure Demand and both the Administrative and infrastructure Cost for each network of Infrastructure to calculate the Infrastructure Contribution Rate expressed in $/unit of Infrastructure Demand. c) The Cost Apportionment Schedule shall report the Infrastructure Contribution Rates for each network of Infrastructure. d) The Cost Contribution applicable to development for each network of Infrastructure will be calculated in accordance with the general method outlined: C = [ID x CR] x I Where **C** = Cost Contribution (for a chosen network, e.g. Transport) **ID** = Infrastructure Demand, calculated, using the *Cost Apportionment Schedule.* **CR** = Contribution Rate as set out in the *Cost Apportionment Schedule,* and **I** = Indexation factor set out in the *Cost Apportionment Schedule* to take into account inflation and other matters relevant to the capital cost of infrastructure.
		Priority and timing:	The priority and timing of each infrastructure network shall be informed by the 'Capital Expenditure Plan for the Urban Growth Corridor' and be described in the 'Infrastructure Cost Schedules' which shall outline the costs and timing assumptions necessary to determine infrastructure contribution rates and inform the Cost Apportionment Schedules.
		Period of Operation	This Development Contribution Plan (DCP) shall retain its force and effect until the completion of the development of all en-globo landholdings within the Development Contribution Area (DCA) and shall operate for a period of fifteen years from April 4, 2014, after which the DCP will be reviewed and if necessary, amended or replaced.
		Review process	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with Clause 5A.2.13 of Local Planning Scheme 17.

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="2">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td rowspan="2">DCA 4</td><td rowspan="2">South Bullsbrook Industrial - The Development Contribution Area (DCA) comprises all the land referred to as South Bullsbrook Industrial identified by the scheme maps as DCA 4

AMD 169 GG 15/12/2020</td><td>Relationship to other planning instruments</td><td>The Development Contribution Plan has generally been informed by:
• Bullsbrook Townsite Land Use Master Plan (District Structure Plan) and appendices
• Bullsbrook Townsite Land Use Master Plan Precinct Traffic Contributions Report (Transcore October 2019)
• Local Structure Plans and associated appendices</td></tr>
<tr><td>Infrastructure and Administrative items to be funded</td><td>Transport Infrastructure items
<u>Sub-Regional Transport</u>

Construction and/or upgrade of the following existing and future roads, crossings and intersections which are required to service growth in South Bullsbrook Industrial (DCA 4) with the cost apportioned to each precinct based on its respective ultimate infrastructure demand relative to ultimate overall demand, unless otherwise noted. The remainder of the cost for these items shall be met by the local government:

• Roads upgraded and/or constructed:

<table>
<tr><td>S-TRF01 to S-TRF11

and

S-ACQ09 to S-ACQ24</td><td>Stock Road between the Great Northern Highway and Perth-Geraldton Rail line.</td></tr>
<tr><td>S-TRF12 to S-TRF15

and

S-ACQ25 to S-SCQ29</td><td>Stock West Road between the Perth-Geraldton Rail line and the Primary Regional Roads designation.</td></tr>
</table>
• Crossing treatments upgraded and/or constructed for a:

<table>
<tr><td>S-BR01

and

SACQ-BR01</td><td>Railway crossing along Stock Road / Stock West Road to bridge the Perth-Geraldton Rail Line</td></tr>
<tr><td>S-BR02

and

SACQ-BR02</td><td>Traffic bridge along Stock Road to cross the Ellen Brook</td></tr>
</table>
• Intersection treatments upgraded and/or constructed:

<table>
<tr><td>S-INT01

and

SACQ-INT01</td><td>Great Northern Highway and Stock Road</td></tr>
<tr><td>S-INT07

and

SACQ-INT07</td><td>Great Northern Highway and Main Entrance ('Link 1') and 'Road K', with the costs apportioned to Precinct 3 based on its ultimate infrastructure demand relative to ultimate overall demand. Precincts 1 and 2 are not liable for DCP contributions toward this Sub-Regional Transport item.</td></tr>
<tr><td>S-INT12

and

SACQ-INT12</td><td>Great Northern Highway and Lage Road and Dewar Road, with the costs apportioned to Precinct 3 based on its ultimate infrastructure demand relative to ultimate overall demand. Precincts 1 and 2 are not liable for DCP contributions toward this Sub-Regional Transport item.</td></tr>
<tr><td>ACQ-INT02</td><td>Stock Road and 'Road A'
This item is for land acquisition only.
Construction of the intersection is a local (precinct) item.</td></tr>
<tr><td>ACQ-INT03</td><td>Stock Road and 'Road B'
This item is for land acquisition only.
Construction of the intersection is a local (precinct) item.</td></tr>
<tr><td>ACQ-INT04</td><td>Stock Road and 'Road C'
This item is for land acquisition only.
Construction of the intersection is a local (precinct) item.</td></tr>
</table>
</td></tr>
</table>

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN

ACQ-INT05	Stock Road and 'Road E' This item is for land acquisition only. Construction of the intersection is a local (precinct) item.

- Land resumptions necessary to accommodate the proposed designs for all Sub-Regional Level Transport Infrastructure previously listed, where not already provided in existing road reserves or otherwise specifically stated as an exclusion in its description.
- Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construction for all Sub-Regional Level Transport Infrastructure previously listed.

District Transport

Nil.

Local (Precinct) Transport

Construction and/or upgrade of the following existing and future roads, crossings and intersections which are required to service growth within a Precinct(s) with the costs apportioned within nominated Precinct(s):

Eastern Precinct 1 (LSP 1):

- Roads upgraded and/or constructed:

TRF25 to TRF31 and ACQ-TRF25A to ACQ-TRF31B	Warren Road between the Great Northern Highway and 'Road K' with the costs apportioned between Precinct 1 and 3, based on their respective ultimate infrastructure demand
TRF32 to TRF36 and ACQ-TRF32 to ACQ-TRF36	'Road A' between Stock Road and Warren Road
TRF37 to TRF40 and ACQ-TRF37 to ACQ-TRF40	'Road B' between Stock Road and Warren Road

- Crossing treatments upgraded and/or constructed for a:

BR03 and ACQ-BR03	Traffic bridge along Warren Road to cross the Nambad Brook with the costs apportioned between Precinct 1 and 3, based on their respective ultimate infrastructure demand

- Intersection treatments upgraded and/or constructed:

INT02	Stock Road and 'Road A'. This item is for construction of the intersection. The associated land acquisition is a sub-regional item.
INT03	Stock Road and 'Road B' This item is for construction of the intersection. The associated land acquisition is a sub-regional item.
INT11 and ACQ-INT11	Great Northern Highway and Warren Road with the costs apportioned between Precinct 1 and 3, based on their respective ultimate infrastructure demand
INT08 and ACQ-INT08	Warren Road, 'Road A' and Dewar Road extension with the costs apportioned between Precinct 1 and 3, based on their respective ultimate infrastructure demand

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN

INT09 and ACQ-INT09	Warren Road and 'Road B'

- Land resumptions necessary to accommodate the proposed designs for all Local (Precinct) Level Transport Infrastructure previously listed, where not already provided in existing road reserves.
- Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construction for all Local (Precinct) Level Transport Infrastructure previously listed.

Western Precinct 2 (LSP 2):

- Intersection treatments upgraded and/or constructed:

INT04	Stock Road and 'Road C' This item is for construction of the intersection. The associated land acquisition is a sub-regional item.
INT05	Stock Road and 'Road E' This item is for construction of the intersection. The associated land acquisition is a sub-regional item.

