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CITY OF GOSNELLS

Local Planning Scheme No. 6

Updated to include AMD 169 GG 13/11/2026

GOVERNMENT OF WESTERN AUSTRALIA

Department of Planning, Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal

15 February 2002

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

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CITY OF GOSNELLS LPS 6 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
12	14/2/03	12/2/03	DH	Table 1 - amending use "Showroom" to a "D" use within the "Residential Development" zone.
17	29/7/03	28/7/03	DH	Table 1 - amending use "Transport Depot" to a "X" use within the "General Rural" zone.
7	29/8/03	1/9/03	DH	Table 1 – amending by making Caretakers Dwelling a "D" use within the Light Industry zone and an "A use within the General Industry zone. Schedule 1 – Part 2 – insert definition for "Retail Nursery". Table 1 – insert use class "Retail Nursery" and make it a discretionary or "D" use within the Residential Development, Highway Commercial, Light Industry and General Rural zones. Schedule 1 – Part 2 – modify definition of "Agriculture-Intensive" by adding the word "wholesale" after the words "operation of" and before the words "plant or fruit" in part (b).
13	26/9/03	25/9/03	DH	Table 1 – Amending by making "Motel" an "A" use within the Mixed Business zone.
18	21/10/03	21/10/03	DH	Schedule 2 – adding additional use area "14. 86 (Lot 13) Langford Avenue, Langford".
22	25/5/04	26/5/04	DH	Scheme Text – modify by replacing any references to the title, tables or figures of the Residential Planning Codes (1991) with the title, tables or figures of the R-Codes where applicable. Schedule 1 – adding definition for "Ancillary Accommodation". Table 1 – amending by inserting use class "Ancillary Accommodation". Part 5 – deleting clause 5.3.5 "Residential Battleaxe Lots". Part 5 – deleting clause 4.3.6 "Outbuildings". Part 5 – inserting new clause 5.3.10 "Communications Equipment". Part 9 – amending clause 9.2 "Permitted Development" by inserting new provision "(g)". Part 5 – amending by inserting new clause 5.3.11 "Privacy Screening". Part 9 – amending clause 9.2 by inserting new provision 9.2(b)(iv). Part 5 – amending clause 5.7.1 by replacing reference to the provisions in the Residential Planning Codes (1991 with a reference to the provisions in the R-Codes. *AMD 129 GG 1/11/13* Part 5 – amending Clause 5.8.4 (b) (vi) by deleting the last sentence, which refers to the 'B' standards of the Residential Planning Codes".
31	11/6/04	14/6/04	DH	Schedule 1 – amending definition of "Commercial Vehicle".
26	11/6/04	15/6/04	DH	Part 5 – amend by inserting Clause "5.11.6 Kennels Requirements". Table 2C – replace Kennels minimum setbacks.
24	2/7/04	6/7/04	DH	Schedule 2 – adding new additional use area "14. 1875 (lot 42) and 1877 (Lot 41) Albany Highway; and 5 (Lot 2) Blackburn Street, Maddington" together with relevant uses and conditions. *NOTE" There are two additional use areas with the number "14".* Schedule 1 – adding new additional use "Outdoor Sales".
28	22/6/04	6/7/05	DH	Part 6 – amending clause 6.1.1 by adding part "(b) Nicholson Road, Centre" after the words "(a) Gosnells Town Centre". Part 6 – adding a new clause "6.3 Nicholson Road Centre".
20	10/8/04	9/10/04	DH	Schedule 2 – adding additional use area 15 "1720-1722 (portion of Lots 1 and 2) Albany Highway, Kenwick (proposed 3,7876m^2 lot on Subdivision 123483).
30	30/11/04	29/33/05	DH	Schedule 12 – inserting "Attachment "B" – Specific Provisions relating to the Southern River Precinct 2 Outline Development Plan Area".

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
34	17/6/05	20/6/05	DH	Schedule 2 – inserting into Additional Use area No. *A*5 being 358 (Pt Lot 32) Railway Parade, Beckenham an additional use "Shop" and in the Conditions column the words "Limited to 100m^2 net lettable area."
38	17/6/05	21/6/04	DH	Schedule 3 – adding Restricted Use Area No. 5 "1533 (Lot 252) Albany Highway, Beckenham" together with relevant restricted use and conditions.
43	11/11/05	10/11/05	DH	Schedule 11 – adding Special Rural Area "Lot 21 Canning Mills Road, Martin" together with relevant provisions. *(SR2)*
40	13/12/05	12/12/05	DH	Schedule 3 – amending by inserting Restricted use area *(R 6)* "Lot 158 (Lot 2) Stalker Road, Gosnells; and Lot 164-168 (Lot 1100) Corfield Street, Gosnells" together with relavent restricted uses and conditions. Schedule 2 – amending by deleting Additional Use Area 11.
44	10/1/06	23/1/06	DH	Schedule 2 – adding additional use area "37 (Lot 72) Victoria Road, Kenwick" together with relevant addtional uses and conditions. *(A16)*
42	28/3/06	10/4/06	DH	Schedule 3 – adding Restricted Use Area "Lot 5007 Mills Road West, Martin" together with relevant restricted uses and conditions. *(R7)*
53	6/7/07	11/7/07	DH	Schedule 3 - modifying Restricted Use area No. 1 "Lot 100 Holmes Street (corner Warton Road), Southern River .
59	6/7/07	24/7/07	DH	Part 6 - adding a new sub clause to 6.1.1 to read "c) Thornlie East of Station Precinct". Part 6 - adding new clause "6.4 Thornlie East of Station Precinct".
51	30/11/07	10/12/07	DH	Schedule 4 - inserting Special Use zone "1. Lots 7 and 8 Albany Highway, Beckenham" together with relevant special uses and conditions. Special Use zone No. 1 - insert the plan shown as "Attachment A". Part 4 - deleting the text under the heading of Clause 4.7 which reads "(there are no Special Use zones which apply to this Scheme)".
65	3/6/08	16/6/08	DH	Part 5 - modifying clause 5.8.4(c). Part 6 - modifying clause 6.2.1(a). Part 4 - inserting new clause 4.3.3 and renumbering existing clause 4.3.3 to clause 4.3.4. Table 1 - amending use class "Child Care Premises", "Consulting Rooms", Medical Centre", Office" and "Veterinary Centre" to an "A/D" use in the Residential zone and amending use classes "Exhibition Centre", "Lunch Bar" and "Restaurant" to an "XD" use in the Residential Zone. Table 1 - amending use class "Shop" to an "X/D" use in the Residential & Office Zone and the use class "Veterinary Centre" to an "X/D" use in the Residential, Local Centre and Office Zones.
68	3/6/08	16/6/08	DH	Schedule 4 - inserting new Special use Zone No. 2 "10 (Lot 72) Alloa Road, Maddington" together with relevant special use.
70	3/6/08	17/6/08	DH	Part 6 - adding clause "6.4 Southern River Precinct 3 SCA" after clause 6.3. *Note: A Clause 6.4 is already in existence.*
72	3/6/08	17/6/08	DH	Part 5 - inserting new clause 5.4.3 after clause 5.4.2. Schedules - Adding new Schedule 13 - Restrictive Covenants after schedule 12 to include *RS1 and RS2.*
77	1/5/09	19/5/09	DH	Schedule 4 - deleting text 'Nil at the time of gazettal'. Schedule 4 - inserting Special Use "1. Part of Lot 4185 (Reserve 26902) Albany Highway Beckenham"
83	1/5/09	19/5/09	DH	Part 6 - adding new subclause 6.1.1.(d). Part 6 - adding new clause "6.5 Homestead Road Precinct".
84	8/5/09	3/6/09	DH	Part 6 - adding new subclause 6.1.1.(g). Part 6 - adding new clause "6.8 Central Beckenham Housing Sub-Precinct C.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
85	8/5/09	9/6/09	DH	Part 6 - adding new subclause 6.1.1(f). Part 6 - adding new clause "6.7 North Gosnells Housing Sub-Precinct E".
90	11/9/09	29/9/09	DH	Part 6 - adding new subclause (h) to Clause 6.1.1. Part 6 - adding new Clause "6.9 Central Beckenham Housing Sub-Precinct 1".
71	6/11/09	16/11/09	DH	Schedule 2 - adding Additional use "2. Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington".
103	24/11/09	15/12/09	DH	Part 7 - modifying Clause 7.2.1 and inserting new clause 7.2.5.
102	26/3/10	30/3/10	NM	Inserted Additional Use “Showroom” in Schedule 2 of the Scheme for Additional use zone No.2 relating to Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington. Inserted a new condition in Schedule 2 of the Scheme corresponding to Additional use Zone No. 2 relating to Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington.
89	30/3/10	7/4/10	NM	Inserted Attachment D – Specific Provisions Relating to the Central Maddington Outline Development Plan Area, into Schedule 12.
88	17/08/10	25/08/10	NM	Modified Attachment B of Schedule 12 clauses; 1, 2(a)(iii), 3(a)(iii), 3(e) and clause 4. Deleted Clause(c) of Attachment B of Schedule 12 and re-labelled Clause 2(d) as Clause 2(c) accordingly.
114	17/09/10	22/09/10	NM	Inserted “Business Development Zone” into Clause 4.2 (Objectives of the Zones). Inserted a new column “Business Development” into Table 1 – Zoning Table. Inserted “Note 1: Development and use of land is to be in accordance with an Outline Development Plan, adopted pursuant to Clause 7.4.15.” beneath Table 1 – Zoning Table. Modified clauses 7.1(a), 7.2.1 and 7.2.2 to include the words “or Business Development” after the words “Residential Development”.
111	22/10/10	16/11/10	NM	Deleted Clauses 5.3.1, 6.1.1(c), 6.1.1(f), 6.1.1(g), 6.7 and 6.8. Inserted new Clauses 5.3.1, 5.3.2, 5.3.3 and 6.1.1(c). Renumbered Clauses 5.3.1 – 5.3.11 accordingly.
47	05/08/11	16/08/11	NM	Inserted Attachment C into Schedule 12 (map included). Inserted “Development Contribution Plan” after Valuer within Clause 1.0 of Schedule 12. Inserted new clause “18.0 Development Contribution Plan” in Schedule 12.
112	04/11/11	25/11/11	NM	Inserted (h) Density Bonuses within Part 6.1 – Special Control Areas. Inserted a new clause 6.9 – Density Bonuses – Corner Lots.
130	8/2/13	26/2/13	NM	Inserted ‘Development Zone’ column into Table 1 – Zoning Table. Inserted ‘Development Zone’ into Clause 4.2 ‘Objectives of the zone’. Inserted ‘Development’ into Clause 7.1(a), 7.2.1 and 7.2.2. Replaced ‘Proposed Outline Development Plan’ within Schedule 1 – Definitions.
133	8/2/13	26/2/13	NM	Deleted Lot 100 Holmes Street from Schedule 3 – Restricted Uses.
122	1/11/13	6/11/13	NM	Replaced clause 6.1.1(c) Deleted clause 6.1.1(e) Replaced clause 6.4.
129	1/11/13	6/11/13	NM	Changed use classifications for ‘Family Day Care’ and ‘Industry – Service’ within Table 1 – Zoning Table. Inserted ‘commercial vehicle parking’ into Schedule 1 – Definitions. Modified ‘transport depot’ within Schedule 1 – Definitions. Replaced “R-Codes with “R-Codes”.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
145	22/08/14	11/12/14	MD	Modify Table 1 – amend land use permissibility for the Industry – Light land use in the Residential/Light Industry Composite zone from "A" to "D" amend land use permissibility for the Mulitple Dwelling land use in the Residential zone from "A" to "D". amend land use permissibility for Motor Vehicle Repair land use in the Residential/Light Industry Composite and Light Industry zones from "A" to "D".
144	30/09/14	24/02/15	MLD	Rezone 90 (Lot 22) and 68 (Lot 23) Bickley Road; and 391 (Lot 1), 393 (Lot 2), 395 (Lot 3), 397 (Lot 4), 399 (Lot 5), 383 (Lot 24), 377 (Lot 29), 375 (Lot 30), 373 (Lot 27) and 389 (Lot 252) Sevenoaks Street, Beckenham, from 'General Industry' to 'Special Use'. Insert development provisions into Schedule 4.
149	06/03/2015	20/04/2015	MLD	Recode land bounded by Albany Highway, Beckenham Street, Bromley Street and Peckham Street from 'Residential R17.5' to 'Residential R25'. Amend the Scheme Map accordingly.
155	17/07/15	21/07/15	MLD	Recode Lots 303, 304 and 305 Bilich Street and Lot 800 Fremantle Road, Gosnells, from R17.5 to R25. Amend the Scheme Map accordingly.
142	19/12/14	01/02/16	RO	Renumber the existing text in Clause 5.3.7 Corner Lots as - 5.3.7 (i). Insert the following as Clause 5.3.7 (ii). Delete Clause 6.9. Modify the Scheme Map so as to delete the Special Control Areas that were supplied by Amendment No. 112.
151	30/10/15	01/02/16	MLD	Zoning approximately 2,500m^2 of Local Open Space land as General Industry. Reserving approximately 65m^2 of General Industry land as Local Open Space.
136	22/12/15	01/02/16	RO	Amending the Scheme Map by applying a Special Control Area to Maddington Road Precinct A and a portion of Maddington Road Precinct B Outline Development Plan areas, as depicted on the Scheme Amendment Map contained in Appendix 13.5.2E. Amending the Scheme Text by inserting – "Attachment G - SPECIFIC PROVISIONS RELATING TO THE MADDINGTON ROAD PRECINCT A AND A PORTION OF MADDINGTON ROAD PRECINCT B OUTLINE DEVELOPMENT PLAN AREAS" into Schedule 12 of the Scheme.
108	12/02/16	15/02/16	MLD	Amending the Scheme Map by applying a Special Control Area – Development Contribution Area 8 to the Southern River Precinct 1 area, as depicted on the Scheme Amendment map. Amending the Scheme text by inserting the modified Attachment H into Schedule 12 of the Scheme.
157	16/02/16	18/02/16	MLD	Recoding Lots 7, 9, 10, 11, 14, 17, 18, Pt 31, Pt 32, 33, 34, 50, 54, 58, 102 and 137 Railway Parade, Lots 56 and 55 Lacey Street, Lots 57, 67 William Street and Lots 2, 15 and 16 Bickley Road, Beckenham from Residential R20/R60 to Residential R80/R100. Recoding Lots 17, 47 and 48 Lacey Street, 18, 29, 41, 46, 49, 50, 51, 52, 53, 101 and 102 Central Terrace and Lot 201 William Street, Beckenham from Residential R20/R60 to Residential R60/R80. Rezoning Lots 7, 8 and 9 William Street and Lots 3, 4 and 5 Bickley Road, Beckenham from Residential Development to Residential R80/R100.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
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147	01/04/16	11/04/16	MLD	Rezoning part of Lot 5007 Mills Road West and a portion of Lot 66 Tonkin Highway (on Plan 7071), Martin from Mixed Business to Highway Commercial and amending the Scheme Maps accordingly. Modifying No. 7 in 'Schedule 3' Restricted Uses of the Scheme Text.
161	06/05/16	10/05/16	MLD	Transferring Lot 333 and portions of Lots 0, 2 and 220 Bromely Street, Beckenham from the Residential zone to the Local Open Space reserve and deleting the R17.5 coding from those lots. Deleting the Residential zone and R17.5 code from the remainder of those lots (leaving them unzoned). Amending the Scheme Map accordingly.
156	13/05/16	16/05/16	MLD	Recoding of 9 (Lot 21), 11 (Lot 100), 15 (Pt Lot 87) and 17 (Lot 100) Sydenham Street and a portion of 444 (Lot 50) Railway Parade, Beckenham from Residential R17.5 to Residential R25. Rezoning a portion of 444 (Lot 50) Railway Parade and Lot 32 Streatham Street, Beckenham from Residential R 17.5 to Water Course. Including 9 (Lot 21), 11 (Lot 100), 15 (Pt Lot 87) and 17 (Lot 100) Sydenham Street, Beckenham in in 'Schedule 3— Restricted Uses' of the Scheme Text. Amending the Scheme Map accordingly.
160	05/08/16	08/06/16	MLD	Transfer Lot 9001 Streatham Street, Beckenham from the 'Civic and Cultural' local reserve to the 'Residential' zone with an R30 density code. Transfer portion of Lot 353 Streatham Street, Beckenham from 'Civic and Cultural' local reserve to the 'Residential' zone with an R20/25 density code. Modify the Scheme Map accordingly.
162	11/10/16	18/10/16	MLD	Rezone Lot 224 Spencer Avenue, Lot 227 and 228 Thornlie Avenue, Thornlie from 'Residential R20/30' zone to 'Office' zone. Amend scheme maps accordingly.
158	06/12/16	21/12/16	GM	Rezoning Lots 226, 227, 228, 229, 230, 231, 232 Hicks Street, and portion of Lot 3 Stalker Road, Gosnells from Local Open Space to Residential R80 as depicted on the Scheme Amendment Map. Realigning the boundary of the Gosnells Town Centre Special Control Area to include Lots 226, 227, 228, 229, 230, 231, 232, and portion of Lot 3 Stalker Road, Gosnells as depicted on the Scheme Amendment Map. Scheme Maps amended accordingly.
165	30/12/16	10/01/17	MLD	Rezoning land contained generally within Precinct 3A of the Maddington Kenwick Strategic Employment Area from General Rural to General Industry. Establish a Special Control Area over Precinct 3A of the Maddington Kenwick Strategic Employment Area and inserting associated provisions into Scheme Text: Insert a new provision (i) in Clause 6.1.1 Insert a new Clause 6.10
154	20/1/17	24/01/17	MLD	Rezoning a portion of Robinson Park being Lot 864, 865, 866, 867 Corfield Street, Lot 2501, 2538, 2776, 2787, 2852 Rosekelly Road & Lot 2181 Swanley Street, Gosnells from "Local Open Space" to "Residential R25
164	24/01/17	01/02/17	GM	Recoded 303 (Lot 384), 291 (Lot 301) Fraser Road North and 858 (Lot 461) Nicholson Road, Canning Vale from Residential R17.5 to R60. Inserted Clause 5.14 - Additional Site And Development Requirements into the Scheme text. Inserted Schedule 14 - Additional Site and Development Requirements. Modified Schedule 3 – Restricted Uses by deleting rows R2, R6 and R8. Scheme Maps amended accordingly.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
171	10/02/17	13/03/17	GM	Deleted the following clauses and schedules from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2: Parts 2, 7 – 12 in their entirety, Clauses 3.2.2 and 6.4.5, Schedules 6 – 9A. Inserted Clauses 61(1)(k-m) into a new Schedule A. Deleted the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2: Advertisement, Amenity, Cultural Heritage Significance, Local Government, Local Planning Strategy, Outline Development Plan, Owner, Premises, Proposed Outline Development Plan, Region Scheme Metropolitan, R-Codes, Substantially Commenced and Zone. Amended the following clauses by removing the cross reference to the clause deleted by the amendment and replacing them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2: 3.4.1, 3.4.2(a), 4.3.2, 4.4.2(b), 4.8(c), 4.9.2, 5.4.2, 5.5.2(a), 5.5.3(a), 5.8.4(d), 5.12.1, 5.12.4, 6.2.1, 6.3. Deleted reference to the following terms and replaced them with the corresponding term throughout the scheme: *"Outline Development Plan"* replaced with *"Structure Plan"* *"Detailed Area Plan"* replaced with *"Local Development Plan"* *"Acceptable Development"* replaced with *"Deemed to Comply".* Updated clauses and definitions. Zoning Table modified. Deleted the following definitions from Schedule 1, as they are defined by other frameworks: Conservation, Gazettal Date, Height, Lot, Place, Proponent, Town Planning Act. Modified the following definitions in Schedule 1 so as to be "*has the same meaning as in the Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015*": Building Envelope, Floor Area, Frontage, Minerals, Non-Conforming Use, Plot Ratio, Precinct. Inserted the following definitions into Schedule 1, with the definitions to be "*has the same meaning as in the Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015*": Building Height, Wall Height. Renumbered the remaining scheme provisions and schedules sequentially and updated any cross referencing to the new clause numbers as required.
140	11/08/2017	21/8/17	MLD	Rezone Reserve 35093 being Lot 2992 Miller Street, Maddington from 'Local Open Space' to 'Residential R20/30'. Rezone Lot 2801 Berry Court, Maddington from 'Local Open Space' to 'Residential R30'. Rezone Reserve 34855, being Lot 2935 Willow Way and Lot 2999 Alcock Street, Maddington from 'Local Open Space' to ' Residential R30'. Rezone Lot 2020 Lowth Road, Beckenham from 'Local Open Space' to 'Residential R20/25'. Amend the Scheme Map accordingly.
173	10/11/17	15/11/17	GM	Rezoned a portion of Lot 101 Terrier Place, Southern River from Kennels to Local Centre.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
138	23/03/18	26/03/18	MLD	Rezoning 35 (Pt Lot 3), 37 (Lot 500), 39 (Lot 4), 41 (Lot 10), 45 (Lot 11), 47 (Lot 12), 49 (Lot 13), 51 (Lot 14), 53 (Lot 15), 55 (Lot 16), 57 (Lot 72) Kenwick Road, 35 (Lot 73), 37 (Lot 74), 39 (Lot 81), 41 (Lot 19), 43 (Lot 20), 45 (Lot 21), 47 (Lot 22), 49 (Lot 23), 51 (Lot 71), 53 (Lot 70), 55 (Lot 69) Park Road, 25 (Lot 9000) Postling Street, 8 (Lot 701), 14 (Lot 79), 16 (Lot 80), 18 (Lot 10), 22 (Lot 6), 26 (Lot 7), 32 (Lot 8), 34 (Lot 9), 38 (Lot 50), 46 (Lot 49) Stafford Road, Kenwick from Residential zone with a density code of R17.5 to Residential Development. Rezoning 27 (Lot 700), 29 (Lot 52), 31 (Lot 2) Kenwick Road and 8 (Lot 701) Stafford Road, Kenwick from Residential zone with a density code of R20/R60 to Residential Development. Rezoning Lot 116 Ulcombe Street, Kenwick from Residential zone with a density code of R30 to Residential Development. Establishing a Special Control Area 'Development Contribution Area 11' over the Kenwick - South Structure Plan area. Insert Attachment K in to Schedule 12 - Development Contribution Plans.
174	14/9/18	17/9/18	HB	Reclassify portions of various lots abutting Bickley Brook, Maddington, between Myola South Place and Tonkin Highway, as shown on the scheme amendment map.
179	11/01/19	14/01/19	MLD	Amending the Scheme Map by rezoning 9A, 9B and 9C Savoy Place, Thornlie from R30 to R40.
177	16/07/19	17/07/19	MLD	Modify Schedule 8 – Development Contribution Plans (Attachment A, B, C and D) as follows: Period of operation – Five years from 1 November 2018 to 1 November 2023.
110	03/05/2022	05/05/2022	MLD	Updating and amending scheme maps. Modifying the existing DCA provisions within the Scheme Text by inserting a modified Attachment E within Schedule 8 of the Text.
153	10/05/2022	10/05/2022	MLD	Amend the Scheme Map to reclassify a portion of Charles Hook Park being Lots 1211, 2496, 2513 Princess Street, Lots 2403, 4053 Scole Place, Huntingdale from Local Open Space to Residential R25 and no zone. Amending the Scheme Map accordingly.
178	25/11/2022	28/11/2022	MLD	Schedule 8 – Development Contribution Plans (Attachments G and H) as follows: The period of operation of this DCP is deemed to continue and remain in operation until 30 January 2026 notwithstanding any other provison of the Scheme.
184	24/12/2024	3/01/2025	HAB	Modifying Schedule 8 – Development Conribution Plans (Attachment A, B and D) Period of opertation: The period of operation of this DCP is deemed to continue and remain in operation until 1 November 2028, notwithstanding any other provision of the Scheme.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
166	13/11/2026	17/11/2026	RW	Rezone land contained generally within Precinct 38 of the Maddington Kenwick Strategic Employment Area from General Rural to Business Development as depicted on the Amendment Map. Insert an additional item 'EC2' into Schedule 6 - Environmental Conditions which refers to Town Planning Scheme Amendment No.166, the amendment area and includes the environmental conditions listed in Annexure 1 of Ministerial Statement 1238.
169	13/11/2026	17/11/2026	RW	Rezone land contained generally within Precinct 2 of the Maddington Kenwick Strategic Employment Area from General Rural to Business Development as depicted on the Amendment Map. Insert an additional item 'EC3' into Schedule 6 - Environmental Conditions which refers to Town Planning Scheme Amendment No.169, the amendment area and includes the environmental conditions listed in Annexure 1 of Ministerial Statement 1239.