- Land resumptions necessary to accommodate the proposed designs for all Local (Precinct) Level Transport Infrastructure previously listed, where not already provided in existing road reserves.
- Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construction for all Local (Precinct) Level Transport Infrastructure previously listed.

North-Eastern Precinct 3 (LSP 3):

- Roads upgraded and/or constructed:

TRF25 to TRF31 and ACQ-TRF25A to ACQ-TRF31B	Warren Road between the Great Northern Highway and 'Road K' with the costs apportioned between Precinct 1 and 3, based on their respective ultimate infrastructure demand
TRF57 to TRF60 and ACQ-TRF57 to ACQ-TRF60	Dewar Road extension between Great Northern Highway and Warren Road
TRF61 to TRF62 and ACQ-TRF61 to ACQ-TRF62	Butternab Road between Great Northern Highway and 'Road K'
TRF49 to TRF56 and ACQ-TRF49 to ACQ-TRF56	'Road K' between Great Northern Highway and Warren Road

- Crossing treatments upgraded and/or constructed for a:

BR03 and ACQ-BR03	Traffic bridge along Warren Road to cross the Nambad Brook with the costs apportioned between Precinct 1 and 3, based on their respective ultimate infrastructure demand

- Intersection treatments upgraded and/or constructed:

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN

INT11 and ACQ-INT11	Great Northern Highway and Warren Road with the costs apportioned between Precinct 1 and 3, based on their respective ultimate infrastructure demand
INT08 and ACQ-INT08	Warren Road, 'Road A' and Dewar Road extension with the costs apportioned between Precinct 1 and 3, based on their respective ultimate infrastructure demand
INT10 and ACQ-INT10	Warren Road and 'Road K'
INT14 and ACQ-INT14	Butternab Road and 'Road K'
INT12 and ACQ-INT12	Butternab Road and Great Northern Highway

- Land resumptions necessary to accommodate the proposed designs for all Local (Precinct) Level Transport Infrastructure previously listed, where not already provided in existing road reserves.

- Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construction for all Local (Precinct) Level Transport Infrastructure previously listed.

Drainage Infrastructure items

Local (Precinct) items

Construction and/or upgrade of the following drainage infrastructure which is required to service growth within a Precinct(s) with the costs apportioned within nominated Precinct(s):

Eastern Precinct 1 (LSP 1):

- Arterial swales upgraded and/or constructed:

A1.1 ACQ-A1.1 A1.2 ACQ-A1.2 A2 ACQ-A2 CaX ACQ-CaX Ca1 ACQ-Ca1 Ca3 and ACQ-Ca3	'Arterial Swale A' linking surface flows entering Precinct 1 from the Great Northern Highway to 'Arterial Swale B' (at 'Road A'), inclusive of 3 key arterial culverts.

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN		
			B1 ACQ-B1 B2.1 ACQ-B2.1 B2.2 ACQ-B2.2 B3.1 ACQ-B3.1 B3.2 ACQ-B3.2 B4 ACQ-B4 Cb1 ACQ-Cb1 Cb2 ACQ-Cb2 Cb3 ACQ-Cb3 Cb4 ACQ-Cb4 Cb5 ACQ-Cb5 Cb6 ACQ-Cb6 Cb7 and ACQ-Cb7	'Arterial Swale B' linking surface flows entering Precinct 1 from Warren Road, along Warren Road (southern side), then 'Road A', then Stock Road (northern side) to exit at Stock Road, inclusive of 7 key arterial culverts
			• Basins (inclusive of Bio-Retention Areas and Flood Storage Areas and any key culverts) upgraded and/or constructed:	
			Bio1 ACQ-Bio1 FSA1 and ACQ-FSA1	Near the intersection of Stock Road (northern side) and 'Road A' (western side)
			Bio2/3 ACQ-Bio2/3 Cc1 and ACQ-Cc1	Near the intersection of Stock Road (northern side) and 'Road B' (eastern side), inclusive of 1 key arterial culvert

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN

Bio4 ACQ-Bio4 FSA4 and ACQ-FSA4	Near the Nambad Brook foreshore on Lot 1 on Warren Road, Bullsbrook
Bio5 ACQ-Bio5 FSA5 and ACQ-FSA5	Near the Ki It Monger Brook foreshore and Warren Road (southern side)

- Land Resumptions necessary to accommodate the proposed designs for all Local (Precinct) Level Arterial Swales and Basins (inclusive of Bio-Retention Areas and Flood Storage Areas) previously listed, where not already provided in existing reserves.
- Relocation of existing underground and overhead services where they would otherwise interfere with the upgrading/construction of the proposed designs for all Local (Precinct) Level Drainage Infrastructure as previously listed.

Western Precinct 2 (LSP 2):

Nil

North-Eastern Precinct 3 (LSP 3):

- Arterial swales upgraded and/or constructed:

AS2 and ACQ-AS2	'Arterial Swale 2' linking surface flows entering Precinct 3 from the Great Northern Highway to 'Arterial Swale 3'
AS3 and ACQ-AS3	'Arterial Swale 3' linking surface flows between 'Arterial Swale 2' to the Basin B2.1 and Basin B3.1 near 'Road K'
AS7 and ACQ-AS7	'Arterial Swale 7' linking surface flows between Basin 5.1 to Basin 7.1 near 'Road K'
AS8 and ACQ-AS8	'Arterial Swale 8' linking surface flows between Basin 7.1 to Basin 8.1 near 'Road K'
AS9 and ACQ-AS9	'Arterial Swale 9' linking surface flows between Basin 8.1 to 'Arterial Swale 10'
AS10 and ACQ-AS10	'Arterial Swale 10' linking surface flows between 'Arterial Swale 9' to Basin B9.1 and the Nambad Brook
AS15 and ACQ-AS15	'Arterial Swale 15' linking surface flows between Basin 13.1, the Dewar Road extension and Basin 15.1 to 'Arterial Swale 18'
AS16/17 and ACQ-AS16/17	'Arterial Swale 16/17' linking surface flows entering Precinct 3 from the Great Northern Highway to Basin 16.1, Basin 17.1 and into Precinct 1

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN		
			AS18 and ACQ-AS18	'Arterial Swale 18' linking surface flows between 'Arterial Swale 15', Basin 14.1, Basin 15.1 and the Nambad Brook.
			AS19 and ACQ-AS19	'Arterial Swale 19' linking surface flows along Warren Road (northern side) between Basin 18.1 and Basin 19.1
			AS20 and ACQ-AS20	'Arterial Swale 20' linking surface flows along Warren Road (northern side) between Basin 19.1 and Basin 20.1
			• Basins (inclusive of Bio-Retention Areas and Flood Storage Areas) upgraded and/or constructed:	
			B2.1 and ACQ-B2.1	Basin 2.1 near 'Road K' and the Ki It Monger Brook foreshore (southern side) linking 'Arterial Swale 3' and Basin 3.1
			B3.1 and ACQ-B3.1	Basin 3.1 near 'Road K' linking to 'Arterial Swale 3' and Basin 2.1
			B4.1 and ACQ-B4.1	Basin 4.1 near 'Road K' and north of Butternab Road
			B5.1 and ACQ-B5.1	Basin 5.1 near 'Road K' south of Butternab Road linking 'Arterial Swale 7'
			B6.1 and ACQ-B6.1	Basin 6.1 near the Nambad Brook (northern side) on Lots 2 Butternab Road and Lot 11 Great Northern Highway, Bullsbrook
			B7.1 and ACQ-B7.1	Basin 7.1 near 'Road K' linking 'Arterial Swale 7' and 'Arterial Swale 8'
			B8.1 and ACQ-B8.1	Basin 8.1 near 'Road K' linking 'Arterial Swale 8' and 'Arterial Swale 9'
			B9.1 and ACQ-B9.1	Basin 9.1 near the Nambad Brook (northern side) linking 'Arterial Swale 10'
			B10.1 and ACQ-B10.1	Basin 10.1 near 'Road K', the Nambad Brook (north-western side) and Warren Road (northern side)
			B11.1 and ACQ-B11.1	Basin 11.1 near the Nambad Brook (southern side) and predominately on Lot 2 Butternab Road, Bullsbrook
			B12.1 and ACQ-B12.1	Basin 12.1 near the Nambad Brook and Dewar Road on Lot 209 Dewar Road Bullsbrook

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN

B13.1 and ACQ-B13.1	Basin 13.1 near the Dewar Road extension linking 'Arterial Swale 15'
B14.1 and ACQ-B14.1	Basin 14.1 on Lot 1 Dewar Road Bullsbrook linking 'Arterial Swale 15' and 'Arterial Swale 18'
B15.1 and ACQ-B15.1	Basin 15.1 near the Dewar Road extension predominately on Lot 151 Great Northern Highway Bullsbrook
B16.1 and ACQ-B16.1	Basin 16.1 near Warren Road (northern side) and 'Arterial Swale 16/17' (western side) linking to outflow into Precinct 1
B17.1 and ACQ-B17.1	Basin 17.1 near Warren Road (northern side) and 'Arterial Swale 116/17' (eastern side) linking to outflow into Precinct 1
B18.1 and ACQ-B18.1	Basin 18.1 near Warren Road (northern side) on Lot 153 Warren Road, Bullsbrook linking 'Arterial Swale 19'
B19.1 and ACQ-B19.1	Basin 19.1 near Warren Road (northern side) on Lot 7 Warren Road, Bullsbrook linking 'Arterial Swale 19' and 'Arterial Swale 20'
B20.1 and ACQ-B20.1	Basin 20.1 near 'Road K', the Nambad Brook (south-eastern side) and Warren Road (northern side) linking 'Arterial Swale 20'

- Land Resumptions necessary to accommodate the proposed designs for all Local (Precinct) Level Arterial Swales and Basins (inclusive of Bio-Retention Areas and Flood Storage Areas) previously listed, where not already provided in existing reserves.

- Relocation of existing underground and overhead services where they would otherwise interfere with the upgrading/construction of the proposed designs for all Local (Precinct) Level Drainage Infrastructure as previously listed.

Administrative items

- Costs to prepare and administer the Development Contribution Plan (including legal expenses, valuation fees, cost of design and cost estimates, consultant and contract services, financing costs, proportion of staff salaries, technical support and office expenses for the purposes of administering the plan and expenses incurred by the City in relation to litigation in any Court or Tribunal or arbitration, whether incurred before or after the incorporation of the DCP in Schedule 13).

- Cost to review estimates including the costs for appropriately qualified independent persons.

- Costs to update the cost apportionment schedules, register of cost contributions, and infrastructure.

- A DCP Precinct's liability for the cost of administrative items as described above shall be proportionate to the amount of work required to undertake relevant tasks as they relate to that Precinct.

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
		Method for calculating contributions	The amount of an owner's Cost Contribution will be determined by the proportional share of the Infrastructure Demand that the proposed development generates in accordance with the Cost Apportionment Schedule. **a.** The DCP Report and Cost Apportionment Schedule shall define units of Infrastructure Demand used to calculate a Cost Contribution. **b.** The DCP Report shall estimate the Infrastructure Demand and both the Administrative and Infrastructure Cost for each network of Infrastructure to calculate the Infrastructure Contribution Rate expressed in $/unit of Infrastructure Demand. **c.** The Cost Apportionment Schedule shall report the Infrastructure Contribution Rates for each network of Infrastructure. **d.** The Cost Contribution applicable to development for each network of Infrastructure will be calculated in accordance with the general method outlined: **C = [ID x CR] x I** Where: **C** = Cost Contribution (for a chosen network, e.g. Transport) **ID** = Infrastructure Demand, calculated using the Cost Apportionment Schedule **CR** = Contribution Rate as set out in the Cost Apportionment Schedule; and **I** = Indexation factor set out in the Cost Apportionment Schedule to take into account inflation and other matters relevant to the capital cost of infrastructure. **e.** The Cost Contribution for Sub-Regional Transport infrastructure shall utilise a Contribution Rate as set out in Cost Apportionment Schedule and which has been determined on the following basis: **CR = [TV% x A] / TID** Where: **TV%** = Percentage of the traffic using the Sub-regional Transport infrastructure as modelled by the Bullsbrook Townsite Land Use Master Plan Precinct Traffic Contributions report (Transcore October 2019) **A** = Asset Cost **TID** = Total Infrastructure Demand for a Precinct within South Bullsbrook Industrial DCA
		Priority and timing	The detailed scope and cost of each infrastructure network shall be described in the Development Contribution Plan Report which shall outline the assumptions necessary to determine Infrastructure Contribution Rates and inform the Cost Apportionment Schedules.
		Period of Operation	This Development Contribution Plan shall retain its force and effect until the completion of the development of all en-globo landholdings within the Development Contribution Area (DCA) and shall operate for an initial period of ten (10) years from the date of gazettal of this amendment, after which the DCP will be reviewed and if necessary, amended or replaced.
		Review Process	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with Clause 5A.2.13 of Local Planning Scheme No. 17.
		Annual Status Report	The City shall publish an Annual Status Report for DCA 4 in accordance with the requirements of State Planning Policy 3.6 Infrastructure Contributions (as amended).

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
DCA 5	**Ellenbrook Village 7B, Lot 9000 Railway Parade and Oakover land, Upper Swan** - The Development Contribution Area (DCA) comprising all the land as referred to above as identified by scheme maps as DCA 5. *AMD 96 GG 04/04/14*	Relationship to other planning instruments	The development contribution plan generally conforms to the following endorsed plans: • The North East Corridor Extension Strategy (2003) • The City of Swan's Long Term Financial Plan
		Infrastructure items to be funded	Traffic bridge over the Ellen Brook in the vicinity of Lot 9000 Railway Parade, Upper Swan
		Method for calculating contributions	The amount of an owner's Cost Contribution will be calculated: (i) As a percentage of the total cost of the bridge correlating to the percentage of traffic volume utilising the bridge from the respective landholdings as modelled by the ARRB traffic modelling report of 2011. (ii) Levied pro-rata per lot created within those landholdings. This is expressed as follows: $C = \frac{[IC \times \%TV]}{TI} \times I$ Where: **IC** is the infrastructure Cost **%TV =** the percentage of modelled traffic volumes generated from each of the landholdings in the DCA utilising the bridge at the year 2031. **TI =** the total number of lots to be created out of the respective individual landholdings. **I =** the number of lots proposed to be created on the deposited plan.
		Priority and Timing	The priority and timing of the construction of the bridge over the Ellen Brook shall be informed by the Project Program within the DCP Report, and be described in the 'Infrastructure Cost Schedule' which shall outline the costs and timing assumptions necessary to determine infrastructure contribution rates and inform the Cost Apportionment Schedule.
		Period of Operation	This Development Contribution Plan (DCP) shall retain its force and effect until the completion of the construction of the bridge over the Ellen Brook and shall operate for an initial period of five years from the date of gazettal of this amendment, after which the DCP will be reviewed and if necessary, amended, replaced or repealed.
		Review Process	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with clause 5A.2.13 of Local Planning Scheme No. 17.
DCA 7D	**Bullsbrook Residential Townsite** - The Development Contribution Area (DCA) comprises all the land referred to as Bullsbrook Residential Townsite identified by the scheme maps as DCA 7 *AMD 170 GG 15/12/2020*	Relationship to other planning instruments	The Development Contribution Plan has generally been informed by: • Bullsbrook Townsite Land Use Master Plan (District Structure Plan) and appendices. • Bullsbrook Townsite Land Use Master Plan Precinct Traffic Contributions Report (Transcore October 2019) • South Bullsbrook Industrial Precinct Local Structure Plans and associated appendices
		Infrastructure and Administrative items to be funded	Note: 1. With respect to Precinct 1, only those areas identified as 'Developable Land' in the Development Contribution Plan figure titled 'Infrastructure Demand' are liable for a contribution. As such, areas identified as 'Existing Development' are not liable for a contribution. 2. Unless otherwise noted, where cost apportionment is based on the ultimate infrastructure demand of Precinct 1, this only relates to the demand resulting from the 'Developable Land' in Precinct 1 as described in Note 1 above. As such it excludes any demand from areas identified as 'Existing Development'. **Transport Infrastructure items** <u>Sub-Regional Transport</u> Construction and/or upgrade of the following existing and future roads, crossings