The City of Gosnells

Local Planning Scheme No. 6

The City of Gosnells under the powers conferred by the *Town Planning and Development Act 1928* makes the following Town Planning Scheme.

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

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PART 1 - PRELIMINARY

1.1 CITATION

1.1.1 The City of Gosnells Town Planning Scheme No. 6 comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked -

District Planning Scheme No. 1 Gazetted - 10 May 1968

1.2 RESPONSIBLE AUTHORITY

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

1.3 SCHEME AREA

The Scheme applies to the Scheme area which covers all of the local government district of the City of Gosnells as shown on the Scheme Map.

1.4 CONTENTS OF THE SCHEME

The Scheme comprises:

(a) The Scheme Text;

(b) The Scheme Map (sheets 1 - 23)

The Scheme is to be read in conjunction with the Scheme Report.

1.5 PURPOSE OF THE SCHEME

The purpose of this Scheme is 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 the First Schedule to the Town Planning Act.

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are:

(a) To provide for a range of housing in neighbourhoods with a community identity and high levels of amenity.

(b) To provide for 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) To encourage the development of businesses which will strengthen the economic base of the district and provide convenient and efficiently located employment to the community.

(d) To ensure the orderly and proper use and development of land within the District.

(e) To protect and enhance the quality of the urban and rural living environments of the District, and to provide for such expansion as is consistent with the maintenance of the services and amenities of the District required by the community.

(f) To promote the health, safety, convenience and the economic and general welfare of the community.

(g) To ensure the use and development of land does not result in significant adverse impacts on the physical and social environment.

(h) To assist in the protection of regional forest, water catchment, recreational and other natural resources, and to promote the efficient use of energy and the protection of air quality.

(i) To protect objects and places of outstanding natural (e.g. landform, water courses) historic, architectural, scientific and cultural significance.

(j) To assist in the effective implementation of regional plans and policies including the State Planning Strategy.

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 Town 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 R-Codes. *AMD 129 GG 1/11/13*

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 R-Codes *AMD 129 GG 1/11/13*

a) in the case of a residential development, the definition in the R-Codes prevails; and *AMD 129 GG 1/11/13*

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.

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 Gosnells are, at the Gazettal date of the Scheme, complementary to the Scheme:

Scheme No.	Gazettal Date
4	29 October 1976
9A	27 March 1986
15	24 August 1990
17	24 June 1988
20	11 November 1994

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.

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

PART 2 - RESERVES

2.1 RESERVES

Certain lands within the Scheme area are classified as:

(a) Regional Reserves; or

(b) Local Reserves.

2.2 REGIONAL RESERVES

AMD 171 GG 10/02/17

2.2.1 The lands shown as "Metropolitan Region Scheme 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 *Metropolitan Region Town Planning Scheme Act 1959*/*Western Australian Planning Commission Act 1985*. These lands are not reserved under the Scheme.

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.

2.3 LOCAL RESERVES

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

2.4 USE AND DEVELOPMENT OF LOCAL RESERVES

2.4.1 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 in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2.

AMD 171 GG 10/02/17

2.4.2 In determining an application for planning approval the local government is to have due regard to:

a) the matters set out in clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2; and *AMD 171 GG 10/02/17*

b) the ultimate purpose intended for the Reserve.

2.4.3 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.

PART 3 – ZONES AND THE USE OF LAND

3.1 ZONES

3.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

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

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are:

* **Residential Zone**

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the R-Codes. *AMD 129 GG 1/11/13*

* **Residential Development Zone**

To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development generally in accordance with a Structure Plan.
AMD 171 GG 10/02/17

* **Regional Centre Zone**

To provide for a full range of commercial and community facilities to serve the needs of the sub-regional community in a centre which provides a high level of accessibility and a pleasant and harmonious environment for social and commercial activities.

* **District Centre Zone**

To provide for weekly shopping needs, local offices, health, welfare and community facilities, consistent with the district-serving role of the centre.

* **Local Centre Zone**

To provide for predominantly convenience retailing and community facilities which serve the local community and provides a high level of accessibility for local residents.

* **Office Zone**

To provide for the development of offices and associated commercial and residential uses.

* **Mixed Business Zone**

To provide for a variety of commercial activities including showrooms and other forms of bulk retailing/display in strategically located areas of the City.

* **Highway Commercial Zone**

To provide for a range of commercial development, including particularly bulk retailing and open-air display, which is suitable for a highway frontage location.

* **Composite Residential/Light Industry Zone**

To provide for composite residential/light industrial development to meet the needs of businesses which require a residential component and provide a suitable interface between industrial zoned land and residential zoned land.

* **Light Industry Zone**

To provide for light and service industries and associated uses.

* **General Industry Zone**

To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.

* **Extractive Industry Zone**

To provide for the extraction of basic raw materials with appropriate environmental safeguards.

* **General Rural Zone**

To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.

* **Special Rural Zone**

To provide for small rural lot development in appropriate locations, such as hobby farms, horse breeding and rural residential retreats.

* **Kennels Zone**

To provide for dog kennels in appropriate locations, to meet the needs of the community with respect to animal boarding and commercial animal breeding.

*** Business Development Zone**

To provide for the progressive and planned development of areas for commercial and industrial uses generally in accordance with a Structure Plan.
AMD 114 GG 17/09/10; AMD 171 GG 10/02/17

* **Development Zone**

To provide for the progressive and planned development of land for a variety of uses including, residential, commercial, industrial, recreational and community generally in accordance with a Structure Plan. *AMD 130 GG 8/2/13; AMD 171 GG 10/02/17*

3.3 ZONING TABLE

3.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted 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.

3.3.2 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 providing 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 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2; *AMD 171 GG 10/02/17*

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

3.3.3 Where in the Zoning Table the permissibility of a use class in a particular zone is nominated by the symbol "X/D" or "A/D", the discretionary ("D") classification shall only apply to the development of land within the Gosnells Town Centre Special Control Area where such development incorporates one or more residential dwellings". *AMD 65 GG 3/6/08*

3.3.4 A change in the use of land from one use to another is permitted if:
AMD 65 GG 3/6/08

a) the local government has exercised its discretion by granting planning approval;

b) the change is to a use 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 any requirements of the Scheme;

c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or

d) the change is to an incidental use that does not change the predominant use of the land.

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. *The local government will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme and may refuse or impose conditions on any development of the land.*
3. *In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 67* of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2. *AMD 171 GG 10/02/17*
4. *The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.*

TABLE NO. 1: ZONING TABLE

	ZONES																
USE CLASS	Residential	Residential Development	Regional Centre	District Centre	Local Centre	Office	Mixed Business	Highway Commercial	Residential/Light Industry Composite	Light Industry	General Industry	Extractive Industry	General Rural	Special Rural	Kennels	Business Development	Development *AMD 130 GG 8/2/13*
Aged or Dependent Persons' Dwelling	D	D	D	D	A	D	D	D	X	X	X	X	X	X	X	See Note 1	See Note 1
Agriculture – extensive – intensive	 X X	 X X	 X X	 X X	 X X	 X X	 X X	 X X	 X X	 X X	 X X	 X X	 D A	 D A	 D A		
Agroforestry	X	X	X	X	X	X	X	X	X	X	X	X	D	D	D		
Amusement Parlour	X	A	D	A	X	X	X	X	X	X	X	X	X	X	X		
Ancillary Accommodation *AMD 22 GG 25/5/04; AMD 171 GG 10/02/17*	P	D	D	D	D	D	D	D	D	X	X	X	D	D	D		
Animal Establishment	X	A	X	X	X	X	X	X	X	X	X	X	A	A	D		
Animal Husbandry – intensive	X	X	X	X	X	X	X	X	X	X	A	X	A	A	A		
Bed and Breakfast	A	A	D	D	D	X	D	X	X	X	X	X	D	D	X		
Betting Agency	X	D	D	D	D	D	D	D	X	D	D	D	X	X	X		
Caravan/Park Home Park	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X		
Caretakers Dwelling *AMD 7 GG 29/8/03*	X	X	D	D	D	D	D	D	X	D	A	X	D	X	X		
Carpark	D	D	D	D	D	D	D	D	D	D	D	D	X	X	X		
Child Care Premises *AMD 65 GG 3/6/08*	A/D	D	P	D	D	D	D	X	A	X	X	X	A	A	A		
Cinema/Theatre	X	A	D	A	X	D	D	D	X	X	X	X	X	X	X		
Civic Use	D	D	P	P	P	D	D	D	D	D	D	D	D	A	D		
Club Premises	A	A	D	D	A	D	D	D	A	D	X	X	A	X	D		
Commercial Vehicle Parking	D	D	D	D	X	X	D	D	D	D	D	D	D	D	D		

	ZONES																
USE CLASS	Residential	Residential Development	Regional Centre	District Centre	Local Centre	Office	Mixed Business	Highway Commercial	Residential/Light Industry Composite	Light Industry	General Industry	Extractive Industry	General Rural	Special Rural	Kennels	Business Development	Development *AMD 130 GG 8/2/13*
Community Purpose	D	D	D	D	D	D	D	D	D	D	D	X	D	A	A	See Note 1	See Note 1
Consulting Rooms *AMD 65 GG 3/6/08*	A/D	D	P	P	D	D	D	D	D	D	D	X	X	X	X		
Convenience Store	X	D	D	D	D	D	D	D	D	D	D	X	X	X	A		
Corrective Institution	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X		
Educational Establishment *AMD 65 GG 3/6/08*	A/D	A	D	D	D	D	D	D	X	X	X	X	A	A	X		
Exhibition Centre *AMD 65 GG 3/6/08*	X/D	A	D	D	D	D	D	D	X	X	X	X	A	X	X		
Family Day Care *AMD 129 GG 1/11/13*	D	D	D	D	D	P	D	D	D	X	X	X	D	D	D		
Fast Food Outlet	X	A	D	D	A	X	A	D	X	X	X	X	X	X	X		
Fuel Depot	X	X	X	X	X	X	X	X	X	D	D	X	X	X	X		
Funeral Parlour	A	A	D	D	A	D	D	D	X	D	X	X	X	X	X		
Grouped Dwelling	D	D	D	D	D	D	D	D	X	X	X	X	X	X	X		
Home Business	D	D	D	D	D	D	D	D	D	X	X	X	D	D	D		
Home Occupation	D	D	D	D	D	D	D	D	D	X	X	X	D	D	D		
Home Office	P	P	P	P	P	P	P	P	P	X	X	X	P	P	P		
Home Store	A	D	P	P	P	D	D	D	X	X	X	X	A	X	X		
Hospital	A	A	D	A	X	X	D	D	X	X	X	X	X	X	X		
Hotel	X	A	D	A	A	X	A	A	X	X	X	X	X	X	X		
Industry – Cottage	D	D	D	D	D	X	D	D	D	X	X	X	D	D	D		
Industry – Extractive	X	X	X	X	X	X	X	X	X	X	A	P	A	X	X		
Industry – General	X	X	X	X	X	X	X	X	X	A	D	A	X	X	X		

	ZONES																
USE CLASS	Residential	Residential Development	Regional Centre	District Centre	Local Centre	Office	Mixed Business	Highway Commercial	Residential/Light Industry Composite	Light Industry	General Industry	Extractive Industry	General Rural	Special Rural	Kennels	Business Development	Development *AMD 130 GG 8/2/13*
Industry – Light *AMD 145 GG 22/8/14*	X	X	X	X	X	X	X	X	D	P	P	D	X	X	X	See Note 1	See Note 1
Industry – Mining	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Industry – Noxious	X	X	X	X	X	X	X	X	X	X	A	A	X	X	X		
Industry – Rural	X	X	X	X	X	X	X	X	D	D	D	X	D	A	D		
Industry – Service *AMD 129 GG 1/11/13*	X	X	D	D	A	X	A	D	D	D	D	X	X	X	X		
Kennels	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P		
Liquor Store	X	A	A	A	A	X	A	A	X	X	X	X	X	X	X		
Lunch Bar *AMD 65 GG 3/6/08*	X/D	D	D	D	D	D	D	D	D	D	D	X	X	X	X		
Market	X	A	D	D	A	X	D	D	X	D	X	X	A	X	X		
Medical Centre *AMD 65 GG 3/6/08*	A/D	D	P	P	P	D	D	D	X	X	X	X	X	X	X		
Motel *AMD 13 GG 26/9/03*	X	X	D	D	X	X	A	D	X	X	X	X	X	X	X		
Motor Vehicle, Boat or Caravan Sales	X	X	D	X	X	X	X	D	D	D	D	X	X	X	X		
Motor Vehicle Repair *AMD 145 GG 22/8/14*	X	X	A	A	X	X	X	D	D	D	D	D	X	X	X		
Motor Vehicle Wash	X	D	D	D	D	X	D	D	D	D	D	X	X	X	X		
Multiple Dwelling AMD 145 GG 22/8/14	D	D	D	D	A	D	D	D	X	X	X	X	X	X	X		
Night Club	X	X	D	A	X	A	A	A	X	X	X	X	X	X	X		
Office *AMD 65 GG 3/6/08*	A/D	D	P	D	D	P	P	D	X	X	X	X	X	X	X		
Place of Worship	A	A	D	D	A	D	D	D	A	A	X	X	A	X	X		
Reception Centre	X	A	D	D	A	A	A	D	X	X	X	X	A	X	X		

	ZONES															
USE CLASS	Residential	Residential Development	Regional Centre	District Centre	Local Centre	Office	Mixed Business	Highway Commercial	Residential/Light Industry Composite	Light Industry	General Industry	Extractive Industry	General Rural	Special Rural	Kennels	Business Development	Development *AMD 130 GG 8/2/13*
Recreation – private	X	D	D	D	D	D	D	D	X	D	X	X	A	A	X	See Note 1	See Note 1
Residential Building	A	A	D	D	X	X	A	A	X	X	X	X	A	X	X		
Restaurant *AMD 65 GG 3/6/08*	X/D	D	P	P	P	D	D	D	X	D	X	X	A	X	X		
Restricted Premises	X	X	D	A	X	X	X	D	X	X	X	X	X	X	X		
Retail Nursery *AMD 7 GG 29/8/03*	X	D	X	X	X	X	X	D	X	D	X	X	D	X	X		
Rural Pursuit	X	X	X	X	X	X	X	X	D	D	D	D	P	D	D		
Service Station	X	A	D	A	A	X	A	D	A	D	D	X	X	X	X		
Shop *AMD 65 GG 3/6/08*	X/D	D	P	P	P	X/D	D	D	X	X	X	X	X	X	X		
Showroom *AMD 12 GG 14/2/03 AMD 65 GG 3/6/08*	X/D	D	D	D	X/D	X/D	D	D	X	D	A	X	X	X	X		
Single House	P	P	D	D	D	D	D	D	P	X	X	X	P	P	P		
Storage	X	X	X	X	X	X	X	D	D	D	D	D	X	X	X		
Tavern	X	A	D	A	A	A	A	A	X	A	X	X	X	X	X		
Telecommunications Infrastructure	A	A	D	D	D	D	D	D	D	D	D	D	A	A	A		
Trade Display	X	X	D	X	X	X	X	D	D	D	D	X	X	X	X		
Transport Depot *AMD 17 GG 29/7/03*	X	X	X	X	X	X	X	X	A	D	D	D	X	X	X		
Veterinary Centre *AMD 65 GG 3/6/08*	A/D	A	D	D	D	D	D	D	D	D	D	D	A	A	A		
Warehouse	X	X	D	X	X	X	D	D	D	D	D	X	X	X	X		
Winery	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X		

Note 1: development and use of land is to be in accordance with a Structure Plan. *AMD 171 GG 10/02/17*

3.4 INTERPRETATION OF THE ZONING TABLE

3.4.1 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.

3.4.2 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 category 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 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2 in considering an application for planning approval; or

AMD 171 GG 10/02/17

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

3.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

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

3.6 RESTRICTED USES

Despite anything contained in the Zoning Table, 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 permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

3.7 SPECIAL USE ZONES

AMD 51 GG 30/11/07

3.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

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

3.8 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 authorise the development to be carried out, were duly obtained and are current; or

(c) subject to clause 80(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date. *AMD 171 GG 10/02/17*

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

3.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.9.1 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.

3.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2. *AMD 171 GG 10/02/17*

3.9.3 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.

3.10 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.

3.11 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: Section 13 of the Town 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.

3.12 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 4 – GENERAL DEVELOPMENT REQUIREMENTS

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

4.2 R-CODES

AMD 22 GG 25/5/04; AMD 129 GG 1/11/13

4.2.1 A copy of the R-Codes is to be kept and made available for public inspection at the offices of the local government.

4.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the R-Codes is to conform with the provisions of those Codes.

4.2.3 The R-Codes density applicable to land within the Scheme area is to be determined by reference to the R-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 Planning Code density, as being contained within the area defined by the centre-line of those borders.

4.3 SPECIAL APPLICATION OF R-CODES

AMD 129 GG 1/11/13

4.3.1 Split Density Code - Development

Where a split residential density code is depicted on the Scheme Map, any development shall conform to the lower density code applicable to the lot, unless the Council determines that such development in accordance with up to a maximum of the higher density code would comply the following requirements:

a) Development that would be in accordance with any Structure Plan is in effect for the subject land. Where Council has determined that a Structure Plan is required but one is not in effect, an application for development will only be granted approval if Council determines that development will not prejudice the future establishment and operation of any Structure Plan;
AMD 171 GG 10/02/17

b) Sufficient capacity exists in all necessary public utility services to adequately meet the needs of the development;

c) Development that would meet relevant requirements of any adopted Local Planning Policy that relates to residential zoned land with a split density coding, including but not limited to the drainage of stormwater, water conservation measures and building requirements for dwellings potentially affected by transport-related noise. *AMD 111 GG 22/10/10*

4.3.2 Split Density Code – Subdivision

Council will base its recommendations in respect to applications for subdivision of land depicted on the Scheme Map with a split residential density code in accordance with the development requirements set out in clause 4.3.1. *AMD 111 GG 22/10/10*

4.3.3 Town Planning Scheme No. 20

The provisions of clause 4.3.1 and 4.3.2 do not apply to land with a split residential density code in the Town Planning Scheme No. 20 area. *AMD 111 GG 22/10/10*

4.3.4 Requirement for Sewerage

Subject to the provisions of clause 4.3.3, all residential development shall be connected to a comprehensive reticulated sewerage system.

4.3.5 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

4.3.6 Grouped and Multiple Dwellings

Notwithstanding the provisions of the R-Codes, the Council may, at its discretion, refuse to grant planning approval for a development involving grouped or multiple dwellings where the Council considers: *AMD 129 GG 1/11/13*

a) the proposed development would prejudice the potential of the coordinated road pattern for the area to serve the surrounding properties;

b) the proposed development would circumvent the provision of normal subdivisional requirements such as road access, drainage, open space and/or the provision of other infrastructure.

The Council may, alternatively, grant planning approval for such development subject to such conditions as may be necessary to provide for satisfactory street access, drainage, open space and/or other infrastructure, and in accordance with the provisions of the R-Codes. *AMD 129 GG 1/11/13*

4.3.7 Corner Lots *AMD 142 GG 19/12/14*

a) Where a building, is to be constructed on a corner lot the minimum setback required to the street alignment shall be in accordance with the R-Codes providing that sight lines accord with the Austroad *Guide to Traffic Engineering Practice*. *AMD 111 GG 22/10/10; AMD 129 GG 1/11/13*

b) For land within the 'Residential' zone or 'Residential Development' zone, the Council may support development or subdivision to a maximum density of R30 where the lot is located on a corner, complies with the provisions of the R30 density coding, an approved development approval and any related Local Planning Policy. *AMD 171 GG 10/02/17*

4.3.8 Communications Equipment *AMD 22 GG 25/5/04*

In addition to the “Deemed to Comply” provisions of the R-Codes, antennae, aerials and satellite receiving dishes on residential properties (which are not exempt under Town Planning Scheme No. 6) must be ground mounted with a maximum permitted dimension of 3.0 metres, and adequately screened at ground level from view of neighbouring properties. Screening measures may include some or all of the following: *AMD 129 GG 1/11/13; AMD 171 GG 10/02/17*

a) establishment of mature fast growing plantings;

b) construction of independent lattice screening inside the property boundaries;

c) plantings of fast growing creepers to cover the lattice; or

d) painting the dish and/or lattice structure to blend in with the surrounding visual background.

4.3.9 Privacy Screening *AMD 22 GG 25/5/04*

In addition to the "Deemed to Comply" provisions of the R-Codes, where privacy screening exceeding 2 metres in height above natural ground level is required or proposed, it shall be setback from the relevant property boundary in accordance with Table 1, 2a and 2b or Figure 3 of the R-Codes. *AMD 129 GG 1/11/13; AMD 171 GG 10/02/17*

4.4 RESTRICTIVE COVENANTS

4.4.1 Subject to clause 4.4.2, 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 R-Codes which apply under the Scheme. *AMD 129 GG 1/11/13*

4.4.2 Where clause 4.4.1 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 4.4.1, 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 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2. *AMD 171 GG 10/02/17*

4.4.3 Where a particular development or subdivision of land in the Scheme area beneficial to the local government as a whole is impeded by a restrictive covenant, the restrictive covenant may be varied or extinguished by an amendment to the Scheme that informs all parties with an interest in the restrictive covenant and enters particulars of the benefited and burdened land and restrictive covenant under the headings of Schedule 9. *AMD 72 GG 3/6/08*

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 Except for development in respect of which the R-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. *AMD 129 GG 1/11/13*

4.5.2 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 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2; and *AMD 171 GG 10/02/17*

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

4.5.3 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 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2; and *AMD 171 GG 10/02/17*

b) 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.

4.6 ENVIRONMENTAL CONDITIONS

4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 6 of the Scheme.

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

4.6.3 The local government is to:

a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; 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.

4.7 RESIDENTIAL ZONES

For the purpose of the Scheme, residential zones consist of the Residential and Residential Development zones.

4.7.1 Non-Residential Development in the Residential Zone

Non-Residential Development in the Residential zones shall conform with the provisions of Section 1.5 - Setback Requirements and the maximum plot ratios prescribed in Table 1, of the R-Codes, applicable to the density code afforded to the lot by the Scheme. *AMD 22 GG 25/5/04; AMD 129 GG 1/11/13*

4.7.2 Home Occupations

Subject to the provisions of the Scheme, where the Council grants planning approval to carry on a home occupation, the following provisions shall apply:

a) the approval shall be personal to the applicant and shall not be transferred or assigned to any other person;

b) the person(s) to whom approval is given by the Council to carry on a home occupation shall not after the granting of that approval carry on the home occupation, at any premises other than the land in respect of which the Council's approval was granted; and

c) if a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may revoke its approval, where either or:

(i) the applicant is not complying with conditions of approval;

(ii) the nature of nuisance or annoyance has been verified; and

(iii) the applicant has not rectified the source of nuisance, annoyance or non-compliance within 7 days of written notification;

after which no person shall carry on a home occupation on that land without the further approval of the Council.

4.7.3 Parking of Commercial Vehicles

No person shall park, or cause to be parked or permit to be parked any commercial vehicle on any lot within the Residential zones without the planning approval of Council.

Subject to the provisions of the Scheme, where the Council grants approval to park a commercial vehicle, the following provisions shall apply:

a) the approval shall be personal to the applicant and shall not be transferred or assigned to any other person;

b) the person(s) to whom approval is given by the Council to park a commercial vehicle shall not after the granting of that approval park a commercial vehicle, at any residential premises other than the land in respect of which the Council's approval was granted; and

(c) if a vehicle has been parked with the approval of the Council and if, in the opinion of the Council, such vehicle is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may revoke its approval, where either, or:

(i) the applicant is not complying with conditions of approval;

(ii) the nature of nuisance or annoyance has been verified; and

(iii) the applicant has not rectified the source of nuisance, annoyance or non-compliance within 7 days of written notification;

after which no person shall park a commercial vehicle upon that land without the further approval of Council.

4.7.4 Home Stores

The Council shall not approve a development comprising a home store in the Residential zones unless:

(a) the construction of an attached residence is carried out on the same lot in conjunction with the home store;

b) the occupier of the home store is also the occupier of the attached residence;

c) advertisement signs on the lot are restricted, in terms of size and location, to the satisfaction of the Council, in order that the amenity of the neighbourhood is not detrimentally affected;

d) landscaping is to be carried out to the specification and satisfaction of the Council;

e) the design of the home store is such as to allow conversion of the building to a single dwelling in the event of the use ceasing;

f) the retail floor space in the home store does not exceed an area of $100m^2$; and

g) the design of the home store is to the satisfaction of the Council in order that the residential amenity of the neighbourhood is preserved.

4.8 COMMERCIAL ZONES

For the purposes of the Scheme, Commercial zones are those listed in Table No. 2A. The requirements of Table No. 2A shall form part of the requirements of this clause.

4.8.1 Use of Front Setbacks

The front setback area, including secondary street setback, shall not be used for any purpose other than one or more of the following:

a) a means of access;

b) the daily parking of vehicles used by employees and customers or clients;

c) the loading and unloading of vehicles;

d) trade display, subject to planning approval; and

e) landscaping.

No such area shall be used for the storage of machinery, equipment or for the storage of products for display or sale other than as provided for under sub-paragraph (d) above.

4.8.2 Façades

Unless otherwise determined by the Council, any building shall comply with the following requirements:

a) each façade of the building shall be constructed of masonry, concrete or glass or a combination of one or more of those materials or similar materials as approved by the Council; and

b) where the bottom 2 metres is masonry, Council may approve the use of metal, timber or other panelling above the masonry base.

4.8.3 Commercial Development Adjoining Residential Zones

On any land which is zoned for Commercial purposes and which adjoins land zoned for residential purposes, the commercial development shall be screened from the abutting residential land by a masonry or similarly constructed wall or fence not less than 2 metres in height and by trees and shrubs to the satisfaction of the Council.

4.8.4 Mixed Residential/Commercial Development and Residential Development in Commercial Zones

Where a mixed residential/commercial or residential development is proposed in a commercial zoned area the following provisions shall apply:

a) Where an application for planning approval proposes residential development in a commercial zoned area, Council shall have regard to:

(i) The character of the area and the need to protect commercial uses from undue influences or restrictions resulting from residential occupation;

(ii) The suitability of the area for residential development with reference to the level of amenity and/or conflict between residential and commercial uses, acknowledging that residential uses in a commercial zone should expect a different level of amenity to that available in a residential area; and

(iii) The provisions of the R-Codes at the R80 density code and the objectives of the Scheme. *AMD 129 GG 1/11/13*

b) Where an application for planning approval proposes residential uses to be developed in conjunction with commercial uses, Council will require:

(i) Readily identifiable addresses and entry points for the residential uses, provided separately from the other uses on the site.

(ii) All necessary rubbish bin areas, letterboxes, drying areas and similar facilities and services to be clearly separated between the residential and commercial uses.

(iii) An appropriate level of amenity and security for all uses, with development being designed to avoid problems such as overlooking, overshadowing and disturbances from the commercial component of the development.

(iv) Favourable solar orientation for the residential component.

(v) Car parking for the residential component is to be provided as required under the R-Codes. Car parking for the commercial component is to be provided in accordance with Table 3A – Parking Standards of the Town Planning Scheme. Generally car parking for residential uses are to be separated from commercial uses.
AMD 129 GG 1/11/13

(vi) In general, open space shall be provided for residential uses as required under the provisions of the R-Codes at the R80 density code. For the purposes of calculating the amount of required open space for single houses and grouped dwellings, the 'site' area shall be that portion of the land set aside for residential purposes.
AMD 22 GG 25/5/04; AMD 129 GG 1/11/13

c) Council may use the "Gosnells Town Centre Development Policy" in the assessment and consideration of any mixed residential/commercial or residential development proposals within any commercial zone.
AMD 65 GG 3/6/08

d) Where residential development is proposed to be located in commercial zones or mixed with commercial development, Council may vary any provision of the R-Codes it deems necessary to achieve a suitable standard of development. Where such discretion is exercised, the Council may require the proposal to be advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2.
AMD 129 GG 1/11/13; AMD 171 GG 10/02/17

4.8.5 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

4.9 INDUSTRIAL ZONES

For the purposes of the Scheme, Industrial zones are those listed in Table No. 2B. The requirements of Table No. 2B shall form part of the requirements of this clause.

4.9.1 Use of Front Setbacks

The front setback area, including secondary street setback, shall not be used for any purpose other than one or more of the following:

a) a means of access;

b) the daily parking of vehicles used by employees and customers or clients;

c) the loading and unloading of vehicles;

d) trade display, subject to planning approval; and

e) landscaping.

No such area shall be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture, other than as provided for under sub-paragraph (d) above.

4.9.2 Industrial Units

The construction, occupation and use of industrial units shall comply with the requirements and standards set out in Table No. 2B and the following requirements unless otherwise determined by Council:

a) no industrial unit shall have a floor area of less than 90m^2 nor shall it be so constructed that either its width or length is less than 6 metres;

b) subject to sub-paragraph (e) of this sub-clause, there shall be an open yard appurtenant to each industrial unit, being not smaller than one third of the gross leasable area of the industrial unit, and such open yard shall be used for storage and services purposes;

c) each open storage yard shall be screened from view from any public road by a closed fence or wall of not less than 1.8 metres in height;

d) provision shall be made for a refuse storage area in the open storage yard of each industrial unit which shall not be less than 9m^2 in area;

e) the Council may waive the requirements for an open storage area as set out in paragraph (b) above, provided a centrally located refuse storage area is erected in such a position that vehicles have direct access to it by a paved internal service road and such a centralised refuse storage area shall:

(i) contain an area of 6m^2 for each industrial unit or 24m^2 in total, whichever is the greater;

(ii) be enclosed in a reinforced masonry or concrete wall not less than 1.8 metres in height with a lockable gate system;

(iii) contain a concrete floor fitted with drainage;

f) all internal service roads shall be constructed so that motor vehicles may return to a street without reversing; and

g) all vehicle and service access roads shall be paved and maintained in a good condition.