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="2">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td></td><td></td><td></td><td>
and intersections which are required to service growth in Bullsbrook Residential Townsite (DCA 7) with the cost apportioned to each precinct based on its ultimate infrastructure demand relative to ultimate overall demand, unless otherwise noted. The remainder of the cost for these items shall be met by the local government:

• Roads upgraded and/or constructed:

<table>
<tr><td>S-TRF01 to
S-TRF11

and

S-ACQ19 to S-ACQ24</td><td>Stock Road between the Great Northern Highway and Perth-Geraldton Rail line. For this DCA 7 the cost sharing arrangements for this portion of road excludes acquiring land that is north of existing road reserve from DCA 4 landowners</td></tr>
<tr><td>S-TRF12 to
S-TRF15

and

S-ACQ28 to S-ACQ29</td><td>Stock West Road between the Perth-Geraldton Rail line and the Primary Regional Roads designation</td></tr>
</table>

• Crossing treatments upgraded and/or constructed for a:

<table>
<tr><td>S-BR01

and

SACQ-BR01</td><td>Railway crossing along Stock Road / Stock West Road to bridge the Perth-Geraldton Rail Line</td></tr>
<tr><td>S-BR02

and

SACQ-BR02</td><td>Traffic bridge along Stock Road to cross the Ellen Brook</td></tr>
</table>

• Intersection treatments upgraded and/or constructed at:

<table>
<tr><td>S-INT01

and

SACQ-INT01</td><td>Great Northern Highway and Stock Road</td></tr>
<tr><td>S-INT07

and

SACQ-INT07</td><td>Great Northern Highway and Main Entrance ('Link 1') and 'Road K'</td></tr>
<tr><td>S-INT12

and

SACQ-INT12</td><td>Great Northern Highway and Lage Road and Dewar Road</td></tr>
</table>

• Land resumptions necessary to accommodate the proposed designs for all Sub-Regional Level Transport Infrastructure previously listed, where not already provided in existing road reserves or otherwise specifically stated as an exclusion in its description.

• Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construction for all Sub-Regional Level Transport Infrastructure previously listed.

<u>District (DCA-wide) Transport</u>

Nil

<u>Neighbourhood (Precinct) Transport</u>

Construction and/or upgrade of the following existing and future roads, crossings and intersections which are required to service growth within a Precinct(s) with the costs apportioned within nominated Precinct(s):
</td></tr>
</table>

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="3">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td></td><td></td><td></td><td colspan="3"><u>Northern Precinct 1</u>

• Roads upgraded and/or constructed:

<table>
<tr><td>B-TRF08 to B-TRF09

and

BACQ-TRF08 to BACQ-TRF09</td><td>Chittering Road between Main Entrance ('Link 1') and Quin Road; with the costs apportioned to Precinct 1 based on its ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-TRF10A

and

BACQ-TRF10A</td><td>Chittering Road between Main Entrance ('Link 1') and Maroubra Avenue with the costs apportioned to Precinct 1 and 2 - based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-TRF37A

and

BACQ-TRF37A</td><td>Portion of Chittering Road ('Link 8') between Maroubra Avenue, 'Link 8' and the Chittering Road extension with the costs apportioned to Precinct 1 and 2 - based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-TRF10B

and

BACQ-TRF10B</td><td>Chittering Road extension between 'Link 8' and the Great Northern Highway with the costs apportioned to Precinct 1 and 2- based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-TRF11

and

BACQ-TRF11</td><td>Maroubra Avenue between Great Northern Highway and Chittering Road with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-CULD01</td><td>Cul de Sac and closure of Chittering Road between the Great Northern Highway and 'Link 8' with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
</table>

• Crossing treatments upgraded and/or constructed for a:

<table>
<tr><td>B-BRI01</td><td>Traffic tie-in bridge upgrade along the Great Northern Highway tying in with Main Entrance ('Link 1') to cross the Ki-It Brook with the costs apportioned between Precinct 1 and 2, based on their respective ultimate infrastructure demand</td></tr>
</table>

• Intersection treatments upgraded and/or constructed at:

<table>
<tr><td>B-INT02

and

BACQ-INT02</td><td>Great Northern Highway and Maroubra Avenue with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-INT18

and

BACQ-INT18</td><td>Chittering Road and Maroubra Avenue with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-INT26

and

BACQ-INT26</td><td>Chittering Road extension and 'Link 8' with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
</table>
</td></tr>
</table>

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="2">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td></td><td></td><td></td><td>

Land resumptions necessary to accommodate the proposed designs for all Neighbourhood Level Transport Infrastructure previously listed, where not already provided in existing road reserves.
Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construction for all Neighbourhood Level Transport Infrastructure previously listed.

<u>Central Precinct 2</u>

Roads upgraded and/or constructed:

<table>
<tr><td>B-TRF10A

and

BACQ-TRF10A</td><td>Chittering Road between Main Entrance ('Link 1') and Maroubra Avenue with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-TRF37A

and

BACQ-TRF37A</td><td>Portion of Chittering Road ('Link 8') between Maroubra Avenue, 'Link 8' and the Chittering Road extension with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-TRF10B

and

BACQ-TRF10B</td><td>Chittering Road extension between 'Link 8' and the Great Northern Highway with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-TRF11

and

BACQ-TRF11</td><td>Maroubra Avenue between Great Northern Highway and Chittering Road with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-TRF35 to B-TRF36

and

BACQ-TRF35 to BACQ-TRF36</td><td>Main Entrance ('Link 1') between 'Link 3' and the Great Northern Highway</td></tr>
<tr><td>B-TRF24B

and

BACQ-TRF24B</td><td>Portion of 'Link 3' between Main Entrance ('Link 1') and the southern boundary of this Precinct</td></tr>
<tr><td>B-CULD01</td><td>Cul de Sac and closure of Chittering Road between the Great Northern Highway and 'Link 8' with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
</table>

Crossing treatments upgraded and/or constructed for a:

<table>
<tr><td>B-BRI01</td><td>Traffic tie-in bridge upgrade along the Great Northern Highway tying in with Main Entrance ('Link 1') to cross the Ki-It Brook with the costs apportioned between Precinct 1 and 2, based on their respective ultimate infrastructure demand</td></tr>
</table>
</td></tr>
</table>

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="2">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td></td><td></td><td></td><td>
Intersection treatments upgraded and/or constructed at:
<table>
<tr><td>B-INT02

and

BACQ-INT02</td><td>Great Northern Highway and Maroubra Avenue with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-INT18

and

BACQ-INT18</td><td>Chittering Road and Maroubra Avenue with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
<tr><td>B-INT23

and

BACQ-INT23</td><td>Main Entrance ('Link 1') and 'Link 3'</td></tr>
<tr><td>B-INT26

and

BACQ-INT26</td><td>Chittering Road extension and 'Link 8' with the costs apportioned to Precinct 1 and 2, based on their respective ultimate infrastructure demand relative to ultimate overall demand. The remainder of the cost for this item shall be met by the local government.</td></tr>
</table>
Land resumptions necessary to accommodate the proposed designs for all Neighbourhood Level Transport Infrastructure previously listed, where not already provided in existing road reserves.
Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construction for all Neighbourhood Level Transport Infrastructure previously listed.
<u>Southern Precinct 3</u>
Roads upgraded and/or constructed:
<table>
<tr><td>B-TRF24A

and

BACQ-TRF24A</td><td>Portion of 'Link 3' between Burley Road extension and the northern boundary of this Precinct</td></tr>
<tr><td>B-TRF26

and

BACQ-TRF26</td><td>Stock Road extension between Great Northern Highway and Burley Road extension</td></tr>
<tr><td>B-TRF28 to B-TRF29

and

BACQ-TRF28 to BACQ-TRF29</td><td>Lage Road between the Great Northern Highway and Burley Road extension</td></tr>
</table>
Intersection treatments upgraded and/or constructed at:
<table>
<tr><td>B-INT15

and

BACQ-INT15</td><td>Burley Road extension and Lage Road and 'Link 9'</td></tr>
<tr><td>B-INT17

and

BACQ-INT17</td><td>Burley Road extension and Stock Road</td></tr>
</table>
Land resumptions necessary to accommodate the proposed designs for all Neighbourhood Level Transport Infrastructure previously listed, where not already provided in existing road reserves.
</td></tr>
</table>

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="2">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td></td><td></td><td></td><td>
Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construction for all Neighbourhood Level Transport Infrastructure previously listed.
Community Infrastructure items

<u>District Community Infrastructure</u>

The construction and land acquisition of the following district community facilities required to service growth within the Development Contribution Area with the cost apportioned between the precincts based on their ultimate infrastructure demand:

<table>
<tr><td>B-DOS01

B-DOS01B

B-DOS1BL

B-DOS01C

and

B-DOS01CL</td><td>Land acquisition and construction of 5.6ha of a 9ha District Active Open Space to provide playing fields, hard courts, a co-located district-level multi-purpose building and supporting infrastructure and amenities at a site generally identified in the Bullsbrook Townsite District Structure Plan and the relevant Local Structure Plan(s)</td></tr>
<tr><td>B-DOS02</td><td>Construction of a multi-purpose District Community Centre co-located in Pickett Park (Precinct 1) as identified in the Bullsbrook Townsite District Structure Plan</td></tr>
</table>
The maximum cost contribution from DCA7 via the Development Contribution Plan for district community infrastructure items will be 78 per cent of the total cost of their provision, to account for demand for the infrastructure attributable to the population of the existing catchment. The remainder of the cost shall be met by the local government.

<u>Neighbourhood (Precinct) Community Infrastructure</u>

The construction and land acquisition of the following neighbourhood community facilities required to service growth within a Precinct with the costs apportioned within nominated Precinct:

<u>Central Precinct 2</u>

<table>
<tr><td>B-NOS05

and

B-NOS05L</td><td>Land acquisition and construction of a 3.4ha Neighbourhood Active Open Space to provide playing fields, hard courts and supporting infrastructure and amenities at a site co-located with the District Open Space</td></tr>
</table>
<u>Southern Precinct 3</u>

<table>
<tr><td>B-NOS02

and

B-NOS02L</td><td>Land acquisition and construction of a 3.4ha Neighbourhood Active Open Space to provide playing fields, hard courts, a co-located multi-purpose building and supporting infrastructure and amenities at a site generally identified in the Bullsbrook Townsite District Structure Plan and the relevant Local Structure Plan(s)</td></tr>
</table>
Administrative items

Costs to prepare and administer the Development Contribution Plan (including legal expenses, valuation fees, cost of design and cost estimates, consultant and contract services, financing costs, proportion of staff salaries, technical support and office expenses for the purposes of administering the plan and expenses incurred by the City in relation to litigation in any Court or Tribunal or arbitration, whether incurred before or after the incorporation of the DCP in Schedule 13).
Cost to review estimates including the costs for appropriately qualified independent persons.
Costs to update the cost apportionment schedules, register of cost contributions, and infrastructure.
A DCP Precinct’s liability for the cost of administrative items as described above shall be proportionate to the amount of work required to undertake relevant tasks as they relate to that Precinct.

</td></tr>
</table>

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
		Method for calculating contributions	The amount of an owner's Cost Contribution will be determined by the proportional share of the Infrastructure Demand that the proposed development generates in accordance with the Cost Apportionment Schedule. a. The DCP Report and Cost Apportionment Schedule shall defined units of Infrastructure Demand used to calculate a Cost Contribution. b. The DCP Report shall estimate the Infrastructure Demand and both the Administrative and Infrastructure Cost for each network of Infrastructure to calculate the Infrastructure Contribution Rate expressed in $/unit of Infrastructure Demand. c. The Cost Apportionment Schedule shall report the Infrastructure Contribution Rates for each network of Infrastructure. d. The Cost Contribution applicable to development for each network of Infrastructure will be calculated in accordance with the general method outlined: C = [ID x CR] x I Where: C = Cost Contribution (for a chosen network, e.g.Transport) ID = Infrastructure Demand, calculated using the Cost Apportionment Schedule CR = Contribution Rate as set out in the Cost Apportionment Schedule; and I = Indexation factor set out in the Cost Apportionment Schedule to take into account inflation and other matters relevant to the capital cost of infrastructure. e. The Cost Contribution for Sub-Regional Transport infrastructure shall utilise a Contribution Rate as set out in Cost Apportionment Schedule and which has been determined on the following basis: CR = [TV% x A] / TID Where: TV% = Percentage of the traffic using the Sub-regional Transport infrastructure as modelled by the Bullsbrook Townsite Land Use Master Plan Precinct Traffic Contributions report (Transcore October 2019) A = Asset Cost TID = Total Infrastructure Demand for the Bullsbrook Residential Townsite DCA
		Priority and timing	The detailed scope and cost of each infrastructure network shall be described in the Development Contribution Plan Report which shall outline the assumptions necessary to determine Infrastructure Contribution Rates and inform the Cost Apportionment Schedules.
		Period of Operation	This Development Contribution Plan shall retain its force and effect until the completion of the development of all en-globo landholdings within the Development Contribution Area (DCA) and shall operate for an initial period of ten (10) years from the date of gazettal of this amendment, after which the DCP will be reviewed and if necessary, amended or replaced.
		Review Process	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with Clause 5A.2.13 of Local Planning Scheme No. 17.
		Annual Status Report	The City shall publish an Annual Status Report for DCA 7 in accordance with the requirements of State Planning Policy 3.6 Infrastructure Contributions (as amended).