4.9.3 Façades

Unless otherwise determined by the Council, any building shall comply with the following requirements:

a) each façade of the building shall be constructed of masonry concrete or glass or a combination of one or more of those materials or similar materials as approved by the Council; and

b) where the bottom 2 metres is masonry, Council may approve the use of metal, timber or other panelling above the masonry base.

4.9.4 Industrial Development Adjoining Residential Zones

On any land which is zoned for industrial purposes and which adjoins land zoned for residential purposes, the industrial development shall be screened from the abutting residential land by a masonry or similarly constructed wall or fence not less than 2 metres in height and by trees and shrubs to the satisfaction of the Council.

4.9.5 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

4.10 COMPOSITE RESIDENTIAL/LIGHT INDUSTRY ZONE

4.10.1 General Requirements

On any lot situated within the Composite Residential/Light Industry Zone, no person shall:

a) develop, establish, continue or allow to be developed or established an industry or business use unless a dwelling is erected first and forms an integral part of the development;

b) develop, establish, continue or allow to be developed or established an industry or business use within the first 35 metres and extending the full width of the lot from the residential frontage, such part of the land as this is required to be set aside exclusively for residential purposes and access unless the lot is a corner lot or is irregular in shape in which case Council shall determine the area to be used for industry or business;

c) allow a dwelling to be occupied by any person other than the owner or manager or an employee of the industrial or business use;

d) use or permit to be used an area in excess of 2,500m^2 for industrial or business use, including open storage buildings, yards, vehicle movement areas, unless otherwise approved by Council;

e) establish or permit to be established more than one industry or business use to operate from each lot;

f) develop or allow the development of a residence without providing vehicle access with a minimum width of 5 metres to the area approved for industrial or business use;

g) allow the direct discharge of run off, of surface water or the direct discharge of wastes into water courses or associated drainage reserves unless such discharge is passed through a settling and screening system to the satisfaction of Council; and

Unless otherwise determined by the Council, the development or use of land or buildings shall not be commenced without planning approval of the Council and the Council may impose conditions including but not restricted to:

a) where applicable the reservation of land along water courses for drainage and open space purposes;

(b) the siting of the dwelling to provide a residential aspect to the frontage;

(c) the siting and fencing of the industrial development to screen it from view from residential zoned land and abutting public places, roads and properties;

(d) the prohibition of advertising signs within landscaped areas.

4.10.2 Setbacks

The required boundary setback in respect of any residential development shall accord with the requirements of the R-Codes for development at the R17.5 density code. Subject to the requirements of sub-paragraph (b) of clause 5.10.1, the setback to any building used for industrial or business purposes shall be in accordance with the requirements of Table No. 2B applicable to the Light/General Industry zones.

AMD 129 GG 1/11/13

4.10.3 Industrial Development Adjoining Residential Zones

On any land which is used for industrial purposes and which adjoins land zoned for residential purposes the industrial development shall be screened from the abutting residential land by a masonry or similarly constructed wall or fence not less than 2 metres in height and by trees and shrubs to the satisfaction of the Council.

4.10.4 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

4.10.5 Parking

Car parking shall be provided for each of the activities on the site in accordance with the standards contained in Table No. 3A. and 3B.

4.11 RURAL ZONES

For the purposes of the Scheme, Rural zones are the General Rural, Special Rural and Kennel zones as listed in Table No. 2C. The requirements of Table No. 2C shall form part of the requirements of this clause.

4.11.1 General Requirements

In any of the Rural zones, residential development shall be restricted to a maximum of one single dwelling per lot.

When considering an application for planning approval in any of the Rural zones, Council will have regard to any potential conflict with existing uses in the locality and to the purpose and intent of the zone in which the development is proposed.

4.11.2 Development in Unsewered Areas

Where connection to a comprehensive reticulated sewerage system is not available, no development with an on-site effluent disposal in excess of that of a single house or single residential equivalent, shall be approved unless the proposed development is in accordance with the provisions of the Government Sewerage Policy.

4.11.3 Parking of Commercial Vehicles

No person shall park, or cause to be parked or permit to be parked any commercial vehicle on any lot within any Rural zone (unless the vehicle is specifically used as an integral part of the rural activity of that lot) without the planning approval of Council:

Subject to the provisions of the Scheme, where the Council grants planning approval to park a commercial vehicle, the following provisions shall apply:

a) the approval shall be personal to the applicant and shall not be transferred or assigned to any other person;

b) the person(s) to whom approval is given by the Council to park a commercial vehicle shall not after the granting of that approval park a commercial vehicle, at any residential premises other than the land in respect of which the Council's approval was granted; and

c) If a vehicle has been parked with the approval of the Council and if, in the opinion of the Council, such vehicle is causing a nuisance or annoyance to neighbours or owners or occupiers of land in the neighbourhood, the Council may revoke its approval, where either, or:

(i) the applicant is not complying with conditions of approval;

(ii) the nature of nuisance or annoyance has been verified; and

(iii) the applicant has not rectified the source of nuisance, annoyance or non-compliance within 7 days of written notification;

after which no person shall park a commercial vehicle upon that land without the further approval of Council.

4.11.4 Land Management

a) Any persons who keeps an animal or animals shall take 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 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 rising or soil erosion.

b) Where, in the opinion of Council, land in any of the Rural zones is being grazed or stocked in such a manner as to cause topsoil to be exposed and/or trees to be ring-barked to the general detriment of the rural character and good management of the area, the matter may be referred to the Agriculture Western Australia, a competent statutory or non-statutory body or a qualified person for investigation and recommendation.

Having regard to the recommendations, Council may order the reduction or removal of stock and/or the protection of trees by fencing or lattice binding, and failure to comply with such an order shall constitute an offence under the Act.

4.11.5 Special Rural Requirements

For the consideration of the development and use of land zoned Special Rural the relevant provisions specified in Schedule 11 shall apply, in addition to the relevant provisions of clause 4.11.

When considering an application for planning approval in the Special Rural zone, Council shall have regard to, and may impose conditions relating to, the following:

a) potential impacts on existing native vegetation, natural ground levels and on rural character and landscape;

b) the possible retention of all trees with a trunk girth of 500mm or greater, measured 1 metre above natural ground level, and/or over 3 metres high above natural ground;

c) the need to remove trees and vegetation to provide for firebreaks, access, fencing and an envelope for buildings, outbuildings and effluent disposal systems and the need for clearing of vegetation for any other purpose. The removal of trees and saplings in order to comply with firebreak regulations is deemed to have planning approval.

4.11.6 Kennels Requirements *AMD 26 GG 11/6/04*

Notwithstanding the requirements of Table 2C, when considering an application for subdivision within the Kennels zone, the minimum lot size shall be 4,000m^2 with a minimum effective lot frontage of 30 metres.

When considering an application for planning approval in the Kennels zone, Council shall have regard to, and may impose conditions, relating to the following:

a) the retention of native trees and shrubs.

b) with respect to corner lots, the primary and secondary streets shall be determined by Council.

c) to ensure the visual amenity of the area, kennels shall be screened from view from the road.

4.12 CONTROL OF ADVERTISEMENTS

4.12.1 General

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior planning approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs Local Law.

Applications for planning approval pursuant to this Part shall be submitted in accordance with the provisions of Part 8 of the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2. *AMD 171 GG 10/02/17*

4.12.2 Existing Advertisements

Advertisements which:

a) were lawfully erected, placed or displayed prior to the approval of this Scheme, or;

b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme;

hereinafter in this clause referred to as "existing advertisements", may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

4.12.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

4.12.4 Scheme to Prevail

Where the provisions of this clause are at variance with the provisions of the Council's Signs Local Law, the provisions of the Scheme shall prevail.

The offences and penalties specified in the Act apply to the advertiser in this Part. *AMD 171 GG 10/02/17*

4.13 VEHICLE PARKING AND ACCESS

4.13.1 Car Parking Requirements

Unless otherwise provided by the Scheme, all non-residential development (other than a Residential Building) is required to provide concrete or bitumen sealed, kerbed, marked and drained onsite car parking in accordance with the requirements in Table No's. 3A and 3B. All residential development is to comply with the car parking requirements of the R-Codes. *AMD 129 GG 1/11/13*

Where a development is not specified in Table No. 3A the Council shall determine car parking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety, convenience and amenity standards.

4.13.2 Cash-in-Lieu of Car Parking

As an alternative to clause 4.13.1, and subject to Council approval, a cash-in-lieu payment, to the equivalent cost of providing the required car parking plus the value of the area of land which would have been occupied by the spaces, may be paid to the Council. This payment is to be paid into a fund set aside by Council for the purposes of proving public car parking areas, in the locality of the land the subject of the development proposal.

Where the amount of cash-in-lieu payable cannot be agreed it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985 or some other method agreed upon by Council and the developer.

4.13.3 Variations to Car Parking Requirements

Where the Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of car parking spaces required by clause 4.13.1.

Where the Council is of the opinion that it is necessary to increase the required number of car parking spaces in order to maintain desirable standards of safety, convenience and amenity, such extra car parking spaces as Council considers necessary shall be provided. In imposing such extra car parking requirements, the Council shall explain the reasons for the increase to the owner of the lot.

4.13.4 Shared Car Parking

Where there are two separate and different developments with different hours of peak operation, but being located on the same lot or adjoining lots, the Council may permit a reduction of the required number of car parking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety, convenience and amenity standards and there is agreement to the reciprocal use of some or all car parking bays.

Where a proposed development is located adjacent to a constructed public car park, the Council may, where it is satisfied there would be no lowering of safety, convenience and amenity standards, reduce the amount of required onsite car parking for that development by the amount which it considers the public car park serves the development. Council may also require a cash-in-lieu payment to the value referred to in clause 4.13.2.

4.13.5 Design and Maintenance of Car Parking

When considering any application for planning approval the Council shall have regard to and may impose conditions concerning:

a) the proportion of car parking bays to be roofed or covered and the design criteria of this covering;

b) the proportion of car parking bays to be below natural ground level or on the roof of buildings and the design criteria of these structures;

c) the means of access to each car parking bay and the adequacy of any vehicular manoeuvring area;

d) the location of the car parking bays and the impact upon the aesthetic character of adjoining development, including the potential effect if those spaces should later be roofed or covered;

e) the extent to which car parking bays are located within required building setbacks;

f) the location of proposed public footpaths, vehicular crossings, and private footpaths within the lot, and the effect of both pedestrian and vehicular traffic movements and safety, and /or;

g) materials for the sealing, paving and kerbing of car park surfaces, associated islands and pedestrian spaces and the landscaping of these areas.

The owner and occupier of premises on which car parking bays are provided shall ensure that the car park, its markings, associated structures, landscaping and drainage are provided and maintained to the satisfaction of Council.

4.13.6 Disabled Car Parking Bays

Council shall ensure the provision and location of car parking bays designed to accommodate people with disabilities, and vehicles designed for use by disabled persons, as required by the Building Code of Australia and relevant Australian Standards.

4.13.7 Dimensions of Car Parking

4.13.7.1 The dimensions of car parking bays, parking angles and carriageway widths specified in Table No. 3B shall be used by Council in determining the layout of car parking areas.

4.13.7.2 The minimum dimensions of an oversized vehicle parking bay shall be 9 metres x 3 metres.

4.13.8 Alternative Vehicle Parking

Council may require developments to include parking and access arrangements for:

a) bicycles;

b) motor cycles;

c) gophers.

Council shall have regard to the nature of the proposed use, and its likely generation of such traffic, in determining the requirement for alternative vehicle parking.

4.14 ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

AMD 164 GG 24/01/17

(1) Schedule 10 sets out requirements relating to development that are additional to those set out in the R-Codes, an activity centre plans, local development plans or State or local planning policies.

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

TABLE NO. 2A: COMMERCIAL ZONES
SETBACK AND LANDSCAPING REQUIREMENTS

Zone	Minimum Setbacks		Minimum Landscaping	Other Requirements
	Front	Rear/Side		
Regional Centre	Subject to design requirements of the Council	Subject to design requirements of the Council	1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays. 2. Screen landscaping as required by Council. 3. Paving and garden areas as required by Council. 4. Where practicable and environmentally acceptable, landscaped areas are to be designed to accommodate the recharge of stormwater run-off from all paved areas.	1. Where the site adjoins land zoned Residential, the side and rear setbacks shall accord with those applicable to the Residential land. 2. Safe and convenient pedestrian access shall be provided for adjacent to any public entrances to buildings and from customer parking areas.
District Centre	Subject to design requirements of the Council	Subject to design requirements of the Council		
Local Centre	Subject to design requirements of the Council	Subject to design requirements of the Council		
Office	9m primary 3m secondary	Subject to design requirements of the Council		
Mixed Business	Subject to design requirements of the Council	Subject to design requirements of the Council		
Highway Commercial	15m primary 4.5m secondary	Subject to design requirements of the Council		

TABLE NO. 2B: INDUSTRIAL ZONES
SETBACK AND LANDSCAPING REQUIREMENTS

Zone	Minimum Setbacks		Minimum Landscaping
	Front	Rear/Side	
Light Industry General Industry	15m primary 4.5m secondary	Subject to Building Code of Australia	3m abutting all streets, except for approved crossovers.
Extractive Industry	50m	50m	20m abutting all boundaries.

TABLE NO. 2C: RURAL ZONES
SETBACK AND LANDSCAPING REQUIREMENTS

AMD 26 GG 11/6/04

Zone	Minimum Setbacks		
	Front	Rear	Side
General Rural Special Rural	15m primary 15m secondary	3m	3m
Kennels	10m dwellings 30m kennels 15m outbuildings	20m dwellings 10m kennels 3m outbuildings	5m dwellings 10m kennels 3m outbuildings

TABLE NO. 3A: PARKING STANDARDS

Development (Use)	Parking Requirement (Number of Bays)
Caravan Park	1 space per caravan or camp site, plus 1 space for every employee.
Caretaker's Dwelling	2 spaces (as for Single House under the R-Codes) *AMD 129 GG 1/11/13*
Child Care Premises	1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Cinema or Theatre	1 space for every 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 2.5m^2 net seating area, whichever is the greater
Civic Use	1 space for every 4 persons the facility is designed to accommodate
Club Premises	1 space for every 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 4m^2 used for tables and chairs, whichever is the greater
Consulting Rooms	4 spaces for every consulting room.
Convenience Store	1 space for every 15m^2 net lettable area, plus Service Station requirements
Display Home Centre	5 spaces per display home
Educational Establishment - Pre-Primary - Primary School - Secondary School - Tertiary Institution	 1 space for every staff member, plus 1 space for every 2 students 1 space for every staff member, plus 14 drop-off spaces for every 100 students (may include on-street spaces) 1 space for every staff member, plus 7 drop-off spaces for every 100 students (may include on-street spaces) 1 space for every staff member, plus 1 space for every 5 students
Fast Food Outlet	1 space for every 2.5m^2 queuing area with a minimum of 4 spaces, plus 1 space for every 5m^2 seating area, plus 4 car queuing spaces for any drive through facility.
Funeral Parlour	1 space for every 4 persons for which any assembly area is designed, or 1 space for every 2.5m^2 seating area, whichever is greater, plus 1space for every staff member. Minimum 4 spaces
Homestore	1 space for every 15m^2 net lettable area with a minimum of 4 spaces, plus requirements under the Residential Design Code for a single house *AMD 129 GG 1/11/13*
Hospital	1 space for every 4 patients beds plus 1 space for each staff member on duty at any one time
Hotel, Motel or Tavern	1 space for every 2m^2 of bar area, plus 1 space for every 4m^2 of lounge or beer garden area; 1 space for every 4 seats which an eating area is designed to provide or 1 space for every 4m^2 of eating area, whichever is the greater 1 space for every 4 seats provided in assembly area, or 1 space for every 2.5m^2 of assembly seating area, whichever is the greater 1 space for each bedroom or residential unit.
Industry – General	1 space for every 100m^2 open space used for such purposes, plus 1 space for every 100m^2 gross floor area, plus 1 space for each employee Minimum 4 spaces per tenancy or unit
Industry – Light	1 space for every 100m^2 open space used for such purposes, plus 1 space for every 100m^2 gross floor area, plus 1 space for each employee Minimum 4 spaces per tenancy or unit

Development (Use)	Parking Requirement (Number of Bays)
Industry – Rural	1 space for every employee not living on the site Minimum 4 spaces
Kennel and cattery	1 space for every 10 animals the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Lunch Bar	1 space for every 15m^2 gross leasable area Minimum 4 bays
Motor Vehicle, Boat or Caravan Sales	1 space for every 100m^2 display area, plus 1 space for every employee. Minimum 4 spaces
Motor Vehicle Repair	4 spaces to each working bay, or 1 space for every 50m^2 gross floor area, whichever is the greater, plus 1 space for every person employed on site
Night Club	1 space for every 2m^2 of public bar area, plus 1 space for every 4m^2 of lounge/garden area
Nursing Home	1 space per 4 beds, plus 1 space for every staff member present at any one time
Office	1 space for every 30 m^2 net lettable area, Minimum 4 spaces per tenancy or office unit. plus 1 space for every 10m^2 net lettable area open to the public
Place of Assembly or Worship	1 space for 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 2.5m^2 seating area, whichever is the greater
Recreation - Private Gym/Health Studio Other Spectator Seating Staff	1 space for every 10m^2 net floor area 1 space for every 20m^2 active area 1 space for every 4 seats provided 1 space for every staff member present during peak operation
Residential Building	1 space for every 4 persons the building is designed to accommodate, plus 1 space for every staff member present at any one time
Restaurant, Café or Reception Centre.	1 space for every 4 seats or 1 space for every 4 persons the building is designed to accommodate or 1 space for every 4m^2 seating area, whichever is the greater, plus 1 space for every staff member present at any one time
Service Station	4 spaces for every working bay, plus 1 space for every person employed on site
Shop	1 space for every 15m^2 net lettable area (6.7 spaces per 100m^2 NLA) Minimum 4 spaces
Shopping Centre	6 spaces for every 100m^2 net commercial floorspace* provided the individual tenancies share a common parking area, and the Centre has a total floorspace of at least 1000m^2 net lettable area * Net commercial floorspace includes net lettable area and any other areas used for commercial activities such as food halls
Showroom	1 space for every 50m^2 gross leasable floor area Minimum of 4 spaces per tenancy or unit
Transport Depot	1 space for every 100m^2 gross floor area, or 1 space for every employee, whichever is the greater Minimum 4 spaces
Veterinary Hospital or Clinic.	4 spaces per veterinary practitioner, plus 1 space for every 10 animals the facility is designed to accommodate
Warehouse	1 space for every 100m^2 gross floor area, plus 1 space for every employee. Minimum 4 spaces for every tenancy or unit.