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="3">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td rowspan="2">DCA 8</td><td rowspan="2">Henley Brook Urban Precinct – The Development Contribution Areas (DCA) comprises all the land referred to as Henley Brook Urban Growth Precinct identified by the scheme maps as DCA 8.
AMD 200 GG 03032023</td><td>Relationship to other planning instruments</td><td colspan="2">The Development Contribution Plan generally conforms to strategic planning documents outlining the intended delivery of infrastructure including:
• Local Structure Plans and associated appendices.
• Henley Brook Community Infrastructure Plan and Capital Expenditure Plan.
Local Government's Strategic Community Plan and the 10-year Financial Management Plan.</td></tr>
<tr><td>Infrastructure and Administrative items to be funded</td><td colspan="2">Transport Infrastructure items:

Construction and/or upgrade and land acquisition of the following existing and future roads and intersections which are required to service growth within the Henley Brook Urban Precinct (DCA 8) with the cost apportioned to DCA 8, unless otherwise noted:

• Roads upgraded and/or construction:

<table>
<tr><td>H-TRF01

and

H-ACQTRF01</td><td>'Losino Boulevard' between Gnangara Road and Andrea Drive.</td></tr>
<tr><td>H-TRF02

and

H-ACQTRF02</td><td>'Anrea Drive' between Losino Boulevard and Henley Street.</td></tr>
<tr><td>H-TRF03A to H-TRF03D

and

H-ACQTRF03A to H-ACQTRF03D</td><td>'Henley Street' between Starflower Road and Henley Brook Avenue.</td></tr>
<tr><td>H-TRF04

and

H-ACQTRF04</td><td>'Partridge Street Extension' between Brooklands Drive and Park Street.</td></tr>
<tr><td>H-TRF05A to H-TRF05B

and

H-ACQTRF05A to H-ACQTRF05B</td><td>'Brooklands Drive' between Henley Street and 'Local Road 1'.</td></tr>
<tr><td>H-TRF06A to H-TRF06D

and

H-ACQTRF06A to H-ACQTRF06D</td><td>'Park Street' between Starflower Road and Henley Brook Avenue.</td></tr>
<tr><td>H-TRF07A to H-TRF07C

and

H-ACQTRF07A to H-ACQTRF07C</td><td>'Starflower Road' between Park Street and Gnangara Road.</td></tr>
<tr><td>H-TRF08A to H-TRF08B

and

H-ACQTRF08A to H-ACQTRF08B</td><td>'Henley Brook Avenue' between Park Street and Asturian Drive.

The maximum cost contribution that can be levied from DCA 8 for this item shall not exceed the cost of:
o Construction of earthworks for the whole road reserve;
o Construction one carriageway comprised of two lanes (Integrator A – Type 1 standard) and associated drainage works and shared paths, and;
o Land acquisition for the whole road reserve.

The remainder of the cost shall be met by the local government.</td></tr>
</table>
</td></tr>
</table>

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="2">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td></td><td></td><td></td><td>
Intersection treatments upgraded and/or constructed at:
<table>
<tr><td>H-INT01

and

H-ACQINT01</td><td>Starflower Road and Henley Street</td></tr>
<tr><td>H-INT02

and

H-ACQINT02</td><td>Starflower Road and Fairmount Boulevard and Park Street.</td></tr>
<tr><td>H-INT03

and

H-ACQINT03</td><td>Park Street and Partridge Street and Partridge Street Extension.</td></tr>
<tr><td>H-INT04

and

H-ACQINT04</td><td>Henley Street and Andrea Drive.</td></tr>
<tr><td>H-INT05

and

H-ACQINT05</td><td>Henley Street and Brooklands Drive.</td></tr>
<tr><td>H-INT06

and

H-ACQINT06</td><td>Andrea Drive and Losino Boulevard.</td></tr>
<tr><td>H-INT07

and

H-ACQINT07</td><td>Henley Street and Asturian Drive.</td></tr>
<tr><td>H-INT010

and

H-ACQINT010</td><td>Henley Brook Avenue and Henley Street.</td></tr>
<tr><td>H-INT012

and

H-ACQINT012</td><td>10.22% of the cost of upgrading the intersection treatment at Gnangara Road and Henley Brook Avenue.</td></tr>
<tr><td>H-INT013

and

H-ACQINT013</td><td>52.5% of the cost of upgrading the intersection treatment at Gnangara Road and Losino Boulevard</td></tr>
</table>

Land acquisition necessary to accommodate the proposed designs for all Transport Infrastructure previously listed, where not already provided in existing road reserves or otherwise specifically stated as an exclusion in its description.
Relocation of existing underground and overhead services where they would otherwise interfere with the proposed design for the upgrade/construtrion for all Transport Infrastructure previously listed.

Capped Community Infrastructure Items
The following items within the 3.7ha Eastern Neighbourhood Active Open Space and the 3.4ha Central Neighbourhood Active Open Space are community infrastructure items subject to a contribution cap of no more than $5,000 per dwelling, or unit of equivalent demand in the case of non-residential zoned land:
<table>
<tr><td>H-POSF05CAP

and

H-CIF01CAP</td><td>Community Centre/Sporting Pavillion building;

AFL and Soccer Goal posts;

Cricket practice nets and pitches;

Car parking;</td></tr>
</table>
</td></tr>
</table>

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN

	Lighting for playing fields. Other than these listed items, the balance of the infrastructure for the 3.7ha Eastern Neighbourhood Active Open Space - inclusive of land acquisition and construction of the park – constitutes standard community infrastructure and not subject to the cap.
H-POSF06CAP and H-CIF02CAP	Community centre/sporting pavillion building; Double BBQ; AFL and Soccer Goal posts; Cricket practice nets and pitches; Car parking; Lighting for playing fields. Other than these listed items, the balance of the infrastructure for the 3.4ha Central Neighbourhood Active Open Space - inclusive of land acquisition and construction of the park – constitutes standard community infrastructure and not subject to the cap.

Standard Community Infrastructure
The construction and land acquisition of the following standard community infrastructure required to service growth within the Henley Brook Urban Precinct (DCA 8) with the cost apportioned to DCA 8:

- Construction of the following Passive Parks in locations identified in the relevant Structure Plan:

H-POS01 and H-ACQPOS01	'Passive Park 1' generally identified near Petrana Place and Gnangara Road.
H-POS02 and H-POS02G and H-ACQPOS02 and H-ACQPOS02G	'Passive Park 2' generally identified near Andrea Drive and Losino Boulevard. This item includes construction works and land acquisitions necessary to include the high-pressure gas pipeline easements within this recreational space.
H-POS03 and H-ACQPOS03	'Passive Park 3' generally identified near Starflower Road, north of Henley Street.
H-POS04 and H-POS04G and H-ACQPOS04 and H-ACQPOS04G	'Passive Park 4' generally identified near Andrea Drive and Henley Street. This item includes construction works and land acquisitions necessary to include the high-pressure gas pipeline easements within this recreational space.
H-POS07 and H-POS07G and H-ACQPOS07 and H-ACQPOS07G	'Passive Park 7' generally identified near Henley Street and Brooklands Drive. This item includes construction works and land acquisitions necessary to include the high-pressure gas pipeline easements within this recreational space.
H-POS08 and H-ACQPOS08	'Passive Park 8' generally identified near the eastern extent of the Henley Brook Bridle Trail, north and east of Brooklands Drive.
H-POS09 and H-ACQPOS09	'Passive Park 9' generally identified near Brooklands Drive and the future Henley Brook Avenue.