TABLE NO. 3B: PARKING DESIGN REQUIREMENTS

Parking Angle	Width of Bay*	Depth of Bay	Aisle Width*		Distance Along Kerb	Kerb Overhang	Total Depth	
			1 way	2 way			1 way	2 way
90°	2.5m	5.4m	6.2m	6.2m	2.5M	0.7m	11.6m	11.6m
	2.7m	5.4m	5.8m	5.8m	2.7M	0.7m	11.2m	11.2m
	2.9m	5.4m	5.4m	5.8m	2.9M	0.7m	10.8m	11.2m
60°	2.5m	5.7m	4.6m	5.8m	2.9M	0.6m	10.3m	11.5m
	2.7m	5.7m	4.2m	5.8m	3.1M	0.6m	9.9m	11.5m
	2.9m	5.7m	4.0m	5.8m	3.3M	0.6m	9.7m	11.5m
45°	2.5m	5.3m	3.7m	5.8m	3.5M	0.5m	9.0m	11.1m
	2.7m	5.3m	3.3m	5.8m	3.8M	0.5m	8.6m	11.1m
	2.9m	5.3m	2.9m	5.8m	4.1M	0.5m	8.2m	11.1m
30°	2.5m	4.4m	2.9m	5.8m	5.0M	0.3m	7.3m	10.2m
	2.7m	4.4m	2.9m	5.8m	5.4M	0.3m	7.3m	10.2m
	2.9m	4.4m	2.9m	5.8m	5.8M	0.3m	7.3m	10.2m
0°	2.5m	2.5m	3.0m	5.8m	6.3M	0.0m	5.4m	8.3m
	2.5m	2.5m	3.3m	5.8m	6.1M	0.0m	5.8m	8.3m
	2.5m	2.5m	3.6m	5.8m	5.9M	0.0m	6.1m	8.3m

* Unless otherwise approved by Council, parking design shall be based on a standard bay width of 2.5 metres

1. Bays situated adjacent to walls or other obstructions which affect door opening, shall be increased in width by 0.3m on the side of the obstruction.

2. The length of parallel parking bays may be reduced to 5.4m for end bays where free access is available.

3. For blind aisles, an aisle extension of 2m shall be provided to facilitate access.

PART 5 - SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREAS
AMD 165 GG 30/12/16

5.1.1 The following special control areas are shown on the Scheme Maps:

(a) Gosnells Town Centre

(b) Nicholson Road Centre *AMD 28 GG 22/6/04*

(c) Development contribution areas shown on the Scheme Map as DCA with a number and included in Schedule 8
AMD 59 GG 6/7/07; AMD 111 GG 22/10/10; AMD 122 GG 1/11/13

(d) Homestead Road Precinct *AMD 83 GG 1/5/09*

(e) Density Bonuses – Corner Lots – Maddington / North Gosnells.
AMD 112 GG 04/11/11

(f) Maddington Kenwick Strategic Employment Area – Precinct 3A – subject to structure planning

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

5.2 GOSNELLS TOWN CENTRE

5.2.1 In considering applications for planning approval within the Gosnells Town Centre, the Council shall have regard for the: *AMD 65 GG 3/6/08*

a) Gosnells Town Centre Development Policy

and any other planning policy formally adopted or amended by Council over the Gosnells Town Centre. *AMD 171 GG 10/02/17*

5.3 NICHOLSON ROAD CENTRE
AMD 28 GG 22/6/04

In considering applications for planning approval within the Nicholson Road Centre, the Council shall have regard for the Nicholson Road Centre Urban Design Guidelines (adopted in Minute OCM 25/2/2003 89) and any other planning policy formally adopted or amended by Council over the Nicholson Road Centre. *AMD 171 GG 10/02/17*

5.4 DEVELOPMENT CONTRIBUTION AREAS
AMD 122 GG 6/11/13; AMD 171 GG 10/02/17

5.4.1 Interpretation

In clause 5.4, unless the context otherwise requires -

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

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

'Cost apportionment schedule' means a schedule prepared and distributed in accordance with Clause 5.4.10.

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

'Development contribution area' means the area shown on the scheme map as DCA with a number and included in Schedule 8.

'Development contribution plan' means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this Clause 6 of the Scheme (as summarised in Schedule 8 to this Scheme).

'Development contribution plan report' means a report prepared and distributed in accordance with Clause 5.4.10.

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

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

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

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

5.4.2 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; and

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.

5.4.3 Development contribution plan required

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

5.4.4 Development contribution plan part of scheme

Each development contribution plan is to be summarised in Schedule 8 as part of this scheme.

5.4.5 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 the nexus

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

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 of 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.

5.4.6 Content of development contribution plans

5.4.6.1 The development contribution plan is to specify -

(i) the development contribution area to which the development contribution plan applies;

(ii) the infrastructure and administrative items to be funded through the development contribution plan;

(iii) the method of determining the cost contribution of each owner; and

(iv) the priority and estimated timing for the provision of infrastructure.

5.4.7 Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.

5.4.8 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) existing government primary and secondary schools; and

d) such other land as is set out in the development contribution plan,

is to be excluded.

5.4.9 Development contribution plan report and cost apportionment schedule

5.4.9.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule, to all owners in the development contribution area.

5.4.9.2 Prior to adopting the development contribution plan report and cost apportionment schedule pursuant to Clause 5.4.9.1, Council is to consider a draft development contribution plan report and cost apportionment schedule and, if satisfied with the report and schedule, seek comment on the documents from affected landowners for a period of 42 days.

5.4.9.3 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.

5.4.9.4 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under Clause 5.4.10.

5.4.10 Estimated Cost Contributions and Review

5.4.10.1 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.

5.4.10.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least once every 12 months by the local government -

(i) in the case of land to be acquired, in accordance with Clause 5.4.11; and

(ii) in all other cases, in accordance with the best and latest information available to the local government,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

5.4.10.3 The local government is to have all estimated infrastructure costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.

5.4.10.4 Where any cost contribution has been recalculated on the basis of an actual cost or revised estimated cost, the local government -

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

(ii) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

5.4.10.5 Where an owner's cost contribution is adjusted under Clause 5.4.10.4, 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.

5.4.10.6 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 appropriately qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

5.4.10.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined -

(i) by any method agreed between the local government and the owner, or

(ii) if the local government and the owner cannot agree on a method pursuant to (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.

5.4.11 Valuation

5.4.11.1 Clause 5.4.11 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

5.4.11.2 In clause 5.4.11 -

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

Valuation methodology will be defined for each particular arrangement by the applicable Development Contribution Plan Report.

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

5.4.11.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.

5.4.11.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

5.4.12 Liability for cost contributions

5.4.12.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of Clause 5.4.

5.4.12.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of -

(i) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;

(ii) the commencement of any development on the owner's land within the development contribution area;

(iii) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or

(iv) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

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

5.4.12.3 Notwithstanding Clause 5.4.12.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

5.4.12.4 Where a development contribution plan expires in accordance with Clause 5.4.7, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

5.4.13 Payment of cost contribution

5.4.13.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by -

(i) making a financial payment;

(ii) transferring to the local government or a public authority land in satisfaction of the cost contribution;

(iii) the provision of physical infrastructure;

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

(v) any combination of these methods.

5.4.13.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

5.4.13.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

5.4.14 Charge on land

5.4.14.1 The amount of any cost contribution for which an owner is liable under Clause 5.4.12, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

5.4.14.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under this clause to permit a dealing and may then re-lodge the caveat to prevent further dealings.

5.4.14.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under Clause 5.4.14.

5.4.15 Administration of funds

5.4.15.1 The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

5.4.15.2 Interest earned on cost contributions credited to a reserve account in accordance with Clause 5.4.15.1 is to be applied in the development contribution area to which the reserve account relates.

5.4.15.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

5.4.16 Shortfall or excess in cost contributions

5.4.16.1 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 local government may -

(i) make good the shortfall;

(ii) enter into agreements with owners to fund the shortfall; or

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

(iv) remove one or a number of items of infrastructure from the arrangement.

but nothing in paragraph 5.4.16.1 (a) restricts the right or power of the local government to impose a differential rate or a Specified Area rate to a specified development contribution area in that regard.

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

5.4.17 Powers of the local government

The local government 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 and Development Act 2005*; and

b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

5.4.18 Arbitration

Subject to Clauses 5.4.11.3 and 5.4.11.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by Arbitration in accordance with the *Commercial Arbitration Act 1985*.

5.5 HOMESTEAD ROAD PRECINCT

AMD 83 GG 1/5/09

5.5.1 Subdivision and development undertaken within the Special Control Area will require the provision of infrastructure works and public open space.

5.5.2 The cost of providing certain common infrastructure works, including a drainage pipe upgrade and construction of a roundabout and pathway, and the provision of public open space for local recreation purposes shall be equitably shared by all owners within the Special Control Area.

5.5.3 Prior to subdivision being supported or development being approved within the Special Control Area, Council requires a Development Contribution Plan to be prepared to identify the estimated costs of provision of common infrastructure works, public open space and the associated administration of a Development Contribution Arrangement and the method for the equitable sharing of the costs by owners.

5.5.4 The Developer Contribution Arrangement shall operate in accordance with Schedule 8 of the Scheme.

5.6 MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 3A

AMD 165 GG 30/12/16

5.6.1 Prior to subdivision or development being undertaken within the Maddington Kenwick Strategic Employment Area Precinct 3A Special Control Area a structure plan, or plans, will be required to be prepared and approved over all or part of the Special Control Area for the purpose of Schedule 2 Part 4 clause 15(a)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

5.6.2 Notwithstanding Table 1, the use class of 'Warehouse' as defined in Schedule 1 is designated as a 'P' use within the Special Control Area for the purpose of clause 3.3.

5.6.3 To ensure the identification and protection of significant environmental values within and adjacent to the amendment area, the following information is required to accompany Structure(s) Plan (or subdivision/development applications where a Structure Plan is not required) where planning has the potential to impact significant environmental values.

5.6.3.1 Investigations to determine the water balance and buffer requirements for occurrences of the Threatened Ecological Community and wetland identified as UFI 7635 in the Geomorphic Wetlands Swan Coastal Plain dataset occurring adjacent to the Amendment area, prepared on advice by the Department of Parks and Wildlife and to the satisfaction of the Environmental Protection Authority.

5.6.3.2 A boundary definition study for wetland UFI 7635 prepared on advice by and to the satisfaction of Department of Parks and Wildlife.

5.6.3.3 Local Water Management Strategy(s) informed by the outcomes of the water balance and buffer investigations (where there are potential impacts to significant environmental values) prepared on advice of Department of Parks and Wildlife and responsible authority, to the satisfaction of the Department of Water.

5.6.3.4 Investigations to examine the occurrences of Eucalyptus gomphocephala (Tuart) potentially occurring on Muchea Limestone near Coldwell Road to enable assessment of their significance, prepared on advice of and, to the satisfaction of the Environmental Protection Authority.

5.6.4 To ensure management of the significant environmental values within and adjacent to the Special Control Area, the following information is required to accompany subdivision and development applications:

5.6.4.1 Detailed Vegetation, Wetland and/or Buffer Management Plans for wetland UFI 7635 and occurrences of Threatened Ecological Communities, Declared Rare and Priority Flora and retained areas of significant vegetation including Declared Rare and Priority Flora (where applicable), on advice from Department of Parks and Wildlife and to the satisfaction of the responsible authority.

SCHEDULES

Schedule A	Supplemental Provisions to The Deemed Provisions
Schedule 1	Dictionary of Defined Words and Expressions -
	General Definitions
	Land Use Definitions
Schedule 2	Additional Uses
Schedule 3	Restricted Uses
Schedule 4	Special Use Zones
Schedule 5	Exempted Advertisements
Schedule 6	Environmental Conditions
Schedule 7	Special Rural Zones - Provisions Relating to Specified Areas
Schedule 8	Development Contribution Plans
Schedule 9	Restrictive Covenants
Schedule 10	Additional Site and Development Requirements

SCHEDULE A – SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

AMD 171 GG 10/02/17

Clause 61(1)(k) Outbuildings on rural zoned land that comply with the Scheme setback requirements and the following standards:

Minimum Site Area	***Maximum collective area m²***	***Maximum wall height (m)***	***Maximum building height (m)***
Not exceeding 1.0 ha	*90*	*3*	*4.2*
Between 1.0 ha and 2.0 ha	*120*	*3.6*	*4.8*
Over 2 ha	*150*	*3.6*	*4.8*

Clause 61(1)(l) Any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List, in a heritage area or the Gosnells Town Centre Special Control Area.

Clause 61(1)(m) Small scale receiving and transmission equipment including antennae, aerials and receiving dishes that are no greater than the dimensions specified below:

(i) TV antennae, radio aerials and microwave satellite dishes not exceeding a height of 8.0 metres above natural ground level or a maximum diameter of 2.0 metres.

(ii) Satellite Receiving Dish (solid dish or close weave mesh construction) not exceeding a height of 8.0 metres above natural ground level or a maximum diameter of 1.0 metre.

SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

[cl. 1.7]

1. General definitions *AMD 171 GG 10/02/17*

In the Scheme -

"building envelope" means an area of land within which all buildings and effluent disposal facilities on the lot must be contained; *AMD 171 GG 10/02/17*

"building height" in relation to a building – *AMD 171 GG 10/02/17*

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

"floor area" has meaning given in the Building Code; *AMD 171 GG 10/02/17*

"frontage" in relation to a building - *AMD 171 GG 10/02/17*

(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or *AMD 129 GG 1/11/13*
(b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

"incidental use" means a use of premises which is ancillary and subordinate to the predominant use;

"minerals" has the meaning given in the *Mining Act 1978* section 8(1); *AMD 171 GG 10/02/17*

"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 meaning given in the *Planning and Development Act 2005* section 172; *AMD 171 GG 10/02/17*

"plot ratio" means the ration of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
AMD 129 GG 1/11/13; *AMD 171 GG 10/02/17*

"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;

"retail" means the sale or hire of goods or services to the public;

"wall height" in relation to a wall of a building – *AMD 171 GG 10/02/17*

(a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
(b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

"wholesale" means the sale of goods or materials to be sold by others;

2. Land use definitions

In the Scheme -

"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 - *AMD 7 GG 29/8/03*

(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
(b) the establishment and operation of wholesale 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 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 R-Codes.
AMD 22 GG 25/5/04; AMD 129 GG 1/11/13

"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" means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

"betting agency" means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;

"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 in the *Community Services (Child Care) Regulations 1988*;

"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;

"commercial vehicle" means a vehicle whether licenced or not and which is used, capable of being used, designed to be used or intended to be used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self-propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes; *AMD 31 GG 11/6/04*

"commercial vehicle parking" means the parking of a commercial vehicle on a site, where that vehicle is driven by an occupant of a dwelling on that site as part of their occupation. *AMD 129 GG 1/11/13*

"community purpose" means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations 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;

"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 *Community Services (Child Care) Regulations 1988*;

"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;

"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;

"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;

"industrial unit" means a building or group of buildings on Industrial zoned land that may have separate tenancies and / or uses in operation;

"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 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;
(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 which is subject to licencing as "Prescribed Premises" under the Environmental Protection Act 1986 (as amended);

"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;

"kennels" means any land or buildings used for the boarding, keeping and/or breeding of more than two dogs;

"**liquor store"** means land or buildings the subject of a store license granted under the provisions of the *Liquor Licensing Act 1988* (as amended);

"lunch bar" means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

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

"medical centre" means premises, other than a hospital, used by 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" means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

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

"motor vehicle repair" means premises used for or in connection with -

(a) electrical and mechanical repairs, or overhauls, to vehicles; 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 of motor vehicles;

"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;

"outbuilding" means a non-habitable structure, detached from a dwelling;

"Outdoor Sales" means the use of land as a site for the display and/or sale of goods and equipment. *AMD 24 GG 2/7/04*

"park home park" has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

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

"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;

"residential building" has the same meaning as in the R-Codes; *AMD 129 GG 1/11/13*

"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;

"retail nursery" means premises used for the retailing of horticultural goods such as seeds, seedlings, bulbs, shrubs, trees or other nursery stock and may include as an incidental use, the sale of food and drinks, garden ornaments, herbicides, insecticides, gardening implements, plant containers, bagged fertilisers, bagged manures, bagged sand and bagged mulch. *AMD 7 GG 29/8/03*

"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;

"storage" means premises used 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;

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

"transport depot" means premises used for the parking of a commercial vehicle, where that vehicle is not driven by an occupant of a dwelling on that site as part of their occupation. *AMD 129 GG 1/11/13*

"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.

SCHEDULE 2 - ADDITIONAL USES

[cl. 4.5]

No.	Description of Land	Additional Use	Conditions
*A*1.	Lot 59 (No. 137) Kelvin Road, Maddington	Lunch Bar and Offices	
*A*2.	Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington *AMD 71 GG 6/11/09; AMD 102 GG 26/3/10; AMD 171 GG 10/02/17*	Motor Vehicle, Boat or Caravan Sales; Motor Vehicle Repair; Motor Vehicle Wash,	1. An integrated water management plan shall be required in association with any application for development of Additional Uses on the subject land, in accordance with advice received from the Environmental Protection Authority in respect of Amendment No. 71 to Town Planning Scheme No. 6. 2. All development applications seeking consent to expand the existing uses on site must be accompanied by a Local Development Plan that addresses the following issues: • The location of new buildings in relation to surrounding/ proposed residential development. • Incorporation of suitable measures to ensure that the siting of new buildings will not result in any adverse impacts on the amenity of existing or proposed residential uses by way of noise, illumination, spray drift, or odour. • Incorporation of adequate measures to regulate the bulk, scale, materials and finishes of new buildings to ensure compatibility with existing or proposed residential uses.

SCHEDULE 2 – ADDITIONAL USES (CONT'D)

No.	Description of Land	Additional Use	Conditions
*A*2.	Pt Lot 21 and Lots 201 and 500 Albany Highway, Maddington *AMD 71 GG 6/11/09; AMD 102 GG 26/3/10; AMD 171 GG 10/02/17*	Motor Vehicle, Boat or Caravan Sales; Motor Vehicle Repair; Motor Vehicle Wash Showroom	*Note: proposed residential uses includes areas identified for residential development in a draft or adopted Structure Plan.* Prior to the lodgement of any development application for a Showroom on the land, a Local development plan shall be submitted to and approved by Council for the entire area covered by this additional Use zoning. The local development plan shall address such matters as required by Council, including but not limited to maximum floorspace, building bulk, scale and appearance, landscaping, interface with the adjoining Parks and Recreation Regional Reserve, existing and surrounding uses and access, parking and traffic.
*A*3.	Lot 566 (No. 128) Orchard Road, Maddington	Restaurant and Truck Stop	
*A*4.	Pt Lot 52 Nicholson Road, Canning Vale	Landscape Centre	
*A*5.	Pt Lot 32 (No. 358) Railway Parade, Beckenham *AMD 34 GG 17/6/05*	Delicatessen, Lunch Bar, Bakery and associated carparking Shop,	Limited to 100m^2 net lettable area.
*A*6.	Lot 101 (No. 210) Burslem Drive, Maddington	Pharmacy	
*A*7.	Lot 36 (No. 11) Mildenhall Street, Huntingdale	Storage and display of plants and associated gardening equipment	Excludes bulk unpackaged soil mixes and manures. No packaging of soils or manures.
*A*8.	Lot 508 (No. 1) Mandarin Road, Maddington	Lunch Bar	Maximum of 50m^2 net lettable floor area
*A*9.	Pt Lot 25 (No.s 242-256) Nicholson Road, Langford	Ancillary use to Service Station: • Workshops • Car Wash	
*A*10.	Lot 236 Kelvin Road, Orange Grove	Land Fill, Gas Extraction and Control Activities	
*A*11.	Pt Lot 3 (No. 164) Corfield Street, Gosnells	*ADDITIONAL USE AREA DELETED BY AMD 40 GG 13/12/05*	
*A*12.	Lot 1 Nicholson Road (corner of Ranford Road), Canning Vale	Open Air Display, fish shop and dry cleaner, betting agency, incidental amusement parlour, retail nursery	Compliance with development provisions

SCHEDULE 2 – ADDITIONAL USES (CONT'D)

No.	Description of Land	Additional Use	Conditions
*A*13.	Lot 3 (No. 54) Geographe Way Thornlie	Retail GLA within the portion of Lot 3 to be included in the "Local Centre" zone shall be no greater than 600m^2.	Two metre wide landscape strip and solid masonry wall being located along the rear (southern) boundary of the commercial site and lighting being designed to minimise spill
*A*14.	86 (Lot 13) Langford Avenue, Langford *AMD 18 GG 21/10/03*	Car Hire Business	Maximum of 10 vehicles to be utilised for the purpose of hire as part of the business. Same operating hours as service station.
*A*15	1875 Lot 42) and 1877 (Lot 41) Albany Highway; and 5 (Lot 2) Blackburn Street, Maddington *AMD 24 GG 2/7/04*	Motor Vehicle, Boats or Caravan and Outdoor Sales	1. The additional use shall cease not later than 10 years from gazettal of this provision in the Scheme. 2. Council, when considering a development application shall not support: • an encroachment into the Primary Regional Road reservation under the Metropolitan Region Scheme; • more than one driveway onto Albany Highway; • earthworks or stormwater drainage being discharged onto Albany Highway. 3. At or before cessation of the additional use all signage and development, including any temporary/transportable buildings, erected for the purposes of the additional use shall be removed at the owner's expense and to the satisfaction of the Council. 4. All finishes, building design, signage and other development shall be generally consistent with the standards of development in the Mixed Business zone to the satisfaction of the Council.

SCHEDULE 2 – ADDITIONAL USES (CONT'D)

No.	Description of Land	Additional Use	Conditions
*A*16	1720-1722 (portion of Lots 1 and 2) Albany Highway, Kenwick (proposed 3,786m^2 lot on Subdivision 123483) *AMD 20 GG 10/8/04*	Place of Worship	Nil
A17	37 (Lot 72) Victoria Road, Kenwick *AMD 44 GG 10/1/06*	Storage (Fencing and Playground Equipment Contractor)	1. Storage is limited to playground equipment, fencing, gates and incidental materials. 2. Incidental fabrication of fencing, gates and playground equipment repairs is limited to maximum of 2 days per week, excluding Sunday. 3. The Additional use of Storage (Fencing and Playground Equipment Contractor) is a "D" use.

SCHEDULE 3 - RESTRICTED USES

[cl. 4.6]

No.	Description of Land	Restricted use	Conditions
R 1	*DELETED BY AMD 133 GG 8/2/13*		
R 2	*DELETED BY AMD 164 GG 24/01/17*		
R 3	Lot 5, Pt Lots 25, 51, 52, 56, 57 and 102 Nicholson Road, Canning Vale	Uses permissible in the Light Industry Zone including the use Amusement Parlour (incidental to the predominant use), and excluding the uses of Convenience Store and Service Station	
R 4	Lot 1 Nicholson Road (corner of Ranford Road), Canning Vale	Tavern Uses permissible in the Mixed Business Zone and Schedule 2 (No. 12), excluding the uses Convenience Store, Fast Food Outlet and Shop.	1. Tavern limited to200m^2 floor area.
R 5	1533B (Lot 252) Albany Highway Beckenham *AMD 38 GG 17/6/05*	1. "P", "D" and "A" uses in the Office zone, excluding the following uses: Betting Agency, Cinema/Theatre, Club Premises, Convenience Store, Nightclub, Place of Worship, Home Store, Tavern, Recreation – Private, Reception Centre and Restaurant. 2. Bed and Breakfast, Showroom, Warehouse and Caravan Sales.	1. No access to Westwell Street 2. The Restricted Uses listed under 1. shall retain their permissibilities from the use Class table. 3. Bed and Breakfast, Warehouse and Caravan Sales shall be treated as "D" uses.
R 6	*DELETED BY AMD 164 GG 24/01/17*		

SCHEDULE 3 – RESTRICTED USES (CONT'D)

No.	Description of Land	Restricted use	Conditions
R 7	Part Lot 5007 Mills Road West and a portion of Lot 66 Tonkin Highway on Plan 7071, Martin. *AMD 42 GG 28/3/06;* *AMD 147 GG 01/04/16*	Uses permissible in the Highway Commercial zone, but excluding the following uses: Aged or Dependent Person's Dwelling; Cinema/Theatre; Community Purpose; Educational Establishment; Family Day Care; Grouped Dwelling; Home Occupation; Home Office; Home Store; Hospital; Hotel; Market; Motel; Multiple Dwelling; Place of Worship; Residential Building; Single House; Tavern; Ancillary Accommodation.	1. The following land use restrictions apply: A. A limit of two Fast Food Outlets attached to a Convenience Store or Local Centre; B. Office - maximum 1,000sqm NLA; C. Shop/Retail - maximum of 1,500sqm NLA excluding any liquor store floor area. 2. A Local Development Plan shall be prepared and approved by the Council prior to approval of the development or subdivision of the site.
R 8	*DELETED BY AMD 164 GG 24/01/17*	.	

SCHEDULE 4 - SPECIAL USE ZONES

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
1.	Lots 7 and 8 Albany Highway, Beckenham *AMD 51 GG 30/11/07*	1. "P" USES: Family Day Care; Home Office; Single Dwelling; and Office. 2. "D" uses: Bed and Breakfast; Caravan Sales; Childcare Premises; Carpark; Consulting Rooms; Educational Establishment; Exhibition Centre; Funeral Parlour; Grouped Dwelling; Home Business; Home Occupation; Lunch Bar; Medical Centre; Showroom; Single House; and Warehouse	1. All development requires planning approval and is to accord with Scheme provisions pertinent to the use. 2. Residential development is limited to medium density housing in accordance with the R-Codes. 3. Development of the south-eastern portion of the land, as shown on Attachment A, is limited to permissible uses ("P", "D" & "A" uses) listed under the "Residential" zone in Table 1 of the scheme. 4. As part of any non-residential development of the land, the construction of a masonry wall will be required to any boundary that adjoins existing residential zoned land. 5. Stormwater drainage requirements must be addressed to the City's satisfaction as part of any future development application for the site.
2	Part of Lot 4185 (Reserve 26902) Albany Highway, Beckenham *AMD 77 GG 1/5/09;* *AMD 171 GG 10/02/17*	The uses listed below are not permitted unless the local government has exercised its discretion by granting planning approval. All other uses are not permitted. 1. Civic use 2. Community Purpose 3. Exhibition Centre 4. Home Office 5. Multiple Dwelling 6. Office 7. Restaurant 8. Showroom	1. When determining applications for planning approval the local government will have regard to any traffic impact assessment. 2. Development proposed on Lot 4185 shall be in accordance with a Local development plan approved by Council. 3. Residential development is to be a maximum density of R80.
3	10 (Lot 72) Alloa road, Maddington *AMD 68 GG 3/6/08*	"P" use" Educational Establishment	
4	90 (Lot 22) and 68 (Lot 23) Bickley Road; and 391 (Lot 1), 393 (Lot 2), 395	1. "P" uses - Aged or Dependent Persons' Dwelling;	1. For lots greater than 3,000m^2, residential development is permitted at the R160 code in accordance with the R-Codes.

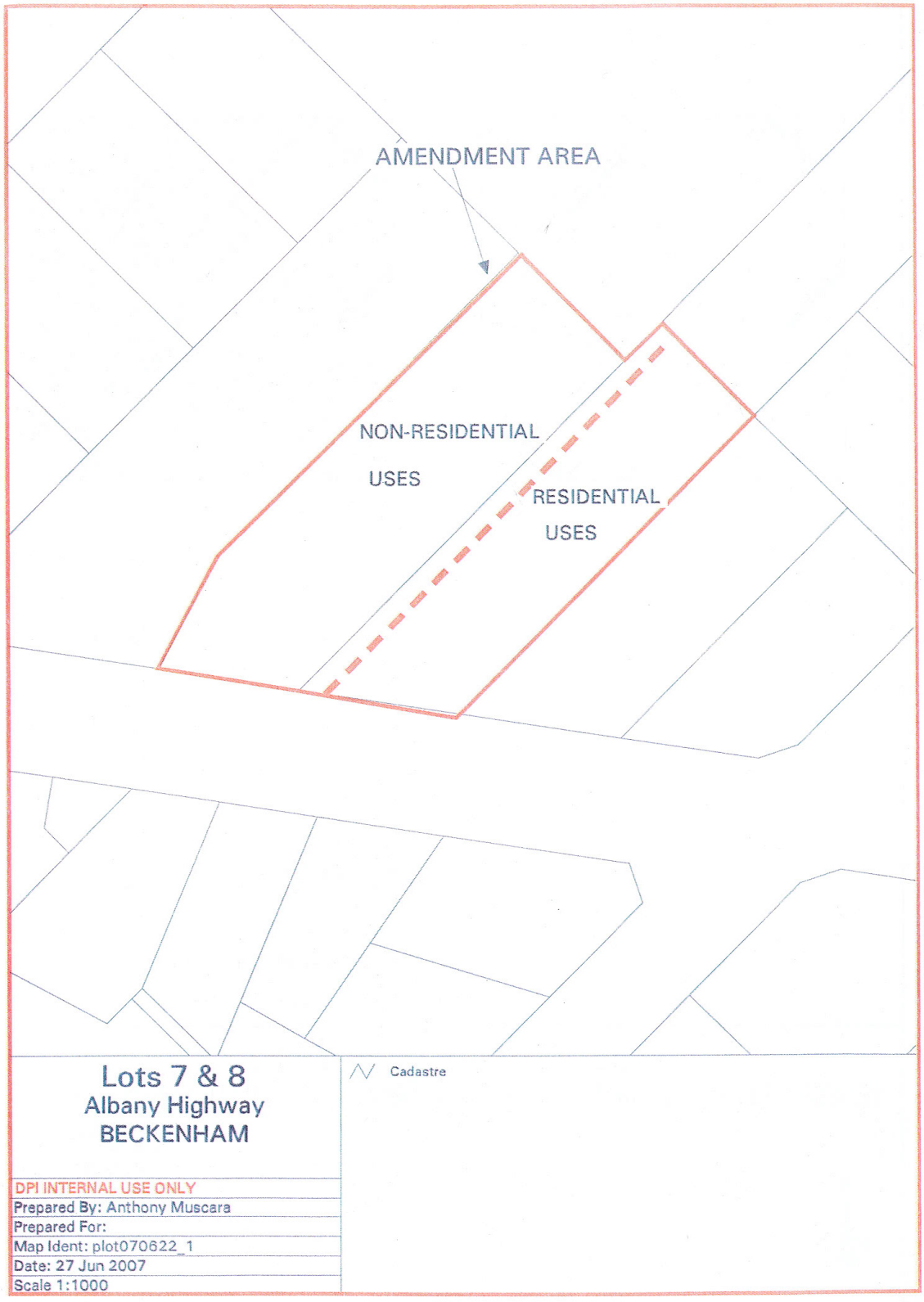
SCHEDULE 4 – SPECIAL USE ZONES (CONT'D)

No.	Description of land	Special use	Conditions
	(Lot 3), 397 (Lot 4), 399 (Lot 5), 383 (Lot 24), 377 (Lot 29), 375 (Lot 30), 373 (Lot 27) and 389 (Lot 252) Sevenoaks Street, Beckenham *AMD 144 GG 30/09/14*	Consulting Rooms; Grouped Dwelling; Multiple Dwelling; Office; Single Dwelling; 2. "D" uses - Child Care Premises; Cinema/Theatre; Civic Use; Club Premises; Community Purpose; Convenience Store; Educational Establishment; Exhibition Centre; Family Day Care; Fast Food Outlet; Home Business; Home Occupation; Home Office; Lunch Bar; Medical Centre; Place of Worship; Recreation - Private; Residential Building; Restaurant; Shop; Showroom; Telecommunications Infrastructure; Veterinary Centre; 3. "A" uses - Amusement Parlour; Betting Agency; Hotel; Liquor Store; Motel; Night Club; Tavern;	2. For lots less than 3,000m^2, residential development is permitted at the R100 code in accordance with the R-Codes. 3. All residential development shall achieve a minimum density of R60. 4. A Local development plan shall be submitted and approved by Council which includes Lots 22 and 23 Bickley Road, and Lots 1, 2, 3, 4 and 5 Sevenoaks Street, before recommending subdivision approval or issuing planning approval for the development or use of that land. The Local Development Plan should generally provide for commercial and non-residential land uses at ground floor level along Sevenoaks Street and a new Main Street running between Bickley Street and Sevenoaks Street, unless otherwise approved by the Council. 5. A Local Development Plan shall be submitted and approved by Council which includes Lots 24, 27, 29, 30 and 252 Sevenoaks Street, before recommending subdivision approval or issuing planning approval for the development or use of that land. 6. A minimum height of 2 storeys is required for all buildings, excluding minor structures and incidental development. 7. Commercial and non-residential development may provide parking at a rate of 1 bay per 50m^2 net lettable area, with a minimum of 4 bays per tenancy, unless otherwise approved by Council. 8. Commercial and non-residential development shall provide bicycle parking at a rate of 1 bay for every 100m^2 net lettable area.

SCHEDULE 4 – SPECIAL USE ZONES (CONT'D)

No.	Description of land	Special use	Conditions
4 (cont'd)			9. A Retail Sustainability assessment is required where any development will result in the total shop/retail floor space for the Special Use Area being greater than 1,500m^2. 10. Environmental investigations are to be undertaken prior to the issue of planning approval or subdivision clearance in accordance with the requirements of the relevant environmental agency. 11. Where a Development Application involves noise sensitive land uses (such as residential uses) that are to be located adjacent to or within close proximity of an existing noise generating activity (such as an existing industrial use or a train line), it shall be accompanied by an Acoustic Report prepared by a suitably qualified Acoustic Consultant, which addresses how noise impacts will be mitigated to achieve an acceptable level of amenity, as outlined by any relevant noise regulation or policy. 12. A drainage strategy, including geotechnical information, shall accompany any major Development Application or Local Development Plan.

ATTACHMENT A



SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

[cl. 9.2(f)]

SITE SPECIFIC

(Nil at the time of gazettal)

Land use and/or development	Exempted sign	Maximum size

GENERAL

(1) The following are exempt advertisements:

(a) a property disposal sign not exceeding 1.2m^2 erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;

(b) a plate not exceeding 0.2m^2 in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;

(c) a direction sign;

(d) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m^2;

(e) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;

(f) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed 1.2m^2 in area and a height of 600mm;

(g) a sign within a building unless it is clearly visible from a public place outside the building;

(h) a sign not larger than 0.6m x 0.9m on an advertising pillar or panel for the purpose of displaying public notices for information;

(i) a building name sign on any building, where it is of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;

(j) newspaper or magazine posters, provided they are displayed against the outside wall of the business premises from which the newspapers or magazines are sold;

(k) a rural producer's sign which is the only sign on the lot on which it is erected providing the sign does not exceed 1.2m^2 in area and a height of 3.0 metres;

(l) a sign erected by the local government, on land under the care, control and management of the local government;

(m) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the local government and the company responsible for those signs;

(n) a maximum of 4 garage sale signs, each not greater than 0.25m^2, advertising the sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession and only being displayed on the day of the sale and on no more than 2 occasions for the same lot in each 6 month period;

(o) a sign or signs erected in accordance with a permit issued under the Local Law relating to Signs, Hoardings and Bill Posting;

(p) a sign painted on a kerb, adjacent to a property depicting the house number;

(q) a sign erected by the local government for the purpose of:

(i) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 28 days prior to the election; or

(ii) indicating the name and location of a polling place for an election.