<table>
<tr><th>DCA No.</th><th>AREA NAME</th><th colspan="2">DEVELOPMENT CONTRIBUTION PLAN</th></tr>
<tr><td></td><td></td><td></td><td>
<table>
<tr><td>H-POS10

and

H-ACQPOS10</td><td>'Passive Park 10' generally identified near Park Street, Diane Place and the Partridge Street extension.</td></tr>
<tr><td>H-POS11

and

H-ACQPOS11</td><td>'Passive Park 11' generally identified near 'Local Road 1', Park Street and Partridge Street extension.</td></tr>
<tr><td>H-POS12 and H-POS12G

and

H-ACQPOS12 and H-ACQPOS12G</td><td>'Passive Park 12' generally near 'Access Road 1' and Brooklands Drive.

This item includes construction works and land acquisitions necessary to include the high-pressure gas pipeline easements within this recreational space.</td></tr>
<tr><td>H-POS13 and H-POS13G

and

H-ACQPOS13 and H-ACQPOS13G</td><td>'Passive Park 13' located generally near 'Access Road 1' and Park Street.

This item includes construction works and land acquisitions necessary to include the high-pressure gas pipeline easements within this recreational space.</td></tr>
</table>
Land acquisition and construction of the following Active Parks in locations identified in the relevant Structure Plan:
<table>
<tr><td>H-POS05 and

H-ACQPOS05</td><td>The 3.7ha Eastern Neighbourhood Active Open Space at the site near Henley Street and Asturian Drive, but excluding those items identified as Capped Community Infrastructure Items.</td></tr>
<tr><td>H-POS06 and

H-ACQPOS06</td><td>The 3.4ha Central Neighbourhood Active Open Space at the site near Henley Street and Brooklands Drive, but excluding those items identified as Capped Community Infrastructure Items.</td></tr>
</table>
Relocation of existing underground and overhead services where they would otherwise interfere with the upgrading/construction of the proposed designs for all Standard Community Infrastructure items as previously listed.
Administration items including:
Cost to prepare and administer the Development Contribution Plan (including legal expenses, valuation fees, cost of design and cost estimates, consultant and contract services, financing costs, proportion of staff salaries, technical support and office expenses for the purposes of administering the plan and expenses incurred by the City in relation to litigation in any Court or Tribunal or arbitration, whether incurred before or after the incorporation of the DCP in Schedule 13).
Cost to review estimates including the costs for appropriately qualified independent persons.
Costs to update the cost apportionment schedules, register of cost contributions, and infrastructure.</td></tr>
<tr><td></td><td></td><td>Method for calculating contributions</td><td>1. The contributions outlined in this plan have been based on the need for community infrastructure and/or non-community infrastructure generated by additional development in the development contribution plan. The local government's Community Infrastructure Plan identifies the community infrastructure needs that impact on the Development Contribution Plan.

2. The amount of an owner's Cost Contribution will be determined by the proportional share of the Infrastructure Demand that the proposed development generates in accordance with the Cost Apportionment Schedule

3. The DCP Report and Cost Apportionment Schedule shall define units of Infrastructure Demand used to calculate a Cost Contribution.</td></tr>
</table>

DCA No.	AREA NAME	DEVELOPMENT CONTRIBUTION PLAN	
			4. The DCP Report shall estimate the Infrastructure Demand and both the Administrative and Infrastructure Cost for each network of Infrastructure to calculate the Infrastructure Contribution Rate expressed in $/unit of Infrastructure Demand. 5. The Cost Apportionment Schedule shall report the Infrastructure Contribution Rates for each network of Infrastructure. 6. The cost Contribution applicable to development for each network of Infrastructure will be calculated in accordance with the general method outlined: **C=[ID x CR] x I** Where: **C** = Cost Contribution (for a chosen network, e.g. Transport) **ID** = Infrastructure Demand, calculated using the Cost Apportionment Schedule **CR** = Contribution Rate as set out in the Cost Apportionment Schedule; and **I** = Indexation factor set out in the Cost Apportionment Schedule to take into account inflation and other matters relevant to the capital cost of infrastructure.
		Priority and timing	The detailed scope and cost of each infrastructure network shall be described in the Development Contribution Plan Report which shall outline the assumptions necessary to determine Infrastructure Contribution Rates and inform the Cost Apportionment Schedules.
		Period of Operation	This Development Contribution Plan shall retain its force and effect until the completion of the development of all en-globo landholdings within the Development Contribution Area (DCA) and shall operate for an initial period of 10 years from the date of gazettal of this amendment, after which the DCP will be reviewed and if necessary, amended or replaced.
		Review Process	The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with Clause 5A.2.13 of Local Planning Scheme No. 17.
		Annual Status Report	The City shall publish an Annual Status Report for DCA 7 in accordance with the requirements of State Planning Policy 3.6 Infrastructure Contributions (as amended).

SCHEDULE 14 — PARKING OF COMMERCIAL VEHICLE(S) PROVISIONS

AMD 40 GG 09/12/11

The following provisions stipulate the maximum number of commercial vehicles that Council may consider in any development application for planning approval under Clause 5.10 Parking of Commercial Vehicles. **The parking of any commercial vehicle on any Rural or Residential zoned lot is subject to planning approval.**

Zone	**Lot Size**	**Maximum Number of Motorised Commercial Vehicles**	**Maximum Number of Trailers Designed to be Attached to a Motorised Commercial Vehicle**
All Residential and Rural zones	Lot size of less than 750m^2	No commercial vehicles are permitted to be parked on any lot.	No trailers are permitted to be parked on any lot.
Residential Residential Development Residential Redevelopment Special Use	Lot size of greater than 750m^2	A maximum of one – (a) Rigid (non-articulated) commercial vehicle; or (b) One prime mover will be permitted to be parked on any lot.	No trailers are permitted to be parked on any lot.
Rural Residential Special Residential Swan Valley Rural Rural Living Landscape General Rural Resource	Lot size of between 750m^2 and 30,000m^2 (3.0 hectares)	A maximum of one – (a) Rigid (non-articulated) commercial vehicle; or (b) One prime mover will be permitted to be parked on any lot.	A maximum of two trailers will be permitted on any lot.
Rural Residential Special Residential Swan Valley Rural Rural Living Landscape General Rural Resource	Lot size of greater than 30,000m2 (3.0 hectares)	A maximum of two: a) Rigid (non-articulated) commercial vehicles; or b) Prime Movers Will be permitted to be parked on any lot.	A maximum of two trailers will be permitted on any lot.
General Rural Resource	Lot size of greater than 60,000m^2 (6.0 hectares)	A maximum of five – (a) Rigid (non-articulated) commercial vehicles; or (b) Prime Movers will be permitted to be parked on any lot.	A maximum of five trailers will be permitted on any lot.
Commercial-Industrial zones Strategic Regional Centre zones Other zones	Not applicable	Commercial Vehicle Parking will only be permitted where it is considered to be ancillary to an approved land use on the subject lots.	

SCHEDULE 15 — MIDLAND STRATEGIC REGIONAL CENTRE

A: Land Use Permissibility Table for the Midland Strategic Regional Centre

MIDLAND STRATEGIC REGIONAL CENTRE						
Land Use	Precincts					
	Morrison Road West		Morrison Road East	Midland Oval	Midland West End	Midland Gate
	Residential	Mixed Use Retail/Commercial	Residential	Mixed Use Residential/Commercial	Mixed Use Retail/Commercial	Retail/Regional Shopping
Aged or Dependent Persons Dwelling	P	P	P	A	D	X
Agriculture - Extensive	X	X	X	X	X	X
Agriculture - Intensive	X	X	X	X	X	X
Agroforestry	X	X	X	X	X	X
Amusement Parlour	X	X	X	X	X	D
Ancillary Accommodation	X	X	X	D	D	X
Animal Establishment	X	X	X	X	X	X
Animal Husbandry - Intensive	X	X	X	X	X	X
Bed and Breakfast	*DELETED BY AMD 231 GG 16/12/2025*					
Betting Agency	X	X	X	A	P	P
Cabin or Chalet	*DELETED BY AMD 231 GG 16/12/2025*					
Camping Area	X	X	X	X	X	X
Car Park	X	X	X	A	A	A
Caravan Park	X	X	X	X	X	X
Caretaker's Dwelling	X	D	X	D	D	X
Child Care Premises	A	P	A	P	P	P
Cinema/Theatre	X	X	X	D	D	P
Civic Use	X	D	X	P	P	D
Club Premises	X	X	X	A	A	X
Community Purpose	X	A	X	D	A	P
Consulting Rooms	D	D	D	D	D	D
Convenience Store	X	A	X	D	D	D
Corrective Institution	X	X	X	X	X	X
Educational Establishment	D	D	D	D	D	D
Equestrian Facility	X	X	X	X	X	X
Exhibition Centre	X	D	X	D	D	A
Family Day Care	D	P	P	D	D	D
Fast Food Outlet	X	D	X	D	P	P
Food and Beverage Production	X	X	X	X	X	A
Fuel Depot	X	X	X	X	X	X
Funeral Parlour	X	X	X	X	X	X
Garden Centre	X	X	X	X	X	D
Grouped Dwelling	P	X	P	X	X	X
Home Business	D	D	D	D	D	D
Home Occupation	A	P	A	P	P	P
Home Office	D	P	D	P	P	P
Home store	X	A	X	D	A	A
Hospital	X	A	X	A	A	A
Hosted Short-term Rental Accommodation *AMD 231 GG 16/12/2025*	P	P	P	P	P	P
Hotel	A	X	X	D	D	A
Industry-Cottage	X	X	X	X	X	X
Industry-Extractive	X	X	X	X	X	X
Industry-General	X	X	X	X	X	X
Industry-Light	X	X	X	X	X	X
Industry-Mining	X	X	X	X	X	X
Industry-Noxious	X	X	X	X	X	X
Industry-Rural	X	X	X	X	X	X
Industry-Service	X	X	X	X	X	D
Lunch Bar	X	D	X	D	D	P

MIDLAND STRATEGIC REGIONAL CENTRE						
Land Use	Precincts					
	Morrison Road West		Morrison Road East	Midland Oval	Midland West End	Midland Gate
	Residential	Mixed Use Retail/Commercial	Residential	Mixed Use Residential/Commercial	Mixed Use Retail/Commercial	Retail/Regional Shopping
Marine Filling Station	X	X	X	X	X	X
Market	X (see note a)	X (see note a)	X (see note a)	X (see note a)	A (see note a)	D (see note a)
Medical Centre	X	A	X	D	D	D
Motel	*DELETED BY AMD 231 GG 16/12/2025*					
Motor Vehicle Repair	X	X	X	X	X	X
Motor Vehicle Wash	X	D	X	D	D	D
Motor Vehicle, Boat or Caravan Sales	X	X	X	D	X	D
Multiple Dwelling	P (see note b)	P (see note b)	P (see note b)	P (see note b)	P (see note b)	A (see note b)
Night Club	X	X	X	A	A	X
Office	X	P	X	P	Ground Floor: D Upper Floors: P	P
Place of Assembly	X	A	X	D	D	P
Place of Worship	X	A	X	D	D	D
Radio & TV Installation Private	A	D	A	D	D	D
Reception Centre	X	D	X	D	D	D
Reception-Private	A	D	X	D	D	D
Reception-Public	X	A	X	D	D	D
Residential Building	A	A (see note b & c)	A	A (see note b & c)	A (see note b & c)	X
Restaurant	A	D (see note d)	X	P (see note d)	P (see note d)	P (see note d)
Restricted Premises	X	X	X	A	A	A
Roadhouse	X	X	X	X	X	X
Rural Pursuit	X	X	X	X	X	X
Service Station	X	X	X	D	X	D
Shop	X	D (see note d)	X	P (see note d)	P (see note d)	P
Short Term Residential	*DELETED BY AMD 231 GG 16/12/2025*					
Showroom	X	X	X	A	A	D
Single Bedroom Dwelling	X	P (see note c)		P (see note c)	P (see note c)	P (see note c)
Single House	X	X	D	X	X	X
Small Bar	X	X	X	D	D	D
Storage	X	X	X	X	X	X
Tavern	X	X	X	D	D	D
Telecommunications Infrastructure	X	X	X	A	A	A
Tourist Facilities	*DELETED BY AMD 231 GG 16/12/2025*					
Tourist and Visitor Accommodation *AMD 231 GG 16/12/2025*	X	X	X	D	D	D
Trade Display	X	X	X	X	X	X
Transport Depot	X	X	X	X	X	X
Unhosted Short-term Rental Accommodation *AMD 231 GG 16/12/2025*	D	D	D	A	A	A
Vehicle Wrecking	X	X	X	X	X	X
Veterinary Centre	X	X	X	A	X	X
Warehouse	X	X	X	X	X	X
Winery	X	X	X	X	X	X

Note:

a) Provided that 'Market' may be permitted on public land by the Local Government
b) Ground floor land use shall be non-residential at the street frontage for buildings along areas identified in the Active Edge map.
c) Ground floor of development may contain residential uses within 'Commercial and Residential Front Door' street frontages as defined by the Active Edge map.
d) Shops and Restaurants shall only be allowed in conjunction with commercial and/or residential uses within the 'Commercial and Residential Front Door' street frontages as defined by the Active Edge map.

A (i): Interpretation of the Land Use Permissibility Table for the Midland Strategic Regional Centre

The permissibility of any uses is determined by cross-reference between the list of use classes on the left-hand side of the Land Use Permissibility Table for the Midland Strategic Regional Centre and the list of precincts at the top of the Table.

Schedule 15 C – shows the Midland Strategic Regional Centre Precincts

Where a specific use is mentioned in the Land Use Permissibility Table for the Midland Strategic Regional Centre, it is deemed to be excluded from the general terms used to describe any other use.

A (ii) The symbols used in the cross reference in the Land Use Permissibility Table for the Strategic Regional Centre have the following meanings:

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Structure Plan;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4 of the Scheme; and

'X' means a use that is not permitted.

A (iii) Where a person proposes to carry out on land any use that is not specifically mentioned in the Land Use Permissibility Table for the Strategic Regional Centre and cannot reasonably be determined as falling within the type, class or genus of activity of any other listed use class, the local government may:

- determine the use to be consistent with the general objectives of the Strategic Metropolitan Centre and/or the intent of the particular Precinct and thereafter follow the advertising procedures as set out by Clause 9.4 in the Scheme in considering an application for planning approval; or
- determine that the use is not consistent with the general objectives of the Strategic Metropolitan Centre and/or the intent of the particular Precinct and is therefore not permitted.

AMD 119 GG 15/9/17

RESOLUTION TO ADOPT SCHEME

Adopted by resolution of the Council of the City of Swan at the Ordinary Meeting of Council held on the 25th day of June 2003

_____
CHIEF EXECUTIVE OFFICER

_____
MAYOR

RESOLUTION TO ADOPT SCHEME FOR FINAL APPROVAL

Adopted for final approval by resolution of the Council of the City of Swan at the Ordinary Meeting of Council held on the 12th day of April 2006

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

_____
CHIEF EXECUTIVE OFFICER

_____
MAYOR

Recommended/Submitted for Final Approval

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

Date: _____

Final Approval Granted

_____
MINISTER FOR PLANNING & INFRASTRUCTURE

Date: 20/12/07