(r) an election sign which is:

(i) erected on private property with the approval of the owner of that property, where such approval has been obtained prior to the erection of the election sign;

(ii) not in excess of 0.75m^2 in area per property, except a corner property which may display one sign facing each thoroughfare of the corner;

(iii) erected not more than 28 days prior to the date of the election to which it relates;

(iv) erected in accordance with the restriction provisions of Clause 4.1 of the Local Law relating to Signs, Hoardings and Bill Posting;

(v) removed within 7 days of the date of the election.

(s) a sign either temporarily or permanently affixed or painted on a vehicle to identify a company, business, service or product supplied or sold by that company.

(t) election signs or posters erected at the place of an election rally, election meeting or polling place, provided they are-

(i) erected on the day of the election rally, election meeting or polling day and are removed on the same day or at the conclusion of the rally or meeting;

(ii) each, no greater than 0.55m^2 in area;

(iii) erected at the entrance to a polling place in locations approved by the Presiding Officer, or in the road reserve adjacent a polling place.

(iv) not erected within a thoroughfare;

(v) erected in accordance with the restrictive provisions of Clause 4.1 of the Local Law relating to Signs, Hoardings and Bill Posting excepting sub clauses (f) and (k), and (l) of the Local Law where the total sign area is no greater than 1.75m^2.

(vi) a sign that is required by the Builders Registration Board or other Government Bodies or Authorities on building sites, providing the area of any such sign does not exceed 1.5m^2 and no part of the sign is more than 2.0 metres above ground level and that any such sign is removed within seven (7) days of completion of the building works on that site.

(2) A person shall not erect or maintain a sign which would otherwise be an exempt sign, if it contains:

(a) any illumination or radio;

(b) animation or movement in its design or structure; or

(c) retro-reflective or fluorescent materials in its design or structure.

SCHEDULE 6 - ENVIRONMENTAL CONDITIONS

[cl. 5.6.1]

Scheme or Amendment No.		Gazettal Date	Environmental Conditions
EC1	Town Planning Scheme No 1 - Amendment 478 The land in Canning Vale generally bounded by Haighs Road (Garden Street), Nicholson Road, Lansdown Entrance, Nicholson Court, Fraser Road, Dumbarton Road, Campbell Road, Amherst Road, and Warton Road (Refer Schedule 12, Attachment A, Map 1).	6 April 2001	1. **Conservation Category Wetlands** 1.1 Land shall be set aside for conservation reserve purposes to protect the Conservation Category Wetlands in accordance with the requirements set out in Attachment 1 of the Minister for the Environment's "Statement that a Scheme may be Implemented" No. 534 published on 20 January 2000; and 1.2 The Structure Plan shall show the land required by Condition 1.1 above to be set aside as conservation reserves. 2. **Environmental Management Plans** 2.1 Wetland Management Plans and Drainage and Nutrient Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 in the Minister for the Environment's "Statement that a Scheme may be Implemented" No. 534 published on 20 January 2000 and shall be subsequently implemented in accordance with the provisions of the Plans, to the requirements of Council.
EC2	Town Planning Scheme No. 6 - Amendment 166 The Maddington Kenwick Strategic Employment Area Precinct 38 *AMD 166 GG 13/11/26*	13 November 2026	Environmental Conditions: Annexure 1 of Ministerial Statement 1238 Requirements before structure plan approval 1. Prior to the approval of a structure plan, the following must be completed in accordance with the requirements in Attachment A of Ministerial Statement 1238: A in consultation with the Department of Water and Environmental Regulation (DWER): a. a revised water balance for the amendment area and Greater Brixton Street Wetlands (GBSW); b. investigations to determine the required foreshore for Yule Brook, inclusive of the ecological, hydrological, and biophysical requirements of the Yule Brook and

			associated buffer; and B in consultation with DWER and Department of Biodiversity, Conservation and Attractions (DBCA): a. an updated Local Water Management Strategy (LWMS); b. for any unsurveyed lands (Figure 2 of Ministerial Statement 1238), surveys for flora and vegetation, black cockatoos and associated habitat and, if required, buffer investigations, unless the Responsible Authority considers that, in consultation with DWER and DBCA, the relevant survey and/or buffer investigation is not required; and c. an updated Wetland and Conservation Area Management Strategy (WCAMS) (Management Strategy). Structure plan 2. Prior to the grant of any subdivision or development approval, a structure plan for the LPS Amendment Area must be approved. 3. Subdivision or development is to be generally in accordance with a structure plan. 4. A minor subdivision or minor development approval may be granted before the approval of a structure plan if the WAPC (in the case of a subdivision approval) or the Local Government or / other Decision Maker (in the case of a development approval) considers that the grant of the approval would not prevent the environmental outcomes in Attachment A of Ministerial Statement 1238 from being met. 5. A structure plan must be: A. consistent with the outcomes and requirements at Attachment A of Ministerial Statement 1238; B. informed by the documents drafted in accordance with condition 1; C. depict and provide protection for the conservation areas, additional conservation areas and buffer areas; and D. include an offset strategy.

			Subdivision 6. Prior to approval of any subdivision or development (other than a minor subdivision or minor development) for land that wholly or partly includes a conservation area, an additional conservation area, or buffer area, management plans that comply with the requirements in Attachment A to Ministerial Statement 1238 must be prepared for those areas unless the Western Australian Planning Commission (WAPC) or the Local Government considers, as the case requires, in consultation with DBCA and DWER, that a management plan is not required. 7. A management plan required by Condition 6 must be implemented to the satisfaction of the Local Government, in consultation with DWER and/or DBCA. 8. Subject to condition 9, subdivision or development (other than a minor subdivision or minor development) must not proceed unless the WAPC, Local Government or/ other Decision Maker, as the case requires, is satisfied, in consultation with DWER and DBCA, that: A. any surveys required by condition 1.B.b have been carried out; B. any management plan required by condition 6 has been prepared; C. a black cockatoo roost management plan has been prepared; D. any conservation area, additional conservation area, or buffer area within the relevant land will be: a. ceded to the Crown as a reserve for conservation, or b. otherwise protected in perpetuity; E. a trial of the 'Grevillea thelemanniana cultivation and translocation plan' has been completed; and F. any significant impacts to environmental values caused by the subdivision or development will be appropriately offset in accordance with an Offset Plan that meets the requirements at Attachment A to

			Ministerial Statement 1238. 9. The precise boundaries of the conservation areas and the additional conservation areas and buffer areas identified through further surveys, may be refined through the subdivision or development approval process provided that such refinement will not adversely impact the environmental values of the areas, or prevent the environmental outcomes at Attachment A of Ministerial Statement 1238 from being achieved. Environmental Performance Report 10. The Local Government must submit Environmental Performance Reports to DWER in accordance with the requirements at Attachment A of Ministerial Statement 1238. Definitions 11. The terms in these conditions have the meaning set out at Table 1 of Ministerial Statement 1238.
EC3	Town Planning Scheme No. 6 - Amendment 169 The Maddington Kenwick Strategic Employment Area Precinct 2 *AMD 169 GG 13/11/26*	13 November 2026	Environmental Conditions: Annexure 1 of Ministerial Statement 1239 Requirements before structure plan approval 1. Prior to the approval of a structure plan, the following must be completed in accordance with the requirements in Attachment A of Ministerial Statement 1239: A in consultation with the Department of Water and Environmental Regulation (DWER): a. a revised water balance for the amendment area and Greater Brixton Street Wetlands (GBSW); b. site specific investigations to determine buffer requirements for GBSW and wetlands in the conservation areas; and B in consultation with DWER and Department of Biodiversity, Conservation and Attractions (DBCA): a. an updated Local Water Management Strategy (LWMS);

			b. for any unsurveyed lands (Figure 2 of Ministerial Statement 1239), surveys for flora and vegetation, black cockatoos and associated habitat and, if required, buffer investigations, unless the Responsible Authority considers that, in consultation with DWER and DBCA, the relevant survey and/or buffer investigation is not required; and c. an updated Wetland and Conservation Area Management Strategy (WCAMS) (Management Strategy). Structure plan 2. Prior to the grant of any subdivision or development approval, a structure plan for the LPS Amendment Area must be approved. 3. Subdivision or development is to be generally in accordance with a structure plan. 4. A minor subdivision or minor development approval may be granted before the approval of a structure plan if the WAPC (in the case of a subdivision approval) or the Local Government or / other Decision Maker (in the case of a development approval) considers that the grant of the approval would not prevent the environmental outcomes in Attachment A of Ministerial Statement 1239 being met. 5. A structure plan must be: A. consistent with the outcomes and requirements at Attachment A of Ministerial Statement 1239 B. informed by the documents drafted in accordance with condition 1; C. depict and provide protection for the conservation areas, additional conservation areas and buffer areas; and D. include an offset strategy. Subdivision 6. Prior to approval of any subdivision or development (other than a minor subdivision or minor development) for land

			that wholly or partly includes a conservation area, an additional conservation area, or buffer area, management plans that comply with the requirements in Attachment A to Ministerial Statement 1239 must be prepared for those areas unless the Western Australian Planning Commission (WAPC) or the Local Government considers, as the case requires, in consultation with DBCA and DWER, that a management plan is not required. 7. A management plan required by Condition 6 must be implemented to the satisfaction of the Local Government, in consultation with DWER and/or DBCA. 8. Subject to condition 9, subdivision or development (other than a minor subdivision or minor development) must not proceed unless the WAPC, Local Government or / other Decision Maker, as the case requires, is satisfied, in consultation with DWER and DBCA, that: A. any surveys required by condition 1.B.b have been carried out; B. any management plan required by condition 6 has been prepared; C. any conservation area, additional conservation area, or buffer area within the relevant land will be: a. ceded to the Crown as a reserve for conservation, or b. otherwise protected in perpetuity; D. a trial of the 'Grevillea thelemanniana cultivation and translocation plan' has been completed; and E. any significant impacts to environmental values caused by the subdivision or development will be appropriately offset in accordance with an Offset Plan that meets the requirements at Attachment A to Ministerial Statement 1239. 9. The precise boundaries of the conservation areas and the additional conservation areas and buffer areas identified through further surveys, may be refined through the subdivision or development approval process provided that such refinement will

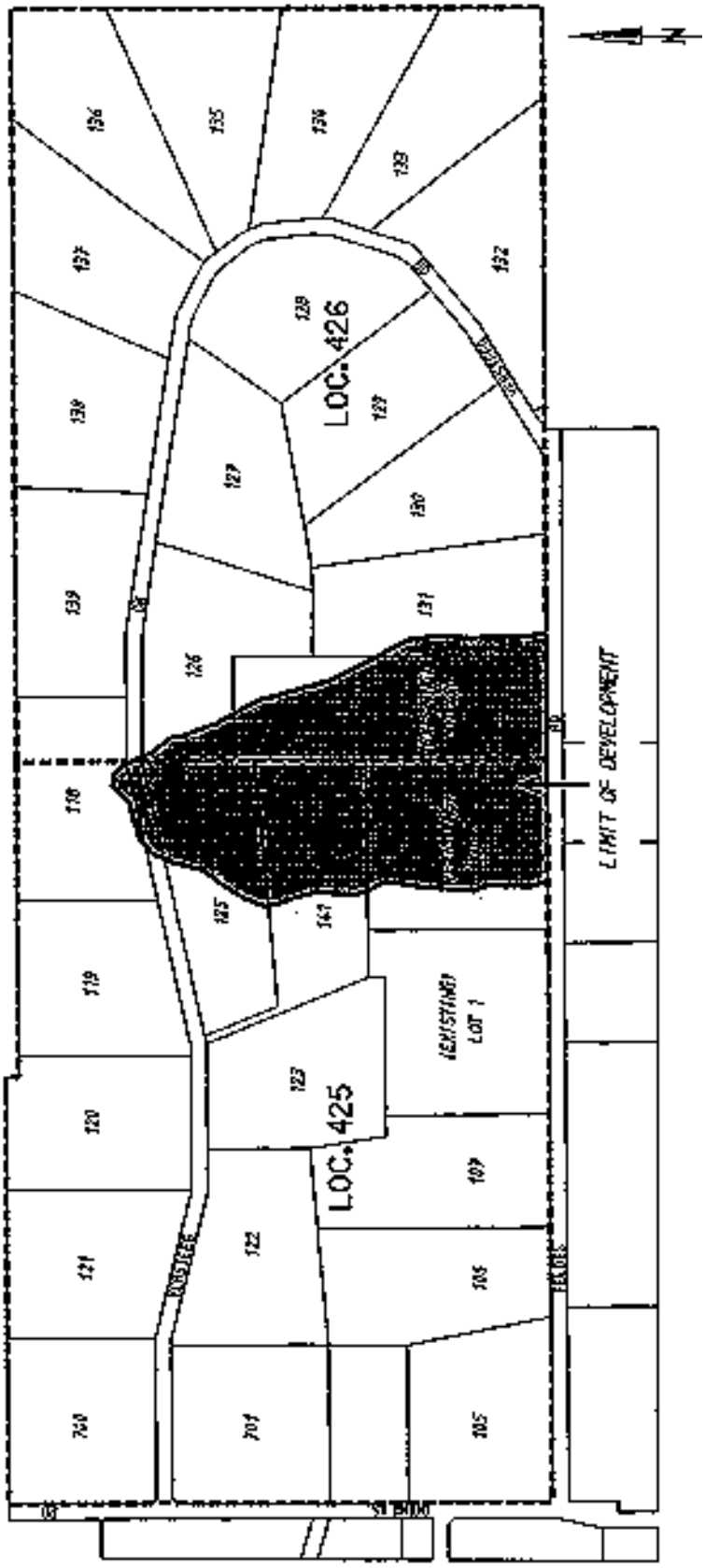
			not adversely impact the environmental values of the areas, or prevent the environmental outcomes at Attachment A of Ministerial Statement 1239 from being achieved. Environmental Performance Report 10. The Local Government must submit Environmental Performance Reports to DWER in accordance with the requirements at Attachment A of Ministerial Statement 1239. Definitions 11. The terms in these conditions have the meaning set out at Table 1 of Ministerial Statement 1239.

SCHEDULE 7 - SPECIAL RURAL ZONES – PROVISIONS RELATING TO SPECIFIED AREAS

[cl. 5.11.5]

Defined Area		Provisions
SR1	Canning Location 425, 426, 490, the portion of Canning Location 425, Pt Lot 1, Lot 2 corner Douglas and Feldts Road, and Location 427 Canning Mills Road, Martin. (see attached subdivision plan)	1. The development of dwellings, on-site effluent disposal and sheds larger than 54m^2 is not permitted within the shaded area depicted on the attached indicative subdivision plan as “Limit of Development” which relates to an environmentally sensitive area generally unsuitable for development. 2. For each dwelling there shall be a water tank of at least 90,000 litres capacity. 3. The stocking rates for the keeping of animals the subject of an application for planning approval of an "Animal Establishment" or "Animal Husbandry - intensive" land use shall be determined by the Council after consultation with the relevant authority.
SR2	Lot 21 Canning Mills Road, Martin *AMD 43 GG 11/11/05*	1. All subdivision and development shall be in accordance with the approved Subdivision Guide Plan unless otherwise approved by Council. 2. For each dwelling there shall be a water tank of at least 90,000 litres.

Attachment to Schedule 11 - Subdivision Plan Douglas and Feldts Roads, Martin



SCHEDULE 8 - DEVELOPMENT CONTRIBUTION PLANS

AMD 122 GG 1/11/13

[cl. 7.2.2]

ATTACHMENT A - SPECIFIC PROVISIONS RELATING TO THE CANNING VALE STRUCTURE PLAN PRECINCT.

Reference No.	**DCP1**
Area Name	DCA 1 (Canning Vale Structure Plan DCA)
Relationship to other planning instruments *AMD 171 GG 10/02/17*	This Development Contribution Plan operates in association with the Canning Vale Structure Plan
Infrastructure and administration items to be funded	1. Drainage Construction 2. Shared Paths 3. Road Construction 4. Road Resumption 5. Traffic Management 6. Service Relocation 7. Power Line Upgrading 8. Conservation Category Wetland Development 9. General Administration and Studies 10. Public Open Space
Method for calculating contributions	All landowners within the DCA 1 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report. The general formula for the requisite contribution is as follows – Area of total DCA (A) is as per Clause 6.4.9 of TPS 6 Total DCA cost (B) = cost of infrastructure items + cost of administrative items Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A) Area of subject site (D) is as per Clause 6.4.8 of TPS 6 Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)
Period of operation *AMD 177 GG 16/7/19* *AMD 184 GG 24/12/24*	The period of operation of this DCP is deemed to continue and remain in operation until 1 November 2028, notwithstanding any other provision of the Scheme.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

ATTACHMENT B - SPECIFIC PROVISIONS RELATING TO THE SOUTHERN RIVER PRECINCT 2 AREA.

Reference No.	**DCP2**
Area Name	DCA 2 (Southern River Precinct 2 Structure Plan DCA)
Relationship to other planning instruments *AMD 171 GG 10/02/17*	This Development Contribution Plan operates in association with the Southern River Precinct 2 Structure Plan.
Infrastructure and administration items to be funded	1. Drainage Construction 2. Arterial Road Construction 3. Land Acquisition for Arterial Roads 4. Traffic Management 5. Land Acquisition for Conservation Category Wetlands 6. Conservation Category Wetland Development 7. General Administration and Studies 8. Public Open Space
Method for calculating contributions	All landowners within the DCA 2 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report. Area of total DCA (A) is as per Clause 6.4.9 of TPS 6 Total DCA cost (B) = cost of infrastructure items + cost of administrative items Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A) Area of subject site (D) is as per Clause 6.4.8 of TPS 6 Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)
Period of operation *AMD 177 GG 16/7/19* *AMD 184 GG 24/12/24*	The period of operation of this DCP is deemed to continue and remain in operation until 1 November 2028, notwithstanding any other provision of the Scheme.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

ATTACHMENT C - SPECIFIC PROVISIONS RELATING TO THE WEST CANNING VALE STRUCTURE PLAN PRECINCT.

Reference No.	**DCP3**
Area Name	DCA 3 (West Canning Vale Structure Plan DCA)
Relationship to other planning instruments *AMD 171 GG 10/02/17*	This Development Contribution Plan operates in association with the West Canning Vale Structure Plan.
Infrastructure and administration items to be funded	1. Drainage Construction 2. Land to be acquired for drainage 3. Shared Paths 4. Road Construction 5. Resumption for Road Widening 6. Resumption for Conservation Category Wetlands 7. Traffic Management 8. Service Relocation 9. Conservation Category Wetland Development 10. General Administration and Studies 11. Public Open Space
Method of calculating contributions	All landowners within the DCA 3 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report. The general formula for the requisite contribution is as follows – Area of total DCA (A) is as per Clause 6.4.9 of TPS 6 Total DCA cost (B) = cost of infrastructure items + cost of administrative items Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A) Area of subject site (D) is as per Clause 6.4.8 of TPS 6 Owner's cost contribution = Contribution Rate (C) x Area of subject site (D).
Period of operation *AMD 177 GG 16/7/19*	Five years from 1 November 2018 to 1 November 2023.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

ATTACHMENT D - SPECIFIC PROVISIONS RELATING TO THE CENTRAL MADDINGTON STRUCTURE PLAN PRECINCT.

Reference No.	**DCP4**
Area Name	DCA 4 (Central Maddington Structure Plan DCA)
Relationship to other planning instruments *AMD 171 GG 10/02/17*	This Development Contribution Plan operates in association with the Central Maddington Structure Plan..
Infrastructure and administration items to be funded	1. Drainage Construction 2. Shared Paths 3. Road Construction 4. Land acquisition for roads 5. Traffic Management 6. Street Lightning 7. Underground Power 8. Street Trees 9. Development of Public Open Space 10. General Administration and Studies 11. Preparation of the Structure Plan 12. Public Open Space
Method for calculating contributions	All landowners within the DCA 4 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report. The general formula for the requisite contribution is as follows – Area of total DCA (A) is as per Clause 6.4.9 of TPS 6 Total DCA cost (B) = cost of infrastructure items + cost of administrative items Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A) Area of subject site (D) is as per Clause 6.4.8 of TPS 6 Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)
Period of operation *AMD 177 GG 16/7/19* *AMD 184 GG 24/12/24*	The period of operation of this DCP is deemed to continue and remain in operation until 1 November 2028, notwithstanding any other provision of the Scheme.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

ATTACHMENT E – SPECIFIC PROVISIONS RELATING TO THE SOUTHERN RIVER PRECINCT 3 AREA

GG 03/05/2022

Reference No.	DCP 5
Area Name	DCA 5 (Southern River Precinct 3 DCA)
Relationship to other planning instruments	This Development Contribution Plan generally operates in association with the Southern River Precinct 3 Local Structure Plan and Sub Precinct Structure Plans, adopted pursuant to the Scheme.
Infrastructure and administration items to be funded.	**1. Drainage** **(a) Forrestdale Main Drain Widening** • 100% of the cost of acquisition for drain widening (excluding land to be credited as public open space under an approved structure plan and/or Resource Enhancement Wetlands). • 100% of the cost of basic landscaping works (turf and reticulation). **(b) Balannup Drain Widening** • 100% of the cost of land acquisition for widening (excluding land to be credited as public open space under an approved structure plan). • 100% of the cost of basic landscaping works (turf and reticulation) for drain widening. **(c) Southern River Road Drainage Basin** • 100% of the cost of land acquisition for a drainage basin required for drainage of Southern River Road, as shown on the Sub-Precinct 3E structure plan.
	2. Arterial Roads **(a) Southern River Road Upgrade Works between Ranford Road and Southern River** • 50% of the cost of constructing one carriageway including drainage. • 50% of the cost of full earthworks for second carriageway. **(b) Holmes Street Upgrade Works between Southern River Road and Passmore Street** • 100% of the cost of constructing one carriageway including drainage. • 50% of the cost of full earthworks for second carriageway. **(c) Land Acquisition** • Holmes Street between Southern River Road and Passmore Street. • Southern River Road between Ranford Road and Southern River.
	3. Traffic Management Devices • 50% of the cost of installing roundabout at the intersection of Southern River Road and Holmes Street. • 100% of the cost of constructing a roundabout at the intersection of Holmes Street and Matison Street. • 50% of the cost of constructing a roundabout at the intersection of Holmes Street and Passmore Street. • 50% of the cost of constructing a roundabout at the intersection of Southern River Road and Aldenham Drive / Furley Road.
	4. Shared Use Paths • 100% of the cost of constructing a shared use path along the Southern River foreshore from Southern River Road to Verna Street. • 100% of the cost of constructing a shared use path along Passmore Street from Furley Road to Southern River. • 100% of the cost of constructing shared use path along Holmes Street from Southern River Road to Passmore Street. • 100% of the cost of constructing a shared use path along Southern River Road from Ranford Road to Southern River.

5. Public Open Space

(a) Development

- 100% of the cost for public open space development, as set out in the DCP.

6. Relocation of Services

- 50% cost relocation of Telstra services on Southern River Road and Holmes Street intersection
- Proportionate relocation of Western Power high voltage transmission infrastructure along Southern River Road.

7. **General Administration and Studies**

Administrative Items permitted by definition under Clause 5.4.1 are 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).
- Costs to review estimates including the costs for appropriately qualified independent persons.
- Costs to update the cost apportionment schedules, register of costs contributions and infrastructure agreements.

8. Sub-Precinct Contributions

- Balannup Lake Branch Drain crossing (Precinct 3A South (35%) Precinct 3E (65%)).
- Forrestdale Main Drain crossing (Precinct 3D)
- Cost of Local Structure Planning (Precinct 3a (North)).
- Public Open Space equalisation (Precinct 3A (North), 3A (South), 3B, 3C, 3D, 3E).

Method for calculating contributions

All landowners within the DCA 5 shall make a contribution to the cost of the following common infrastructure and administrative items.

Precinct/Item	3A (North)	3A (South)	3B	3C	3D	3E	3F
Land Acquisition for Arterial Roads	✓	✓	✓	✓	✓	✓	✓
Southern River Road Upgrade	✓	✓	✓	✓	✓	✓	✓
Holmes Street Upgrade	✓	✓	✓	✓	✓	✓	✓
Shared Use Paths	✓	✓	✓	✓	✓	✓	✓
Traffic Management Devices	✓	✓	✓	✓	✓	✓	✓
Relocation of Services	✓	✓	✓	✓	✓	✓	✓
Forrestdale Main Drain Widening/ Landscaping	✓	✓	✓	✓	✓	✓	✓
Balannup Drain Widening/ Landscaping	✓	✓	✓	✓	✓	✓	✓
Land Acquisition for Drainage	✓	✓	✓	✓	✓	✓	✓
Administrative Items	✓	✓	✓	✓	✓	✓	✓

The Southern River Precinct 3 contribution area is divided into seven sub-precincts. Each sub-precinct shall make a contribution towards the cost of the following additional common infrastructure and administrative items as detailed in the Development Contribution Plan Report. Valuations, cost contributions and expenditure for each sub-precinct shall be calculated and accounted separately.

Sub-Precinct Cost Contributions

Precinct/ Item	3A North	3A South	3B	3C	3D	3E	3F
Forrestdale Main Drain Road Crossing					✓		
Balannup Drain Road Crossing		✓				✓	
Public Open Space Development	✓	✓	✓	✓	✓	✓	
Public Open Space Equalisation	✓	✓	✓	✓	✓	✓	
Preparation of Local	✓						

	Structure Plan The contribution rate is to be calculated as a per hectare rate on the net contribution area for Precinct 3. The combined cost of common infrastructure works is to be divided across the net contribution area. The following formula applies: **$CR = $CIW / NCA** Where: **$CR** is the contribution rate per hectare; **$CIW** is the total cost of all common infrastructure works; and **NCA** is the net contribution area. Developer contribution payments for individual properties are to be calculated by multiplying the contribution rate with the net contribution area of the individual property (developable area). The following formula applies: **$C = $CR X DA** Where: **$C** is the contribution payment; and **DA** is the developable area (contribution area of individual property) A review of the cost of common infrastructure is to be undertaken annually at which time the contribution rate will be revised. Revised costs are to be based on a combination of CPI and other various civil and construction work indexes to allow for cost escalation. The fair market value of the land component of common infrastructure works is to be determined by a licenced valuer, and the methodology detailed in the DCP Report.
Period of operation	Ten years from the date of gazettal of Amendment No. 110 to the City of Gosnells Local Planning Scheme.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.
Annual Status Report	The City shall publish an Annual Status Report for DCP 5 in accordance with the requirements of State Planning Policy 3.6 Infrastructure Contributions (as amended).

ATTACHMENT G - SPECIFIC PROVISIONS RELATING TO THE MADDINGTON ROAD PRECINCT A AND A PORTION OF MADDINGTON ROAD PRECINCT B STRUCTURE PLAN AREAS
AMD 136 GG 22/12/15

Reference No.	**DCP7**
Area Name	DCA 7 (Maddington Road Precinct A and a portion of Maddington Road Precinct B Structure Plan Areas DCA)
Relationship to other planning instruments *AMD 171 GG 10/02/17*	This Development Contribution Plan operates in association with the Maddington Road Precinct A and a portion of Maddington Road Precinct B Structure Plans.
Infrastructure and administration items to be funded	1. General Administration (Precinct A0 2. Public Open Space Acquisition (Precinct A and Precinct B) 3. Development of Public Open Space (Precinct A and Precinct B) • basic level of site works, site preparation, turfing and reticulation • two-year maintenance period.
Method for calculating contributions	DCA 7 is divided into Maddington Road Precinct A and a portion of Maddington Road Precinct B as set out in the Development Contribution Plan Report. Valuations, cost contributions and expenditure for each precinct shall be calculated and accounted separately. All landowners within the DCA 7 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report. <u>General Administration & Development of Public Open Space</u> The general formula for the requisite contribution is as follows: Area of total DCA (A) is as per Clause 6.4.9 of TPS 6 Total DCA cost (B) = cost of infrastructure items + cost of administrative items Contribution Rate (C) = Total DCA cost (B)/Area of total DCA (A) Area of subject site (D) is as per Clause 6.4.9 of TPS 6 Owner's cost contribution = Contribution Rate (C) x Area of subject site (D) <u>Public Open Space Acquisition</u> The appointment of landowner costs for public open space acquisition is defined through the POS Contribution Schedules forming part of the Development Contribution Plan Report. The appointment of costs are based upon a minimum 13.88% of developable land area being ceded for public open space within Precinct A and 13.41% within Precinct B. The landowner cost contribution arrangements for public open space acquisition apply for the purpose of balancing cost contributions for undersupply and fund reimbursed for oversupply only. The land component of the common infrastructure works (public open space and drainage) is valued at an englobo valuation rate by an appointed valuer. The valuation is to be reviewed annually as part of the overall review of the developer contribution plan.

Reference No.	**DCP7**
Period of operation AMD 178 GG 25/11/2022	The period of operation of this DCP is deemed to continue and remain in operation until 30 January 2026 notwithstanding any other provison of the Scheme.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

ATTACHMENT H - SPECIFIC PROVISIONS RELATING TO THE SOUTHERN RIVER PRECINCT 1A, 1B, 1C, 1D, 1E AND 1F OUTLINE DEVELOPMENT AREAS
AMD 108 GG 12/02/16

Reference No.	DCP 8
Area Name	DCA 8 (Southern River Precinct 1 Structure Plan DCA)
Reference number on Scheme Map(s)	DCA 8
Relationship to other planning instruments *AMD 171 GG 10/02/17*	This Development Contribution Plan operates in association with the Southern River Precinct 1 Structure Plan Area.
Infrastructure and administration items to be funded	
Land Acquisition for Arterial Roads	Warton Road between Garden Street and Barrett Street Land required to achieve a 30 metre wide road reserve;
Arterial Road Upgrade	Warton Road between Garden Street and Barrett Street • 50% of the cost of constructing one carriageway including drainage • 50% of the cost of the earthworks for the second carriageway
Traffic Management Devices (signalisation)	Intersection of Warton Road and Holmes Street • 50% of cost of signalisation including associated intersection treatments Intersection of Warton Road and Garden Street • 25% of the cost of signalisation including associated intersection treatments
Fauna Underpasses	Holmes Street between Lakey Street and Balfour Street • 100% of the cost of two underpasses.
Roundabout	Intersection of Holmes Street and Harpenden Street • 100% of cost of roundabout construction
Land Acquisition for Roundabout	Intersection of Holmes Street and Harpenden Street • 100% of cost of the land required pertaining to Lot 9001 Holmes Street.
General Administration and Studies	A contribution to 100% of the cost of administering the contribution arrangement, including: • Accounting • Legal • Planning • Surveying • City staff costs
Method for calculating contributions	*The contribution rate is to be calculated as a per hectare rate on the net contribution area for Precinct 1. The combined cost of common infrastructure works is to be divided across the net contribution area. The following formula applies:* ***$CR = $CIW / NCA*** *Where:* ***$CR** is the contribution rate per hectare;* ***$CIW** is the total cost of all common infrastructure works; and*

Reference No.	DCP 8
	NCA** is the net contribution area.* *Developer contribution payments for individual properties are to be calculated by multiplying the contribution rate with the net contribution area of the individual property (developable area). The following formula applies:* ***$C = $CR X DA *Where:* ***$C** is the contribution payment; and* ***DA** is the developable area (contribution area of individual property)* *A review of the cost of common infrastructure is to be undertaken annually at which time the contribution rate will be revised. Revised costs are to be based on a combination of CPI and other various civil and construction work indexes to allow for cost escalation.* *The land component of the common infrastructure works (arterial roads) is valued at an englobo rate by an appointed valuer. The valuation is to be reviewed annually as part of the overall review of the DCP.* *Public open space is not incorporated into this DCP as each sub precinct is to provide for its minimum requirement of open space.*
Period of operation AMD 178 GG 25/11/2022	The period of operation of this DCP is deemed to continue and remain in operation until 30 January 2026 notwithstanding any other provison of the Scheme.
Priority and timing	*Construction of roundabout – intersection of Holmes Street and Harpenden Street – Two years.* *Construction of all other infrastructure items complete.*
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

ATTACHMENT K - SPECIFIC PROVISIONS RELATING TO THE KENWICK - SOUTH STRUCTURE PLAN PRECINCT
AMD 138 GG 23/03/18

Reference No.	**DCP 11**
Area Name	DCA 11 (Kenwick - South Structure Plan DCA)
Relationship to other planning instruments	This Development Contribution Plan operates in association with the Kenwick - South Structure Plan, approved by the Western Australian Planning Commission pursuant to Clause 22 of the Deemed Provisions (Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2).
Infrastructure and administration items to be funded	1. Construction of Internal Roads and Associated Infrastructure 2. Roundabout Construction - Stafford Road and Gayhurst Road 3. Footpath Construction - Park and Stafford Roads 4. Water Main Upgrade - Postling Street 5. Development of Public Open Space and Maintenance for two summers 6. Construction of Interim Drainage 7. Construction of Drainage Detention Basin 8. Preparation of Structure Plan 9. Detailed Design, Engineering and Construction Supervision 10. General Administration. 11. Public Open Space
Method for calculating contributions	*All landowners within the DCA 11 shall make a contribution to the cost of common infrastructure and administrative items, based on net lot areas, as detailed in the Development Contribution Plan Report.* *The general formula for the requisite contribution is as follows:* *Area of total DCA (A) is as per Clause 6.4.9 of TPS 6* *Total DCA cost (B) = cost of infrastructure items + cost of administrative items* *Contribution Rate (C) = Total DCA cost (B) / Area of total DCA (A)* *Area of subject site (D) is as per Clause 6.4.9 of TPS 6* *Owner's cost contribution = Contribution Rate (C) x Area of subject site (D)*
Period of operation	Ten years from the gazettal of Amendment No. 138 to Town Planning Scheme No. 6.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment area since the last review and the degree of development potential still existing. The estimated infrastructure costs contained in the Infrastructure Cost Contribution Schedule will be reviewed at least annually to reflect the changes in the funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.

SCHEDULE 9 - RESTRICTIVE COVENANTS

AMD 72 GG 3/6/08

	Land burdened by the Restrictive Covenant	Description of the Covenant	Extinguishment or Variation of the Covenant
RC1	Lot 9000 Shreeve Road, Canning Vale on Deposited Plan 40817	A restrictive covenant to prevent erection of a building on Lot 9001 other than a building in accordance with plans and specifications as maybe required by the Building and Health Departments of the City of Gosnells.	Extinguishment
RC2	Lot 9001 Shreeve Road, Canning Vale on Deposited Plan 40817	A restrictive covenant to prevent erection of a building on Lot 9000 other than a building in accordance with plans and specifications as may be required by the Building and Health Departments of the City of Gosnells.	Extinguishment

SCHEDULE 10 – ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

AMD 164 GG 24/01/17

No.	Description of Land	Requirement
1.	Lot 384 and 301 Fraser Road North, Canning Vale. Lot 461 Nicholson Road, Canning Vale.	Any residential development immediately abutting Fraser Road North shall be a maximum of two storeys, in accordance with building heights as set out in the relevant State planning policy. At subdivision and development application stage, a detailed noise assessment and subsequent noise mitigation measures being undertaken to inform lot layout and building design to the satisfaction of the relevant decision maker (Western Australian Planning Commission or Local Government). No future crossovers will a allowed onto Nicholson Road.
2.	Lot 701 Warton Road (corner Furley Road), Southern River.	Shops and/or Convenience Store limited to a maximum 400m^2 net lettable area.
3.	158 (Lot 2) Stalker Road, Gosnells; and Lot 164-168 (Lot 1100) Corfield Street, Gosnells	Lot 2 - maximum retail floorspace 420 sq metres; Lot 1100 - retail floorspace to comprise a pharmacy only.
4.	Lots 21 (No. 9), 100 (No. 11), Pt Lot 87 (No. 15) and 100 (No. 17) Sydenham Street, Beckenham.	Within the Perth Airport noise exposure zone, a "noise on title" is to be required as a condition of subdivision or planning approval.

ADOPTION

Adopted by resolution of the Council of the City of Gosnells at the Ordinary meeting of Council held on the 25 June 1996

_____
MAYOR

_____
CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the City of Gosnells at the Ordinary meeting of the Council held on the 27th day of June 2000 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

_____
MAYOR

_____
CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

_____
Delegated under S. 20 of WAPC Act 1985

_____
DATE

FINAL APPROVAL GRANTED

_____
MINISTER FOR PLANNING AND INFRASTRUCTURE

_____
DATE